

Direction made by the Secretary of State for Business, Energy and Industrial Strategy under sections 7(3)(a) and 107 of the Electricity Act 1989 and pursuant to condition 59 of the standard conditions of electricity supply licence

This direction is made by the Secretary of State under sections 7(3)(a) and 107 of the Electricity Act 1989 and pursuant to condition 59 of the standard conditions of electricity supply licence.

1. Title, commencement and cessation

- (a) This direction may be referred to as "the Alternative Fuel Payment (Great Britain) Direction".
- (b) This direction has effect from 00:01 on 25th January 2023 to 23:59 on 24th January 2024.

2. Interpretation

- (a) Except where otherwise provided by paragraph 2(c), expressions in this direction which appear in the standard licence conditions have the same meaning as in those conditions.
- (b) In this direction the singular includes the plural and the plural includes the conditions.
- (c) In this direction:

"the Act" means the Electricity Act 1989;

"AFP" means a £200 payment that a domestic electricity supplier is required by this direction to provide to an eligible customer;

"assurance declaration" means the declaration referred to in paragraph 11(a)(i)(2);

"the Authority" means the Gas and Electricity Markets Authority established by section 1 of the Utilities Act 2000;

"bundled customer" means an eligible customer whose domestic electricity supplier also provides other services to the customer as a bundled product together with the supplier's supply of electricity under a domestic supply contract or a deemed contract;

"credit customer" means a domestic customer supplied pursuant to a domestic supply contract or a deemed contract who is neither a prepayment customer nor a direct debit customer;

"customer's bundled account" means the account maintained by the domestic electricity supplier recording usage and charges for relevant bundled services provided by the supplier to a bundled customer and which includes the customer's energy account;

"customer's energy account" means the account maintained by a domestic electricity supplier recording energy usage and charges held by an eligible customer with the supplier pursuant to a domestic supply contract or a deemed contract;

"cut-off date" means 23:59 on 28th February 2023;

"direct debit customer" means a fixed direct debit customer or a variable direct debit customer;

"domestic electricity supplier" means a person who holds a licence granted under section 6(1)(d) of the Act and who supplies or intends to supply electricity to domestic customers;

"the AFP guidance" means the guidance relating to this direction issued by the Secretary of State and/or the Authority and available from the Department of Business, Energy and Industrial Strategy, 1 Victoria Street, London SW1H 0ET and online at www.gov.uk, as amended from time to time;

"eligible customer" has the meaning given by paragraph 6;

"exception case" means a case where the domestic electricity supplier, having taken all reasonable steps to do so, cannot provide the AFP to an eligible customer and has notified the Secretary of State of this in accordance with paragraph 9(a)(ii), and any of the following circumstances apply:

- (i) the customer is deceased;
- (ii) the supplier has no forwarding address for the customer and the customer no longer has a domestic supply contract or deemed contract with the supplier;
- (iii) the supplier does not know the name of the customer;
- (iv) on the qualifying date, the domestic premises to which the AFP relates were vacant and the supplier is unable to establish who the resident account holder is in respect of the premises;
- (v) there are no domestic premises to which the AFP relates on the qualifying date;
- (vi) a person other than the person reasonably believed by the supplier to be the eligible customer was the eligible customer on the qualifying date;
- (vii) there was an erroneous switching of the customer to the supplier and the supplier cannot subsequently contact the customer; or

- (viii) the customer has not redeemed their secure voucher during the voucher validity period;

"external audit" means the auditing process in respect of the AFP scheme undertaken by or on behalf of the Secretary of State;

"final date" means 23:59 on 30th June 2023;

"fixed direct debit customer" means a domestic customer who pays the charges which are payable under their domestic supply contract or deemed contract by way of regular direct debit payments of a fixed amount (which amount may be varied from time to time in accordance with the relevant domestic supply contract or deemed contract);

"insolvency event" means in relation to a domestic electricity supplier that:

- (i) the domestic electricity supplier is:
 - (1) unable or admits inability to pay its debts as they fall due;
 - (2) suspends making payments on any of its debts; or
 - (3) by reason of actual or anticipated financial difficulties, commences negotiations with one or more of its creditors with a view to rescheduling any of its indebtedness;
- (ii) the value of the assets of the domestic electricity supplier is less than its liabilities (taking into account contingent and prospective liabilities);
- (iii) a moratorium has been declared in respect of any indebtedness of the supplier; or
- (iv) any action, legal proceedings or other procedure or step has been taken in relation to the domestic electricity supplier with respect to:
 - (1) the suspension of payment of debts, a moratorium of any indebtedness, winding-up (whether voluntary or compulsory), dissolution, receivership, an energy supply company administration, an administration, reorganisation (by way of voluntary arrangement, scheme of arrangement or otherwise) of, or a restructuring plan relating to, the domestic electricity supplier;
 - (2) a composition, compromise, assignment or arrangement with any creditor of the domestic electricity supplier;
 - (3) the appointment of a supplier of last resort in relation to the domestic electricity supplier;

