

2023 No. 415

ELECTRICITY

**The Electricity Supplier Obligations (Excluded Electricity)
(Amendment) Regulations 2023**

Made - - - - - *3rd April 2023*

Coming into force *24th April 2023*

The Secretary of State has, before making these Regulations—

- (a) consulted the persons listed in section 24(1)(a) to (g) of the Energy Act 2013(a) and such other persons as the Secretary of State considered it appropriate to consult under section 24(1)(h); and
- (b) had regard to the matters in section 5(2)(a) to (e) of that Act.

In accordance with section 6(8) of that Act, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

Accordingly, the Secretary of State, in exercise of the powers conferred by sections 6(1); 6(6)(c) and (d); and 17(2)(b) of the Energy Act 2013, makes the following Regulations.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Electricity Supplier Obligations (Excluded Electricity) (Amendment) Regulations 2023.

(2) These Regulations come into force 21 days after the day on which they are made.

(3) These Regulations extend to England and Wales and Scotland.

Amendments to the Electricity Supplier Obligations (Amendment & Excluded Electricity) Regulations 2015

2. The Electricity Supplier Obligations (Amendment & Excluded Electricity) Regulations 2015(b) are amended as set out below.

3.—(1) Regulation 8 is amended as follows.

(2) In paragraph (1)(a)(ii), for “two consecutive financial quarters”, substitute “one financial quarter”.

(3) In paragraph (4)(c), after “that person’s business”, insert “or would have been but for the application of regulation 9A”.

(a) 2013 c. 32.

(b) S.I. 2015/721. Relevant amendments were made by S.I. 2017/1051 and S.I. 2020/130.

4. After regulation 9 insert—

“Modification of the application of Regulation 9

9A.—(1) This regulation applies in relation to an EII application—

- (a) which is made before 1st April 2026;
- (b) in respect of which the relevant period by virtue of regulation 9(2)(a) would, but for the application of this regulation, be the three most recent consecutive business years for which there are annual accounts for the business; and
- (c) in which the applicant has included a request that this regulation should apply.

(2) Where this regulation applies, the applicant may specify in the application any three of the five most recent business years for which there are annual accounts in respect of the business and the expression “relevant period” is to be construed as a reference to the period or periods covered by the accounts specified by the applicant.”

3rd April 2023

Nusrat Ghani
Parliamentary Under Secretary of State
Department for Business and Trade

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Electricity Supplier Obligations (Amendment & Excluded Electricity) Regulations 2015 to allow reduced levels of accounting information to be submitted by new companies that are applying for an EII certificate. The amendments also allow certain applicants for EII certificates flexibility in the accounting information they are required to submit where their businesses have been disrupted by the Covid 19 pandemic. The amendments allow such applicants to choose any 3 years of the preceding 5 years that accounts are available rather than being required to rely on the last 3 years to establish that they qualify for an EII certificate.

A full impact assessment has not been published for this instrument as it has minimal impact on the private sector and the voluntary sector.

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£4.90

<http://www.legislation.gov.uk/id/uksi/2023/415>

ISBN 978-0-34-824706-0



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