
STATUTORY INSTRUMENTS

2023 No. 453

The Energy Bills Discount Scheme Regulations 2023

PART 2

Discounted supply price

CHAPTER 3

Energy and Trade Intensive Industries and Domestic Heat Consumers

Separate supply contracts

23.—(1) A supplier must treat a relevant supply contract as comprising up to three contracts, as follows—

- (a) a single supply contract in respect of all energy supplied or otherwise made available to, or used to make available heating, hot water or electricity to, certified ETII operators (an “ETII supply contract”);
- (b) a single supply contract in respect of all energy supplied or otherwise made available to, or used to make available heating or hot water to, certified heat suppliers (a “QHS supply contract”);
- (c) a single supply contract in respect of so much (if any) of the energy supplied as is not treated as supplied under the ETII supply contract or the QHS supply contract.

(2) Each supply contract within paragraph (1)(a), (b) or (c) is a “deemed supply contract” for the purposes of this Chapter.

(3) Where under rules made under regulation 11(6)(c) a supply contract is to be treated as comprising more than one supply contract—

- (a) paragraph (1) applies separately in relation to each of those supply contracts;
- (b) the question which one or more of those supply contracts is to be treated as a relevant supply contract is to be determined in accordance with those rules.

(4) Subject to paragraph (6), the supplier must treat the ETII proportion, applying in respect of the customer, of the supplied energy in any period as the energy supplied in that period under the ETII supply contract.

(5) Subject to paragraph (7), the supplier must treat the QHS proportion, applying in respect of the customer, of the supplied energy in any period as the energy supplied in that period under the QHS supply contract.

(6) Where in accordance with rules the supplier identifies a specified discrepancy in relation to an ETII customer, the supplier must—

- (a) if and for so long as the discrepancy has not been resolved in accordance with the rules, treat as the energy supplied under the ETII supply contract a reduced proportion of the supplied energy;

- (b) if and to the extent the discrepancy is resolved in accordance with the rules, treat as the energy supplied under the ETII supply contract a revised proportion of the supplied energy.
- (7) Where in accordance with rules the supplier identifies a specified discrepancy in relation to a QHS customer, the supplier must—
 - (a) if and for so long as the discrepancy has not been resolved in accordance with the rules, treat as the energy supplied under the QHS supply contract a reduced proportion of the supplied energy;
 - (b) if and to the extent the discrepancy is resolved in accordance with the rules, treat as the energy supplied under the QHS supply contract a revised proportion of the supplied energy.
- (8) In this regulation—
 - “discrepancy” means—
 - (a) in relation to an ETII customer, a discrepancy between—
 - (i) the information that a supplier holds in relation to the customer, and
 - (ii) information that the Secretary of State holds in relation to a certified ETII operator;
 - (b) in relation to a QHS customer, a discrepancy between—
 - (i) the information that a supplier holds in relation to the customer, and
 - (ii) information that the Secretary of State holds in relation to a certified heat supplier;
 - “reduced proportion” means a proportion, that is less than is provided in paragraph (4) or (5) (and may be zero), prescribed in or determined in accordance with the rules;
 - “revised proportion” means a proportion, that is not less than the reduced proportion and not greater than is provided in paragraph (4) or (5), prescribed in or determined in accordance with the rules;
 - “specified discrepancy” means a discrepancy of a kind that the Secretary of State—
 - (a) considers to provide reasonable grounds to doubt that the result of determining the energy supplied—
 - (i) under an ETII supply contract, on the basis in paragraph (4), or
 - (ii) under a QHS supply contract, on the basis in paragraph (5),would be in accordance with the Regulations, and
 - (b) specifies in rules;
 - “supplied energy” means the energy supplied under a relevant supply contract in a period.