
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for pass-through requirements in relation to the Energy Bills Support Scheme and Alternative Fuel Payment in Northern Ireland (EBSS AFP NI). Pass-through requirements are imposed on a “relevant intermediary” (defined in regulation 2) and establish that they must pass-through the benefits of the EBSS AFP NI scheme to an “end user” to whom energy has been made available (defined in section 19(3) of the Energy Prices Act 2022 (c. 44)) but excluding any person to whom a relevant intermediary supplies or makes available energy outside Northern Ireland. These Regulations apply in respect of relevant intermediaries other than those providing certain types of hospitality accommodation (defined as “excluded persons” under these Regulations).

Regulation 3 establishes the requirement for relevant intermediaries to pass-through a just and reasonable amount of the benefit provided to them under the EBSS AFP NI scheme to each of their end users.

Regulation 4 provides for the calculation of the pass-through amount and sets out the way in which relevant intermediaries are to determine what is a just and reasonable amount for the purposes of regulation 3.

Regulation 5 sets out the information which relevant intermediaries are required to provide to each of their end users about the EBSS AFP NI scheme benefit provided to them, the amount or proportion the relevant intermediary intends to provide to the end user together with supporting details about how they have calculated that this is a just and reasonable amount.

Regulation 6 makes provision about the way in which the pass-through is to be given effect including that it must be provided to the end user as soon as reasonably practicable after the scheme benefit has been provided to the relevant intermediary.

Regulation 7 provides for unpaid pass-through amounts to be recoverable from the relevant intermediary by the end user as a civil debt.

An impact assessment of the effect the EBSS AFP NI scheme, including the related pass-through requirements, will have on the costs of business and the voluntary sector is available from the Department for Business, Energy and Industrial Strategy, 1 Victoria Street, London, SW1H 0ET.