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STATUTORY INSTRUMENTS

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**2022 No. 1073**

**The Warm Home Discount (Scotland) Regulations 2022**

**PART 2**

The Scheme: introductory

**Warm Home Discount Scheme for Scotland**

4.—(1) These Regulations make provision for the continuation, in Scotland, of the scheme for reducing fuel poverty established by the 2011 Regulations (“the Scheme”).

(2) The Scheme, as continued by these Regulations—

- (a) is to be known as the Warm Home Discount (Scotland) Scheme; and
- (b) has effect during the period beginning with the commencement day and ending with 31st March 2026 (“the scheme period”).

(3) The following duties and powers continue to apply after the end of the scheme period—

- (a) the duties of scheme suppliers<sup>(1)</sup> under regulations 11(7) and (8), 23(5) and 31(3);
- (b) the duties of the Secretary of State under regulation 12;
- (c) the duties of the Authority under regulation 30; and
- (d) the powers of the Authority under regulation 31(1) and 31(2).

**Calculation of a relevant supplier’s number of GB domestic customers on preceding 31st December**

5.—(1) A relevant supplier must notify the Authority of the number of that supplier’s GB domestic customers on the preceding 31st December by—

- (a) the 21st day after the commencement day;
- (b) 1st February, in 2023, 2024 and 2025.

(2) In this regulation “relevant supplier” means—

- (a) a licensed electricity supplier<sup>(2)</sup>; or
- (b) a licensed gas supplier<sup>(3)</sup> who, on the preceding 31st December, was connected to a licensed electricity supplier.

(3) If a relevant supplier does not notify the Authority in accordance with paragraph (1), the Authority must determine the supplier’s number of GB domestic customers on the preceding 31st December.

(4) But if—

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<sup>(1)</sup> See the definition of “scheme supplier” in section 15(5) of the Energy Act 2010.

<sup>(2)</sup> “Licensed electricity supplier” is defined in section 15(5) of the Energy Act 2010.

<sup>(3)</sup> “Licensed gas supplier” is defined in section 15(5) of the Energy Act 2010.

- (a) before the commencement day, a relevant supplier has notified the Authority of the number of that supplier's GB domestic customers on 31st December 2021 (the "original notification"); and
- (b) the relevant supplier does not notify the Authority in accordance with paragraph (1)(a) of a change in the number of that supplier's GB domestic customers,

the Authority must treat the original notification as the relevant supplier's notification under paragraph (1)(a).

(5) For the purposes of paragraphs (1) to (4), a relevant supplier's number of GB domestic customers on the preceding 31st December is the number of GB domestic customers to whom the supplier supplies—

- (a) electricity (other than as part of the supply of dual fuel);
- (b) gas (other than as part of the supply of dual fuel); and
- (c) dual fuel,

on that date.

(6) For the purposes of paragraph (5)—

- (a) "dual fuel" means electricity and gas, where both are supplied to a GB domestic customer at the same domestic premises by a person who is both a licensed electricity supplier and a licensed gas supplier;
- (b) a supply of dual fuel to a GB domestic customer is to be treated as a supply to two GB domestic customers.

(7) For the purposes of the remaining provisions of these Regulations, a reference to a supplier's number of GB domestic customers is a reference to that supplier's number of GB domestic customers as notified, or treated as notified, under paragraph (1) or, as the case may be, determined under paragraph (3).

### **Licensed suppliers who are scheme suppliers**

**6.—(1)** This regulation sets out the licensed suppliers who are scheme suppliers in relation to a scheme year.

(2) A licensed electricity supplier is a compulsory scheme electricity supplier in relation to a scheme year if the supplier—

- (a) supplied electricity to GB domestic customers on 31st December preceding the start of that scheme year; and
- (b) satisfies the condition in paragraph (3) or (4) (or both).

(3) The condition in this paragraph is that the supplier had at least the relevant number of GB domestic customers on 31st December preceding the start of the scheme year.

(4) The condition in this paragraph is that—

- (a) the supplier; and
- (b) any licensed suppliers who were connected to the supplier on 31st December preceding the start of the scheme year,

together had at least the relevant number of GB domestic customers on that date.

(5) For the purposes of paragraphs (3) and (4), the relevant number of GB domestic customers is—

- (a) in relation to scheme year 12, 50,000;
- (b) in relation to any other scheme year, 1,000.

(6) A licensed electricity supplier is a voluntary scheme electricity supplier in relation to a scheme year if—

- (a) the supplier is not a compulsory scheme electricity supplier, but notifies the Authority on or before the notification date that it wishes Part 3 to apply to the supplier in that scheme year; and
- (b) the Authority approves that notification.

(7) For the purposes of paragraph (6) “the notification date” means—

- (a) in relation to scheme year 12, the 21st day after the commencement day;
- (b) in relation to any other scheme year, 1st February preceding the start of that scheme year.

(8) A licensed gas supplier is a scheme gas supplier in relation to a scheme year if the supplier—

- (a) supplied gas to GB domestic customers on 31st December preceding the start of that scheme year; and
- (b) was on that date connected to a licensed electricity supplier who is, in relation to that scheme year, a compulsory scheme electricity supplier.

### **Suppliers not participating in the scheme in a scheme year**

7.—(1) This regulation applies to a licensed electricity supplier in a scheme year (“the current year”) if the supplier—

- (a) is not a scheme electricity supplier in relation to the current year; but
- (b) was—
  - (i) where the current year is scheme year 12, an SY11 supplier; or
  - (ii) in any other case, a scheme electricity supplier in relation to the scheme year preceding the current year.

(2) A licensed electricity supplier to whom this regulation applies must—

- (a) place a statement on its website that it is not participating in the Scheme in the current year; and
- (b) notify its former core group customers in writing that it is not participating in the Scheme in the current year.

(3) The statement under paragraph (2)(a) must—

- (a) be placed in a prominent and publicly accessible location on the licensed electricity supplier’s website on or before the relevant date; and
- (b) remain in a prominent and publicly accessible location on that website for the remainder of the current year.

(4) The notification under paragraph (2)(b) must, so far as reasonably practicable, be given on or before the relevant date.

(5) In this regulation—

“former core group customer”, in relation to a supplier, means a person who—

- (a) is a Scotland domestic customer of the supplier; and
- (b) was—
  - (i) where the current year is scheme year 12, an SY11 customer of the supplier; or
  - (ii) otherwise, a core group customer in the scheme year preceding the current year;

“the relevant date” means the date falling one month after the date on which the current year starts;

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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“SY11 customer”, in relation to an SY11 supplier, means a person who was a core group customer (within the meaning given in regulation 7(2) of the 2011 Regulations) of that supplier in scheme year 11;

“SY11 supplier” means a person who was a scheme electricity supplier (within the meaning given in regulation 2(1) of the 2011 Regulations) in relation to scheme year 11.