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STATUTORY INSTRUMENTS

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**2023 No. 454**

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

**PART 3**

Discount recovery

**CHAPTER 1**

Entitlements in respect of discount recovery

**Determination of amounts subject to discount recovery**

**33.**—(1) For each supply contract, the “supply contract recovery amount” is the amount that is payable to or by the supplier in respect of a discount recovery claim, and is calculated as the sum of—

- (a) the base recovery amount, in respect of energy supplied in the period of supply specified in the claim, and
- (b) each of the following, so far as it qualifies under paragraph (2)—
  - (i) any adjustment of a base recovery amount for an earlier period of supply arising as a result of energy reconciliation;
  - (ii) any adjustment of a base recovery amount for an earlier period of supply arising as a result of supply redetermination event;
  - (iii) any adjustment of a base recovery amount in respect of an earlier period of supply arising as a result of the correction of any error in the calculation of that amount in accordance with the discount recovery rules;
  - (iv) any adjustment of the base recovery amount in respect of an earlier period of supply arising as a result of failure to apply (or to apply correctly) any of regulations 49, 54, 58 or 63 in the determination under sub-paragraph (a) of the base recovery amount for that earlier period of supply;
  - (v) any adjustment of the base recovery amount in respect of an earlier period of supply where the customer has given an opt-out notice effective from a date before the notice was given;
  - (vi) any adjustment in consequence of a determination of the Secretary of State under regulation 73 or 74 or a reconsidered decision of the Secretary of State under regulation 75.

(2) An amount in paragraph (1)(b) qualifies for inclusion in a discount recovery claim where it was not taken into account in the supply contract recovery amount under any prior discount recovery claim.

(3) In paragraph (1)(b), an amount which is—

- (a) payable to the supplier, is counted as a positive amount;
- (b) payable to the Secretary of State, is counted as a negative amount.

- (4) The period of supply specified for any supply contract in a discount recovery claim—
- (a) must be a period ending before the date on which the claim is submitted;
  - (b) must not include any day which falls in the period of supply specified for that supply contract in any earlier claim.
- (5) A supplier may not claim discount recovery in respect of a supply contract unless it has complied with regulation 11(1) in relation to the contract.
- (6) For any supply contract, where any of the amounts referred to in paragraph (1)(b) is an amount payable to the Secretary of State, the supplier must—
- (a) submit a discount recovery claim in accordance with Chapter 4 in the first claim window which starts after such amount has been determined;
  - (b) include those amounts in the supply contract recovery amount in that discount recovery claim.
- (7) The amount payable by the Secretary of State to a supplier in respect of a discount recovery claim may be adjusted in accordance with regulation 41(2).
- (8) Amounts under paragraph (1)(b) continue to be determined and payable by or to a supplier after the scheme end date in accordance with regulation 39.
- (9) Where a customer gives an opt-out notice in respect of a supply contract, this Part continues to apply in relation to the amounts referred to in paragraph (1)(b) for any period of supply under the supply contract before the day from which the opt-out notice was effective.

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**Commencement Information**

**II** Reg. 33 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 33.