
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision about the Energy Bill Relief Scheme for Non-Standard Customers in Great Britain and Northern Ireland (“the Scheme”) by which the Secretary of State provides certain non-domestic customers with financial assistance to meet costs related to the use of electricity and gas. Assistance is provided under “scheme agreements”, that incorporate published “Scheme Terms”. Amongst other things, the Scheme Terms set out the criteria that customers, and the energy that they consume, must meet if they are to receive assistance.

Regulation 2 introduces a number of defined terms that reflect the operation of the Scheme.

Regulations 3 and 4 provide the Secretary of State with a power to obtain information about the supply of gas or electricity to persons who are or may be eligible for assistance under the Scheme.

Regulation 5 implies terms into certain descriptions of contract connected with the provision of energy to persons who are or may be eligible for assistance under the Scheme.

These Regulations also make provision for pass-through requirements in relation to the Scheme. Pass-through requirements are imposed on a “relevant intermediary” (defined in regulation 6) and establish that they must pass-through the benefits of the scheme to an “end user” to whom energy, heating and/or hot water has been made available. These Regulations apply in respect of relevant intermediaries other than those providing certain types of hospitality accommodation (defined as “excluded persons” under these Regulations).

Regulation 7 establishes the requirement for relevant intermediaries to pass-through a just and reasonable amount of the benefit provided to them under the Scheme to each of their end users.

Regulation 8 provides for the calculation of the pass-through amount and sets out the way in which relevant intermediaries are to determine what is a just and reasonable amount for the purposes of regulation 7.

Regulation 9 sets out the information which relevant intermediaries are required to provide to each of their end users about the scheme benefit provided to them, the amount or proportion the relevant intermediary intends to provide to the end user, and supporting details about how they have calculated that this is a just and reasonable amount.

Regulation 10 makes provision about the way in which the pass-through is to be given effect including that it must be provided to the end user as soon as reasonably practicable after the scheme benefit has been provided to the relevant intermediary.

Regulation 11 provides for unpaid pass-through amounts to be recoverable from the relevant intermediary by the end user as a civil debt.

An impact assessment of the effect the Scheme, including the related pass-through requirements, will have on the costs of business and the voluntary sector is available from the Department for Business Energy and Industrial Strategy, 1 Victoria Street, London, SW1H 0ET.