- (4) the appointment of a liquidator, receiver, administrative receiver, administrator, energy supply company special administrator, compulsory manager or other similar officer in respect of the domestic electricity supplier or any of its assets; or
- (5) enforcement of any security over any assets of the domestic electricity supplier,

or any analogous procedure or step is taken in any jurisdiction;

“MPAN” means meter point administration number;

"outstanding customer" is to be construed in accordance with paragraph 9(a);

"prepayment customer" means a domestic customer to whom electricity is supplied under a domestic supply contract or a deemed contract through a prepayment meter;

“qualifying bank account” means a bank account in the name of the domestic electricity supplier with a bank in Great Britain;

“the qualifying date” is 00:00 on 1st February 2023;

"scheme period" means the period from 00:01 on 25th January 2023 to 23:59 on 28th February 2023;

"the Secretary of State" means the Secretary of State for Business, Energy and Industrial Strategy;

"secure voucher" means a voucher for the purchase of energy addressed to a prepayment customer for use by that customer, or a voucher redeemable for cash addressed to an eligible customer by a domestic electricity supplier;

"smart prepayment customer" means a prepayment customer supplied pursuant to a Smart Metering System operating in prepayment mode;

"special action message" means a message addressed to a prepayment customer's meter and transmitted from a domestic electricity supplier to that meter through the electricity credit purchasing network;

"the standard licence conditions" means the standard conditions of electricity supply licence incorporated by virtue of section 8A(1) of the Act in electricity supply licences granted or treated as granted under section 6(1)(d) of the Act;

"traditional prepayment customer" means a prepayment customer supplied through a prepayment meter which is not part of a smart metering system;

"variable direct debit customer" means a domestic customer who pays the charges which are payable under their domestic supply contract or deemed contract by

way of regular direct debit payments of a variable amount, paying outstanding charges to the customer's energy account in full;

"working day" means any day other than a Saturday or Sunday, Christmas Day, Good Friday or a day which is a bank holiday within the meaning of the Banking and Financial Dealings Act 1971; and

"writing" has the meaning given in condition 1 of the standard licence conditions.

3. **Notifications and submissions**

A notification or submission under this direction:

- (a) must be in writing; and
- (b) may be transmitted by electronic means.

4. **Scope and Purpose of this Direction**

- (a) This direction applies to any domestic electricity supplier.
- (b) The purpose of this direction is to:
 - (i) require that a domestic electricity supplier:
 - (1) provides and delivers an AFP to each of its eligible customers by the cut-off date in accordance with this direction;
 - (2) submits to reporting and auditing requirements enabling suppliers to demonstrate compliance with this direction; and
 - (3) refunds any overpayments to the Secretary of State in accordance with paragraph 14; and
 - (ii) establish the terms on which the Secretary of State will pay to domestic electricity suppliers the funds that the suppliers must provide and deliver to their eligible customers.

5. **Obligations of domestic electricity suppliers**

- (a) The Secretary of State directs that a domestic electricity supplier must comply with the obligations placed on suppliers by this direction.
- (b) For the purpose of this direction a domestic electricity supplier:
 - (i) provides an AFP to an eligible customer (including an outstanding customer) on the date on which the supplier complies with paragraph 8(c) in relation to that customer; and
 - (ii) delivers an AFP to each category of eligible customer specified in the first column of the table below (including an outstanding customer) on the date specified in the corresponding row of the second column of the table below:

Category of eligible customer	Date of delivery of AFP
direct debit customer	the date confirmed by the external audit as the date on which the domestic electricity supplier has complied with paragraph 8(c)(i) or 8(c)(ii) in relation to the customer;
credit customer	the date confirmed by the external audit as the date on which the domestic electricity supplier has complied with paragraph 8(c)(ii) in relation to the customer;
prepayment customer	the date confirmed by the external audit as the date on which the customer has used a credit provided under paragraph 8(c)(iii) for the purchase of electricity;
customer to whom a domestic electricity supplier has tendered payment under paragraph 8(c)(iv)	the date confirmed by the external audit as the date on which the customer has received a payment under paragraph 8(c)(iv).

