
STATUTORY INSTRUMENTS

2023 No. 178

**The Alternative Fuel Payment Pass-through Requirement
(England and Wales and Scotland) Regulations 2023**

PART 2

Pass-through requirement

Provision of information to end users

5.—(1) Within the period of 30 days beginning with the later of the day on which these Regulations came into force or the day on which the scheme benefit was provided to the relevant intermediary in accordance with regulation 3(5) or was deemed to have been provided to it in accordance with regulation 3(6), the relevant intermediary must take reasonable steps to notify its end users in writing (where possible using the means of communication it customarily uses to communicate with its end users)—

- (a) that the relevant intermediary has either—
 - (i) had a scheme benefit provided to it and has identified the end user as a person entitled to a just and reasonable proportion of such benefit by virtue of the application of these Regulations, or
 - (ii) been notified that it has been identified as an end user for the purpose of these Regulations but the pass-through amount set out in such notification is zero (and in such circumstances the relevant intermediary must also provide to its end users the details in sub-paragraphs (b) and (c) provided to it in the notice from its relevant intermediary and the information set out in sub-paragraphs (f) and (g));
- (b) the amount of scheme benefit provided to the relevant intermediary and that it is an AFP scheme benefit;
- (c) the amount or proportion of scheme benefit provided to the relevant intermediary (if any) which it intends to pass-through to the end user concerned together with supporting details demonstrating why the relevant intermediary considers such pass-through amount to be just and reasonable;
- (d) to the extent applicable, when and how the relevant intermediary will provide the pass-through amount to the end user;
- (e) to the extent applicable, of any steps it is taking to correct an error in the way in which the relevant intermediary has previously passed-through a scheme benefit to an end user;
- (f) how the end user may appeal to the relevant intermediary about the matters set out in the notice; and
- (g) that if the pass-through amount to which the end user is entitled by virtue of these Regulations is not provided to the end user, the end user is entitled to recover it from the relevant intermediary as a civil debt pursuant to regulation 7(1).

(2) Where the relevant intermediary makes energy or energy products (or both) available through equipment which automatically charges a tariff per unit of energy or energy products (or both) used, paid by end users at the time the energy, heating or hot water is made available—

- (a) paragraph (1) does not apply, and
- (b) the relevant intermediary must, as soon as reasonably practicable after the scheme benefit was provided to it, notify its end users by notice on or near such equipment in a place in which it will be seen by end users of—
 - (i) the tariff adjustment which the relevant intermediary has applied pursuant to these Regulations to effect the pass-through to end users of the scheme benefit which has been provided to it, and
 - (ii) the contact details of the relevant intermediary which can be used should the end user require further information about its entitlements under these Regulations, including the ability to appeal to the relevant intermediary in respect of the basis on which the tariffs have been adjusted to reflect the scheme benefit provided to the relevant intermediary.