
STATUTORY INSTRUMENTS

2023 No. 454

**The Energy Bills Discount Scheme
(Northern Ireland) Regulations 2023**

PART 2

Discounted supply price

CHAPTER 3

Energy and Trade Intensive Industries and Domestic Heat Consumers

Interpretation of this Chapter

15.—(1) In this Chapter—

“certified heat supplier” means a qualifying heat supplier in respect of whom a QHS certificate has been issued and not revoked;

“certification date” has the meaning given—

- (a) in relation to an ETII certificate, in regulation 16(6);
- (b) in relation to a QHS certificate, in regulation 17(6);

“Chapter 3 rules” means rules made by the Secretary of State under regulation 27;

“deemed supply contract” has the meaning given in regulation 23(2);

“domestic heat consumer” means a heat consumer whose consumption of heating or hot water is wholly or mainly for a domestic purpose;

“ETII activity” means an economic activity that falls within the category identified by a SIC code specified in Chapter 3 rules;

“ETII certification criteria” has the meaning given in regulation 16(1);

“ETII customer” means a customer for which the conditions in regulation 18(1) are satisfied;

“ETII energy” has the meaning given in regulation 18(1)(a);

“ETII qualifying activity” means an ETII activity in respect of which the condition in regulation 16(3) is satisfied;

“excepted ETII body” means—

- (a) a relevant local authority;
- (b) a body of a description specified in Chapter 3 rules;

“heat consumer” means a person who purchases, for their own end consumption, heating or hot water supplied through a heat network;

“higher-tier provider” means, in relation to a provider, another provider who directly supplies or makes available to the first provider energy, heating, hot water or electricity;

“immediate ETII provider” means, in relation to a certified ETII operator, a provider who directly supplies or makes available energy, heating, hot water or electricity to the certified ETII operator;

“lower-tier provider” means, in relation to a provider, another provider to whom the first provider directly supplies or makes available energy, heating, hot water or electricity;

“QHS customer” means a customer for which the conditions in regulation 19(1) are satisfied;

“QHS energy” has the meaning given in regulation 19(1)(a);

“qualifying heat consumer” means a heat consumer (whether or not a domestic heat consumer) supplied with heating or hot water through a qualifying heat network;

“qualifying heat network” means a heat network through which a qualifying heat supplier makes a qualifying heat supply for which the condition in regulation 17(3) is satisfied;

“qualifying heat supplier” means a person who makes and charges for a qualifying heat supply;

“qualifying heat supply” means the supply of heating or hot water through a heat network to heat consumers, where any of those heat consumers is a domestic heat consumer;

“relevant beneficiary” means, in relation to a provider (P1), each certified ETII operator or domestic heat customer to whom (as the case may be) energy is supplied or heating, hot water or electricity is made available—

- (a) by P1, or
- (b) by another provider (P2) using energy supplied or heating, hot water or electricity made available by P1 (whether directly to P2 or otherwise);

“relevant local authority” means a district council constituted under section 1 of the Local Government Act (Northern Ireland) 1972(1);

“relevant supply contract” means a supply contract under which the customer is an ETII customer or a QHS customer;

“scheme benefit” means the benefit of energy price support under the scheme;

“SIC code” means a code, at the level ‘class’ defined by 4 digits, included in the UK Standard Industrial Classification of Economic Activities 2007(2);

“third party energy”, in relation to an ETII applicant or QHS applicant, means—

- (a) gas that the applicant has not produced, or
- (b) electricity that the applicant—
 - (i) has not produced, or
 - (ii) has produced using gas that the applicant has not produced.

(2) In this Chapter, a provider (P) is a “main scheme provider” if, and to the extent that—

- (a) P is a supplier, or
- (b) the ETII energy or QHS energy that P—
 - (i) supplies or otherwise makes available (directly or indirectly) to others, or
 - (ii) uses to supply or otherwise make available (directly or indirectly) heating, hot water or electricity to others,

has been provided to any person by a supplier.

(3) In this Chapter, a reference—

(1) 1972, c. 9. The Act was amended by the Local Government (Boundaries) Act (Northern Ireland) 2008 (c. 7), sections 3(1), 5(3); S.R. 2013 No. 238, articles 2, 3(1), 4(1), 5(1) (with articles 3(2), 4(2), 5(2)-(4) (as amended (31.3.2015) by S.R. 2015 No. 210, article 2)).

(2) (SIC 2007) published by the Office for National Statistics in December 2009 with ISBN number 978-0-230-21012-7.

- (a) to scheme benefit being required to be passed on is to a provider being required to pass on that benefit, as an intermediary (within the meaning of section 19(1) of the Act), under any pass-through regulations;
- (b) to a provider being notified by a higher-tier provider of scheme benefit is to the provider being so notified, by a higher-tier provider as such an intermediary, under pass-through regulations.

Commencement Information

II Reg. 15 in force at 26.4.2023, see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Energy Bills Discount Scheme (Northern Ireland) Regulations 2023, Section 15.