
STATUTORY INSTRUMENTS

2022 No. 1106

**The Energy Bill Relief Scheme
(Northern Ireland) Regulations 2022**

PART 3

Discount recovery

CHAPTER 1

Entitlements in respect of discount recovery

Entitlements in respect of discount recovery

22.—(1) A supplier is entitled to recover from the Secretary of State, as provided in this Part, the amount by which, in any period, its charges to customers under supply contracts are reduced by the application of discounts in accordance with Part 2 and Part 4.

(2) The amount (the “base recovery amount”) which a supplier is entitled to recover from the Secretary of State in respect of energy supplied in any period under a supply contract is the quantity supplied multiplied by the discount.

(3) In order to obtain discount recovery a supplier must submit a claim in accordance with Chapter 4 (a “discount recovery claim”).

(4) The Secretary of State is entitled to recover from a supplier any amount paid to the supplier under this Part that exceeds what the supplier is entitled to recover under this Part.

Commencement Information

II Reg. 22 in force at 1.11.2022, see [reg. 1\(1\)](#)

Determination of amounts subject to discount recovery

23.—(1) For each supply contract, the “supply contract recovery amount” is the amount that is payable to or by the supplier in respect of a discount recovery claim, and is calculated as the sum of—

- (a) the base recovery amount, in respect of energy supplied in the period of supply specified in the claim, and
- (b) each of the following, so far as it qualifies under paragraph (2)—
 - (i) any adjustment of a base recovery amount for an earlier period of supply arising as a result of energy reconciliation;
 - (ii) any adjustment of a base recovery amount in respect of an earlier period of supply arising as a result of the correction of any error (in the calculation of that amount) in accordance with the discount recovery rules;

- (iii) any adjustment of the base recovery amount in respect of an earlier period of supply arising as a result of failure to apply (or to apply correctly) any of regulations 39, 44, 48 or 53 in the determination under sub-paragraph (a) of the base recovery amount for that earlier period of supply;
- (iv) any adjustment of the base recovery amount in respect of an earlier period of supply where the customer has given an opt-out notice effective from a date before the notice was given;
- (v) any adjustment in consequence of a determination of the Secretary of State under regulation 68 or 69 or a reconsidered decision of the Secretary of State under regulation 70.

(2) An amount in paragraph (1)(b) qualifies for inclusion in a discount recovery claim where it was not taken into account in the supply contract recovery amount under any prior discount recovery claim.

(3) In paragraph (1)(b), an amount which is—

- (a) payable to the supplier, is counted as a positive amount;
- (b) payable to the Secretary of State, is counted as a negative amount.

(4) The period of supply specified for any supply contract in a discount recovery claim—

- (a) must be a period ending before the date on which the claim is submitted;
- (b) must not include any day which falls in the period of supply specified for that supply contract in any earlier claim.

(5) A supplier may not claim discount recovery in respect of a supply contract unless it has complied with regulation 14(1) in relation to the contract.

(6) For any supply contract, where any of the amounts referred to in paragraph (1)(b) is an amount payable to the Secretary of State, the supplier must—

- (a) submit a discount recovery claim in accordance with Chapter 4 in the first claim window which starts after such amount has been determined;
- (b) include those amounts in the supply contract recovery amount in that discount recovery claim.

(7) The amount payable by the Secretary of State to a supplier in respect of a discount recovery claim may be adjusted in accordance with regulation 31(2).

(8) Amounts under paragraph (1)(b) continue to be determined and payable by or to a supplier after the scheme end date in accordance with regulation 29.

(9) Where a customer gives an opt-out notice in respect of a supply contract, this Part continues to apply in relation to the amounts referred to in paragraph (1)(b) for any period of supply under the supply contract before the day from which the opt-out notice was effective.

Commencement Information

12 Reg. 23 in force at 1.11.2022, see [reg. 1\(1\)](#)

Payment of amounts in respect of discount recovery

24.—(1) The amount payable in respect of a supplier’s discount recovery claim as a whole (“the recovery claim amount”) is, subject to the application of regulation 31, the sum of—

- (a) the supply contract recovery amounts payable in respect of each of its supply contracts, and

- (b) any amount carried forward from the preceding discount recovery claim under paragraph (3)(b)(i).
- (2) The recovery claim amount is payable—
 - (a) to the supplier, provided that the discount recovery claim was valid and submitted in compliance with the requirements in regulation 30, or
 - (b) as the case may be, to the Secretary of State, subject to paragraph (3)(b),no later than the 10th business day after the last day of the claim window in which the claim was submitted.
- (3) If (in respect of a discount recovery claim) the recovery claim amount is negative—
 - (a) that amount is payable (disregarding its negative sign) by the supplier to the Secretary of State;
 - (b) the Secretary of State may, by notice to the supplier, elect—
 - (i) that such amount is to be carried forward and deducted in calculating the recovery claim amount under the next following discount recovery claim submitted by the supplier, or
 - (ii) that the supplier must pay the amount to the Secretary of State.
- (4) Where any amount is owing and unpaid by a supplier to the Secretary of State under either the electricity scheme or the gas scheme, the Secretary of State may set that amount off against any amount which is payable to the supplier by the Secretary of State under either the electricity scheme or the gas scheme.
- (5) If an amount payable by a supplier or the Secretary of State under this regulation is not paid by the due date, simple interest is payable on the unpaid amount, from the day following the due date until the day on which the amount is paid in full, at a rate calculated as base rate plus 2 percentage points per annum.
- (6) An amount payment of which is withheld by the Secretary of State under regulation 27 is not an amount payable by the Secretary of State for the purposes of paragraph (5) unless and until the amount is released under regulation 28.
- (7) An amount payable to a supplier or the Secretary of State under this regulation is recoverable as a civil debt by the person to which it is payable.

Commencement Information

I3 Reg. 24 in force at 1.11.2022, see [reg. 1\(1\)](#)

Assignment of rights in respect of payment

25. A supplier may not assign, transfer or otherwise deal with its right to receive payment of amounts in respect of discount recovery under this Part except with the consent of the Secretary of State.

Commencement Information

I4 Reg. 25 in force at 1.11.2022, see [reg. 1\(1\)](#)

Absolute right of Secretary of State to recover

26. The Secretary of State may at any time (including after the reconciliation cut-off date) require a supplier to pay any amount which has been paid to the supplier in excess of what the supplier is entitled to be paid under the scheme.

Commencement Information

I5 Reg. 26 in force at 1.11.2022, see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Energy Bill Relief Scheme (Northern Ireland) Regulations 2022, CHAPTER 1.