
STATUTORY INSTRUMENTS

2020 No. 130

The Electricity Supplier Obligations (Excluded Electricity) (Amendment) Regulations 2020

New regulation 2A inserted

5. After regulation 2 insert—

“Meaning of continuing change etc.

2A.—(1) This regulation applies where a person—

- (a) makes an EII application for an EII certificate in respect of an electricity meter that measures the supply of electricity used for a specified activity; or
- (b) sends a report under regulation 12(4) in respect of such an EII certificate.

(2) For the purposes of these Regulations, there is a continuing change in relation to the meter at the relevant date (that is to say, the date of the application or the report) if any of paragraphs (3) to (6) applies.

(3) This paragraph applies if electricity measured by the meter—

- (a) begins at any time after the start date to be shared with a person with whom it is not being shared; and
- (b) at the relevant date—
 - (i) has been shared with that person for at least 3 months; and
 - (ii) continues to be shared with that person.

(4) This paragraph applies if electricity measured by the meter—

- (a) ceases at any time after the start date to be shared with a person with whom it is being shared; and
- (b) at the relevant date—
 - (i) has not been shared with that person for at least 3 months; and
 - (ii) continues not to be shared with that person.

(5) This paragraph applies if electricity measured by the meter—

- (a) begins at any time after the start date to be used (other than by a person with whom the electricity is shared) for a non-specified activity for which it is not being used; and
- (b) at the relevant date—
 - (i) has been used for that activity for at least 3 months; and
 - (ii) continues to be used for that activity.

(6) This paragraph applies if electricity measured by the meter—

- (a) ceases at any time after the start date to be used (other than by a person with whom the electricity is shared) for a non-specified activity for which it is being used; and

(b) at the relevant date—

- (i) has not been used for that activity for at least 3 months; and
- (ii) continues not to be used for that activity.

(7) In paragraphs (3) to (6), a reference to electricity beginning or ceasing to be shared or used includes a reference to electricity beginning or ceasing to be shared or used before as well as after this regulation comes into force.

(8) For the purposes of these Regulations, the continuing change “commences” when electricity measured by the meter—

- (a) begins to be shared or used as mentioned in paragraph (3)(a) or (5)(a); or
- (b) ceases to be shared or used as mentioned in paragraph (4)(a) or (6)(a).

(9) In this regulation—

“non-specified activity” means the manufacture, production or processing of any product or substance, except where the manufacture, production or processing of the product or substance is a specified activity;

“start date” means—

- (a) if the meter measured the supply of electricity used for a specified activity during the entire calendar year (the “previous year”) immediately preceding the calendar year in which the EII application for the EII certificate mentioned in paragraph (1) is made, the beginning of the previous year;
- (b) if the meter did not measure the supply of electricity used for a specified activity during the entire previous year, the date on which the supply of electricity began.”.