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STATUTORY INSTRUMENTS

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**2020 No. 130**

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

**Regulation 10 amended (applications for EII certificates)**

8.—(1) Regulation 10 is amended as follows.

(2) In paragraph (2)—

(a) for sub-paragraph (f)(ii) substitute—

“(ii) identifying any person with whom that electricity is shared;”;

(b) for sub-paragraph (h) substitute—

“(h) evidence of the proportion of the electricity measured by that meter that was used for a specified activity in the course of the person’s business—

(i) where at the date of the EII application there is a continuing change in relation to that meter, in the period—

(aa) beginning on the date (the “commencement date”) on which the last-commencing continuing change commenced; and

(bb) ending on the earlier of 12 months after the commencement date and the last date for which (at the date of the application) the person has such evidence;

Provided that this paragraph does not apply unless that period is at least 3 months in length;

(ii) where paragraph (i) does not apply—

(aa) if that meter measured the supply of such electricity during the entire previous year, in the previous year; or

(bb) if that meter did not measure the supply of such electricity during the entire previous year, in the period beginning on the date (the “start date”) on which the supply of such electricity began and ending on the earlier of 12 months after the start date and the last date for which (at the date of the EII application) the person has such evidence;

(ha) where at the date of the EII application there is a continuing change in relation to that meter, a statement setting out the date on which the last-commencing continuing change commenced;”;

(c) omit sub-paragraph (i);

(d) at the end of sub-paragraph (n) omit “and”;

(e) at the end of sub-paragraph (o) insert “; and”;

(f) after sub-paragraph (o) insert—

“(p) a statement that the person is not in difficulty (see regulation 8(10)).”.

(3) In paragraph (3) for “evidence described in paragraphs (2)(a) and (b)” substitute “evidence mentioned in paragraph (2)(a) and (b) or the statement mentioned in paragraph (2)(p)”.

(4) After paragraph (4) insert—

“(4A) Where the EII application is required under paragraph (2)(p) to contain a statement that the person making the application is not in difficulty, the Secretary of State may request the person to provide such information or evidence as the Secretary of State thinks necessary to satisfy the Secretary of State that the person is not in difficulty.”.

(5) Omit paragraphs (5) and (6).

(6) In paragraph (7) after “paragraph (2)” insert “or provided pursuant to a request under paragraph (4A)”.

(7) After paragraph (9) insert—

“(10) In this regulation, “previous year”, in relation to an EII application, means the calendar year immediately preceding the calendar year in which the EII application is made.