- (c) For the purposes of the fourth row of the table in paragraph 5(b)(ii) (customer to whom a domestic electricity supplier has tendered payment under paragraph 8(c)(iv)) and of paragraph 11(b)(vii) a customer receives a payment under paragraph 8(c)(iv) as soon as the record of the transaction in the supplier's bank account indicates that the payment is available in the customer's bank account or the customer has cashed a secure voucher tendered in payment.
- (d) A domestic electricity supplier must maintain a qualifying bank account separate from the supplier's other bank accounts and into which must be paid only the payments from the Secretary of State referred to in paragraph 13(b).

6. **Eligible customers**

- (a) For the purposes of this direction, a person is an eligible customer where on the qualifying date they are:
- (i) the account holder associated with an MPAN which has been notified by the Secretary of State to the supplier for the purposes of providing an AFP; and
 - (ii) a domestic customer who is party to a domestic supply contract or a deemed contract for electricity supply which relates to the domestic premises associated with that MPAN.

- (b) A supplier must not provide an AFP to more than one domestic customer for each domestic supply contract or deemed contract for electricity supply.

7. Pre-disbursement and other notifications to the Secretary of State

- (a) A domestic electricity supplier must notify the Secretary of State of the following information by the end of 25th January 2023:
 - (i) that it has opened a qualifying bank account which remains open and active;
 - (ii) the details of the qualifying bank account;
 - (iii) the name, position and contact details of a person at a senior level who has significant responsibility for ensuring that the supplier complies with its obligations under this direction (the “responsible person”).
- (b) A domestic electricity supplier must notify the Secretary of State of the following information by or on 28th February 2023:
 - (i) a description of how the supplier intends to provide and deliver (or has provided and delivered) an AFP to its eligible customers who are traditional prepayment customers, smart prepayment customers, direct debit customers and credit customers;
 - (ii) a description of how the supplier intends to identify and record (or has identified and recorded) the number of its eligible customers to whom it has not provided an AFP by the cut-off date;
 - (iii) a description of how the supplier intends to comply (or has complied) with its obligation to notify its eligible customers who are traditional prepayment customers, smart prepayment customers, direct debit customers and credit customers in relation to the provision of AFP as required by paragraph 10 of this direction;
 - (iv) a description of any systems or other testing the supplier intends to use or carry out (or has used or carried out) before the qualifying date in relation to its performance of its obligations under this direction;
 - (v) a description of any management processes put in place by the supplier to oversee compliance by the supplier with its obligations under this direction;
 - (vi) a description of the measures taken or to be taken by the supplier to prevent fraud, misuse or abuse in relation to its provision of an AFP to its eligible customers; and
 - (vii) a description of how the supplier intends to carry out (or has carried out) any internal audit required for the purpose of providing the assurance declaration.

- (c) Where any information required by paragraph 7(b) is the same as information previously provided by the supplier under paragraph 7(a) of the EBSS Direction¹ (save that the information applies in relation to AFP rather than EBSS) then the supplier may satisfy that element of paragraph 7(b) by informing the Secretary of State of this without resupplying the information.
- (d) The notifications required by paragraph 7(a) and (b) must be signed by the responsible person.
- (e) Where any information required by paragraph 7(a)(i) and (ii) has been provided prior to the date on which this direction came into effect, the information must be confirmed by the domestic electricity supplier on 25th January 2023.
- (f) The domestic electricity supplier must notify the Secretary of State of any changes to the information notified under paragraph 7(a) and (b) as soon as is reasonably practicable.

8. **Providing the AFP**

- (a) By the cut-off date, a domestic electricity supplier must provide an AFP to each of its eligible customers in accordance with this paragraph.
- (b) The supplier must provide the relevant AFP by:
 - (i) applying a credit to the customer's energy account of an amount equal to the amount of the AFP in accordance with paragraph 8(c)(i), (ii) or (iii); or
 - (ii) refunding the customer the amount charged to the customer's energy account by an amount equal to the AFP or paying to the customer an amount equal to the AFP, in accordance with paragraph 8(c)(i)(3) or (iv).
- (c) By the cut-off date, a domestic electricity supplier must, in respect of the AFP:
 - (i) in relation to a fixed direct debit customer:
 - (1) credit the customer's energy account by an amount equal to the AFP;
 - (2) reduce (to not less than zero) the amount (including Value Added Tax) charged to the customer's energy account for the month in which the AFP is made by an amount equal to the AFP, and where the AFP is greater than the amount (including Value Added Tax) charged to the customer's energy account for that month, credit to the customer's energy account an amount equal to the balance between the AFP and the amount charged to the

