
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

Energy and trade intensive industries: applications for certificates

16.—(1) Where the Secretary of State receives an ETII application, the Secretary of State may issue a certificate to the ETII applicant, stating that the conditions in paragraphs (2) to (4) (the “ETII certification criteria”) are satisfied in respect of the ETII applicant, if—

- (a) the ETII application is made in accordance with Chapter 3 rules,
 - (b) the Secretary of State, having considered the application, determines that those conditions are so satisfied, and
 - (c) the Secretary of State is satisfied that the consequences of the applicant holding an ETII certificate would be in accordance with Article 10 of the Windsor Framework.
- (2) The first condition is that the ETII applicant carries on an ETII activity in the United Kingdom.
- (3) The second condition is that the ETII applicant carries on that ETII activity using—
- (a) third party energy, or
 - (b) heating, hot water or electricity that—
 - (i) another person makes available to the ETII applicant, and
 - (ii) is so made available by that person using energy supplied or otherwise made available to it by a person other than itself or the ETII applicant.
- (4) The third condition is that—
- (a) the ETII qualifying activities carried on by the ETII applicant are a substantial part of all activities that it carries on in the United Kingdom, or
 - (b) the conditions in paragraph (5) are satisfied in respect of the ETII applicant.
- (5) The conditions are that—
- (a) the ETII applicant is the customer under the supply contract under which the energy referred to in paragraph (3)(a) is supplied,
 - (b) the ETII applicant is an excepted ETII body,
 - (c) the ETII qualifying activities carried on by the ETII applicant are a substantial part of all activities carried on by it at the premises at which those ETII qualifying activities are carried on, and

- (d) in accordance with rules made under regulation 11(6)(c), the supply contract is to be treated as comprising more than one supply contract, of which one is exclusively for supply of energy to those premises.
- (6) An ETII certificate must state the certification date, which is—
 - (a) the scheme start date, where the ETII certification criteria were satisfied on or before that date;
 - (b) otherwise, the date with effect from which the ETII certification criteria were satisfied.
- (7) If any of the ETII certification criteria ceases to be satisfied in respect of a certified ETII operator, the certified ETII operator must, as soon as reasonably practicable, give notice to that effect to its immediate ETII provider and the Secretary of State stating the date of such cessation.
- (8) The Secretary of State may revoke an ETII certificate issued to any person if—
 - (a) the Secretary of State determines that—
 - (i) at the time of the Secretary of State’s determination under paragraph (1)(b), any of the ETII certification criteria was not satisfied—
 - (aa) in consequence of the determination being based on information that was materially incorrect or misleading, or
 - (bb) for any other reason,
 - (ii) any of the ETII certification criteria is no longer satisfied in respect of that person, or
 - (b) the Secretary of State is no longer satisfied that the consequences of a person holding an ETII certificate are in accordance with Article 10 of the Windsor Framework.

Commencement Information

II Reg. 16 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 16.