
STATUTORY INSTRUMENTS

2023 No. 10

**The Energy Bills Support Scheme and Alternative Fuel Payment
Pass-through Requirement (Northern Ireland) Regulations 2023**

PART 1

Introductory

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Energy Bills Support Scheme and Alternative Fuel Payment Pass-through Requirement (Northern Ireland) Regulations 2023 and come into force on 12th January 2023.

(2) These Regulations extend to Northern Ireland.

Interpretation

2. In these Regulations—

“EBSS AFP NI” means the Energy Bills Support Scheme and Alternative Fuel Payment in Northern Ireland;

“EBSS AFP NI Direction” means the Direction dated 22nd December 2022⁽¹⁾ made by the Secretary of State for Business, Energy and Industrial Strategy pursuant to section 22 of the Energy Prices Act 2022;

“EBSS AFP NI domestic electricity supplier” means a “domestic electricity supplier” as defined in the EBSS AFP NI Direction;

“EBSS AFP NI eligible customer” means an “eligible customer” as defined in the EBSS AFP NI Direction;

“EBSS AFP NI scheme benefit” means an EBSS AFP NI support payment made by an EBSS AFP NI domestic electricity supplier to an EBSS AFP NI eligible customer pursuant to the EBSS AFP NI Direction, where the amount of the EBSS AFP NI scheme benefit is the amount notified by the EBSS AFP NI domestic electricity supplier to the EBSS AFP NI eligible customer pursuant to paragraph 13 of the EBSS AFP NI Direction;

“EBSS AFP NI scheme month” means a “scheme month” as defined in the EBSS AFP NI Direction;

“EBSS AFP NI support payment” means a support payment which an EBSS AFP NI domestic electricity supplier is required to provide each EBSS AFP NI scheme month pursuant to the EBSS AFP NI Direction;

“end user” means an end user as defined in section 19(3) of the Energy Prices Act 2022 other than an excluded end user;

(1) A hard copy of the Direction can be obtained from the Department for Business, Energy and Industrial Strategy, 1 Victoria Street, London, SW1H 0ET. For an electronic copy, see <https://www.gov.uk/government/publications/energy-bills-support-scheme-and-alternative-fuels-payment-northern-ireland-ministerial-direction>

“excluded end user” means a person to whom a relevant intermediary supplies or makes available energy at premises located outside Northern Ireland;

“excluded person” means a person engaged in either or both of the provision of accommodation within the meaning of standard industrial classification divisions 55.1, 55.2, 55.3 (except persons providing caravans on protected sites as defined in section 17(1) of the Caravans Act (Northern Ireland) 2011⁽²⁾) and 55.9 (except persons providing student residences, school dormitories, workers hostels and rooming and boarding houses) and the provision of energy⁽³⁾ to such accommodation;

“pass-through” means the act of a relevant intermediary of passing through all or part of a scheme benefit to an end user;

“pass-through amount” means an amount, being all or part of a scheme benefit, which is passed through to an end user by a relevant intermediary pursuant to these Regulations;

“period” means in relation to—

- (a) an EBSS AFP NI scheme benefit, an EBSS AFP NI scheme month; or
- (b) a pass-through amount, the period in connection with which such pass-through was effected;

“relevant intermediary” means a person to whom a scheme benefit has been provided in circumstances in which there is one or more end user other than the relevant intermediary except where that person is an excluded person and for the purpose of regulation 3, relevant intermediary includes a person who will have entitlement to have a scheme benefit provided to it but to whom it has not yet been so provided;

“scheme benefit means”—

- (a) an EBSS AFP NI scheme benefit, including that provided in respect of a period before these Regulations came into force; or
- (b) where the end user is also a relevant intermediary, a pass-through made by virtue of these Regulations where the amount of the scheme benefit is the pass-through amount provided to the end user concerned (as intermediary),

and the amount of the scheme benefit may be an amount in pounds sterling or in pounds sterling per kWh of energy;

“standard industrial classification” means the Office for National Statistics’ “UK Standard Industrial Classification of Economic Activities 2007 (SIC 2007)”⁽⁴⁾;

“usage” means the quantity of energy made available by a relevant intermediary to an end user, that quantity of energy having been supplied to the relevant intermediary, leading to a scheme benefit being provided to the relevant intermediary.

(2) 2011 c. 12.

(3) “Energy” is defined in section 28(4) of the Energy Prices Act 2022.

(4) Published by the Office of National Statistics. For information on how to obtain a hard copy, contact the Office for National Statistics, Classifications and Harmonisation Unit, Government Buildings, Cardiff Road, Newport, South Wales, NP10 8XG. For an electronic copy, see <https://www.ons.gov.uk/methodology/classificationsandstandards/ukstandardindustrialclassificationofeconomicactivities/uksic2007>.