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STATUTORY INSTRUMENTS

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**2022 No. 1106**

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

**PART 4**

**Adjustment of discount or supply quantity in certain cases**

**CHAPTER 2**

**Arrangements for customer to deliver electricity to the grid**

**Interpretation of this Chapter**

**41.** For the purposes of this Chapter—

- (a) “Chapter 2 arrangement” means an arrangement of the kind described in regulation 42(1)(b);
- (b) a “declaration period” is the period between the initial declaration date and the first periodic declaration date, or between a later periodic declaration date and the next periodic declaration date;
- (c) the “initial declaration date” in respect of a supply contract is the later of—
  - (i) the scheme introduction date, if on that date the customer has made a Chapter 2 arrangement and is party to the supply contract, and
  - (ii) such later date on which the customer—
    - (aa) enters into the supply contract, having already made a Chapter 2 arrangement, or
    - (bb) makes a Chapter 2 arrangement, being already a party to the supply contract;
- (d) “periodic declaration dates” are dates chosen by the supplier, falling at intervals of not more than one month, of which the first must be not more than 31 days after the initial declaration date and the last must be the last day of the scheme period;
- (e) references to the storage of electricity include the use of electricity to create potential energy which is used at a different time to generate electricity.

**Application of this Chapter**

**42.—(1)** This Chapter applies in respect of a supply contract, subject to paragraph 2, where—

- (a) it may reasonably be expected that—
  - (i) the quantity of energy supplied to the customer at the premises to which the supply contract relates in the 12 month period starting on 1st October 2022 will exceed 0.5 gigawatt hours, or
  - (ii) the maximum rate at which energy is supplied under the contract at any time will exceed 0.5 megawatts, and

- (b) the customer has made arrangements under which—
  - (i) gas supplied to the customer under the supply contract may be used for the purpose of generating electricity (whether or not in conjunction with the production of heat), or
  - (ii) electricity supplied to the customer under the supply contract may be stored by or for the customer, and
 in either case, some or all of the electricity generated or stored, may be delivered to an electricity system (such electricity being “grid-delivered”).
- (2) This Chapter does not apply where—
  - (a) the capacity of the facility in which electricity supplied to the customer under the supply contract and generated or stored as described in paragraph (1)(b) is not material;
  - (b) the quantities in which that electricity is or may be delivered to an electricity system are not material;
  - (c) the application of this Chapter would be disproportionate, having regard to the complexity of determining ineligible quantities and to the capacity or quantities referred to in subparagraphs (a) or (b).

#### **Customer declaration where this Chapter applies.**

**43.**—(1) A customer must, as soon as practicable and in any event within 21 days after the initial declaration date—

- (a) determine whether this Chapter applies in respect of a supply contract to which it is party;
- (b) if it so determines, send to the supplier a declaration to that effect.

(2) A supplier must, when it enters into a supply contract, or for a supply contract which it has entered into before the scheme introduction date, within 45 days after the scheme introduction date—

- (a) determine whether either of the circumstances in regulation 42(1)(a) applies, and
- (b) if so, give the customer notice of that determination, drawing this Chapter to the attention of the customer, unless the customer has already sent a declaration under paragraph (1)(b).

#### **Determination of ineligible quantity**

**44.**—(1) Where this Chapter applies in respect of a supply contract, that part of—

- (a) the quantity of gas supplied in any period which was used to generate grid-delivered electricity; or
- (b) the quantity of electricity supplied in any period which, having been stored, was grid-delivered (together with a corresponding proportion of the electricity used or lost in storage),

is an “ineligible quantity” for the purposes of the scheme.

(2) Where this Chapter applies in respect of a supply contract—

- (a) the supplier must as soon as practicable after receiving the customer’s declaration under regulation 43(1)(b) give notice to the customer of each periodic declaration date and the declaration period for each such date;
- (b) the customer must, as soon as practicable and in any event within 14 days after each periodic declaration date, determine and send to the supplier a declaration of the quantity of electricity supplied in the relevant declaration period which is an ineligible quantity;
- (c) the supplier must, on the basis of the ineligible quantity declared in each such declaration—

- (i) determine the amount of the supply quantity for the declaration period to which the discounted supply price is to apply;
  - (ii) determine or redetermine its charges for energy supplied in the declaration period accordingly.
- (3) The contract parties may agree a basis on which—
- (a) an estimate of the ineligible quantity will be used in determining charges for a billing period before the steps in paragraph (2) are completed; and
  - (b) a subsequent reconciliation will be performed when those steps are completed.

**Rules in relation to this Chapter**

- 45.** The Secretary of State may make rules about—
- (a) the kinds of arrangements which fall or do not fall, or factors which indicate whether arrangements fall or do not fall, within regulation 42(1)(b);
  - (b) the circumstances in which, by virtue of regulation 42(2), this Chapter does not apply;
  - (c) the basis on which it is to be determined what part of the quantity of gas or electricity supplied is an ineligible quantity;
  - (d) the basis on which a proportion (corresponding to the grid-delivered quantity) of electricity used or lost in storage is to be determined;
  - (e) the form and content of a declaration to be made by the customer.