
STATUTORY INSTRUMENTS

2023 No. 9

The Energy Bill Relief Scheme (Non-Standard Cases) Regulations 2023

PART 1

Introductory

Interpretation

2. In these Regulations—

“the Act” means the Energy Prices Act 2022;

“licensed electricity supplier”—

- (a) in England and Wales and Scotland, has the meaning given in section 10(2) of the Act;
- (b) in Northern Ireland, has the meaning given in section 12(2) of the Act;

“licensed gas supplier”—

- (a) in England and Wales and Scotland, has the meaning given in section 10(6) of the Act;
- (b) in Northern Ireland, has the meaning given in section 12(5) of the Act;

“non-domestic supply” means—

- (a) the provision of relevant energy in England and Wales or Scotland that—
 - (i) if the relevant energy is electricity, would be GB non-domestic electricity supply within the meaning of section 10(4) of the Act if the electricity were provided by a licensed electricity supplier;
 - (ii) if the relevant energy is gas, would be GB non-domestic gas supply within the meaning of section 10(8) of the Act if the gas were provided by a licensed gas supplier;
- (b) the provision of relevant energy in Northern Ireland that—
 - (i) if the relevant energy is electricity, is NI non-domestic electricity supply within the meaning of section 12(4) of the Act⁽¹⁾;
 - (ii) if the relevant energy is gas, is NI non-domestic gas supply within the meaning of section 12(7) ⁽²⁾ of the Act;

“non-standard customer” means a person that receives a non-domestic supply of relevant energy;

“relevant energy” means—

- (a) electricity conveyed by electric lines, within the meaning of section 64(1) of the Electricity Act 1989⁽³⁾, that—

⁽¹⁾ See also regulation 2(1) of [S.I. 2022/1106](#), made under section 12(4).

⁽²⁾ See also regulation 2(1) of [S.I. 2022/1106](#), made under section 12(7).

⁽³⁾ [1989 c. 29](#). Section 64 has been amended, but the definition of “electric line” contained in it has not.

- (i) is provided, otherwise than by a licensed electricity supplier, to a person that consumes it, and
- (ii) before being provided to the person that consumes it, is not provided to another person by a licensed electricity supplier;
- (b) gas, consisting wholly or mainly of methane, conveyed by pipes, that—
 - (i) is provided, otherwise than by a licensed gas supplier, to a person that consumes it, and
 - (ii) before being provided to the person that consumes it, is not provided to another person by a licensed gas supplier,

and, for the purposes of paragraphs (a)(i) and (b)(i), the provision of electricity or gas to a person includes its provision to itself of electricity or gas that it acquires as a Trading Party or a Shipper User;

“relevant person” means a person—

- (a) that is a non-standard customer,
- (b) that—
 - (i) provides relevant energy by way of non-domestic supply to a non-standard customer that is not a Trading Party or a Shipper User, or
 - (ii) purchases relevant energy with a view to its being provided (by itself or another) to a person within paragraph (a), or
- (c) that provides a service to a person within paragraph (a) or (b) in respect of the provision of relevant energy;

“scheme agreement” means an agreement between the Secretary of State and a relevant person, which incorporates—

- (a) the Scheme Terms,
- (b) the Scheme Terms as amended by the Secretary of State in accordance with the Scheme Terms (or the Scheme Terms as amended by the Secretary of State) and published after the date of publication of the Scheme Terms, or
- (c) any substantially similar terms published by the Secretary of State under which the Secretary of State provides support for meeting costs related to the use of relevant energy;

“the Scheme Terms” means the document entitled “Energy Bill Relief Scheme for Non-Standard Customers in Great Britain and Northern Ireland: Scheme Terms” dated 9th January 2023 and published by the Secretary of State on 9th January 2023⁽⁴⁾[^{F1}as amended and republished on 24th April 2023];

“Shipper User” has the meaning given in the Uniform Network Code (being the code of that name whose preparation and modification is provided for in the conditions of transportation licences granted under section 7 of the Gas Act 1986⁽⁵⁾: see paragraph 2.2.1 of Section B of the General Terms of that code⁽⁶⁾) as it was in force on 1st January 2023;

(4) See <https://www.gov.uk/government/publications/energy-bill-relief-scheme-non-standard-cases>. A hard copy may be obtained from the Department for Business, Energy and Industrial Strategy, 1 Victoria Street, London, SW1H 0ET.

(5) 1986 c. 44. Section 7 was substituted by section 5 of the Gas Act 1995 (c. 45) and amended by sections 3(2) and 76 of the Utilities Act 2000 (c. 27); there are other amendments, but they are not relevant.

(6) The documents comprising the Uniform Network Code are accessible on the website of the Joint Office of Gas Transporters at <https://www.gasgovernance.co.uk/UNC> (their postal address is Radcliffe House, Blenheim Court, Warwick Road, Solihull, B91 2AA; their email address is enquiries@gasgovernance.co.uk). The current version of General Terms, Section B is available at <https://www.gasgovernance.co.uk/index.php/general>; implemented modifications to the code may be accessed from <https://www.gasgovernance.co.uk/closedmods>.

“Trading Party” has the meaning given in the Balancing and Settlement Code (being the code for governance of electricity balancing and settlement in Great Britain that is maintained in accordance with the conditions of licences granted under section 6(1)(b) of the Electricity Act 1989⁽⁷⁾: see section X-1 of that code⁽⁸⁾) as it was in force on 1st January 2023.

Textual Amendments

- F1** Words in [reg. 2](#) inserted (26.4.2023) by [The Energy Bills Discount Scheme \(Non-Standard Cases\) Regulations 2023 \(S.I. 2023/464\)](#), regs. 1(2), **16**

Commencement Information

- II** Reg. 2 in force at 12.1.2023, see [reg. 1\(1\)](#)

(7) 1989 c. 29. Section 6(1)(b) was substituted by section 136(1) of the Energy Act 2004 (c. 20).

(8) The Balancing and Settlement Code is accessible on the website of Elexon Limited at <https://www.elexon.co.uk/bsc-and-codes/> (their postal address is 4th Floor, 350 Euston Road London NW1 3AW; their email address is bscservicedesk@cgi.com).

Changes to legislation:

There are currently no known outstanding effects for the The Energy Bill Relief Scheme (Non-Standard Cases) Regulations 2023, Section 2.