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STATUTORY INSTRUMENTS

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**2023 No. 454**

The Energy Bills Discount Scheme  
(Northern Ireland) Regulations 2023

PART 5

Further provisions

CHAPTER 4

Certain determinations made under the Regulations

**Interpretation of this Chapter**

72.—(1) In this Chapter—

“affected person” in relation to a regulation 22 matter means—

- (a) the provider who determines that matter, and
- (b) the certified ETII operator or (if it is not that provider) certified heat supplier, as the case may be;

“applicant” in relation to a review request, means the person making the request;

“Part 2 or Part 4 matter” means any matter other than a regulation 22 matter which is to be determined or declared in relation to a supply contract by a supplier or customer under Part 2 or Part 4;

“Part 3 decision” means a decision by the Secretary of State—

- (a) under regulation 37, to withhold payment to a supplier of any amount in respect of a recovery claim amount;
- (b) under regulation 38, as to the release of an amount withheld under regulation 37;
- (c) under regulation 39, as to the reconciliation cut-off date in relation to any supplier;
- (d) under regulation 41(1), to decline to make payment (in whole or part) in respect of a discount recovery claim on the grounds of invalidity;
- (e) under regulation 41(2), to adjust the amount of a discount recovery claim;
- (f) under regulation 41(3), to give a notice that is to be treated as a discount recovery claim;

“other party” in relation to a review request under regulation 75(1), means the contract party which is not the applicant;

“reconsidered decision” has the meaning given in regulation 75(6)(e)(i);

“regulation 22 matter” means the ETII proportion or QHS proportion to be determined by a provider in respect of a benefit calculation period under regulation 22;

“relevant decision” in relation to a review request, means the determination or decision in respect of which the request is made;

“review request” means a request made to the Secretary of State under regulation 75(1), (2), (3) or (4).

(2) In this Chapter, reference to a “determination” includes a redetermination.

(3) For the purposes of this Chapter a referral under regulation 73 or a review request does not meet the applicable threshold if—

- (a) it is vexatious or frivolous,
- (b) the financial consequences—
  - (i) for the applicant or (where applicable) the other party of a determination under regulation 73(3), or
  - (ii) for the applicant or (where applicable) the other party or any affected person of a reconsidered decision,would not be material, or
- (c) the referral or review request is not made within a period which is reasonable in all the circumstances after—
  - (i) the customer was notified or otherwise informed of the supplier’s determination referred to in regulation 73(1)(a), or
  - (ii) the relevant decision was made.

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**Commencement Information**

**11** Reg. 72 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 72.