¹ Signed by the Secretary of State on 22nd September 2022, and available at <https://www.gov.uk/government/publications/energy-bills-support-scheme-ministerial-direction>.

customer's energy account for that month (including Value Added Tax);

- (3) after taking payment from the customer immediately refund to the customer an amount equal to the AFP, or, where the AFP is greater than the amount (including Value Added Tax) charged to the customer's energy account during the scheme period and a refund of an amount equal to the AFP is not possible, refund to the customer the amount (including Value Added Tax) charged to the customer's energy account and credit to the customer's energy account an amount equal to the balance between the AFP and the amount charged to the customer's energy account for that month (including Value Added Tax); or
 - (4) make a payment to the customer's bank account which they use to make the direct debit payments of an amount equal to the AFP; or
- (ii) in relation to a variable direct debit customer, credit customer or a payment card customer:
- (1) credit the customer's energy account by an amount equal to the AFP;
 - (2) reduce the amount (including Value Added Tax) charged to the customer's energy account during the scheme period by an amount equal to the AFP and where the AFP is greater than the amount (including Value Added Tax) charged, credit to the customer's energy account an amount equal to the balance between the AFP and the amount charged to the customer's energy account during the scheme period (including Value Added Tax);
 - (3) reduce (to not less than zero) the amount (including Value Added Tax) charged to the customer's energy account for the month in which the AFP is made by an amount equal to the AFP; or
 - (4) make a payment to the customer's bank account which they use to make the direct debit payments of an amount equal to the AFP; or
- (iii) in relation to a prepayment customer, provide the customer with credit in the amount equal to the AFP against the cost (including Value Added Tax) of electricity use as a result of which the customer's energy account is credited by an amount equal to the AFP; or
- (iv) in relation to any eligible customer, tender payment to the customer of an amount equal to the AFP.

- (d) A domestic electricity supplier may provide an AFP to an eligible customer under paragraph 8(c)(iv) only if the supplier has reasonably determined that it would not be practical to provide an AFP to the customer under paragraph 8(c)(i), (ii) or (iii).
- (e) For the purposes of paragraph 8(c)(iii) in relation to traditional prepayment customers, credit against the cost of electricity use includes credit in the form of a secure voucher or a special action message.
- (f) For the purposes of paragraph 8(c)(iv), “tender payment” means making payment by means of non-transferable cheque, bank transfer or secure voucher that may be exchanged for cash.
- (g) Where the customer is a bundled customer the domestic electricity supplier may instead of applying a credit to the customer's energy account under paragraph 8(c)(i) or (ii) apply a credit equal to the relevant amount to the customer's bundled account (unless the customer has informed its supplier otherwise).
- (h) A domestic electricity supplier must take all reasonable steps to comply with the obligations under this paragraph 8 by the cut-off date.

9. **Outstanding customers**

- (a) If a domestic electricity supplier does not provide an AFP by the cut-off date to one or more eligible customers (the “outstanding customers”), the supplier must by or on 14th March 2023 notify the Secretary of State of:
 - (i) the number of outstanding customers;
 - (ii) the reason why the supplier has not provided an AFP to the outstanding customers, including the number of exception cases of each category; and
 - (iii) steps for providing an AFP to the outstanding customers by the final date.
- (b) Where a domestic electricity supplier has not provided an AFP to a direct debit customer by the cut-off date because doing so would have required deviating from the customer’s established direct debit collection schedule, then the customer is not an outstanding customer provided that the supplier provides the customer with an AFP by the earlier of:
 - (i) the first opportunity to do so within the established collection schedule; or
 - (ii) the final date.
- (c) In relation to any outstanding customer notified under paragraph 9(a) the supplier must comply with the obligations in paragraph 8 as soon as is

reasonably practicable and at the latest by the final date, and no AFP shall be provided by a supplier after this time.

- (d) A domestic electricity supplier shall not be required to provide an AFP in respect of an eligible customer who is an exception case.

10. Information on bills etc.

A domestic electricity supplier which provides an AFP to an eligible customer must convey in the customer's next bill or statement of account (or otherwise notify the customer in writing by the time of the next bill or statement issued after the AFP is provided) that:

- (a) the customer has been provided with the Alternative Fuel Payment; and
- (b) the Alternative Fuel Payment is a payment by His Majesty's Government that has been applied to provide support for users of alternative fuel in recognition of the pressures caused by the rising costs of those fuels.

11. Reporting on compliance, external audit and requests for information

- (a) A domestic electricity supplier must provide reports to the Secretary of State as follows:
 - (i) initial versions by or on 14th March 2023 and final versions after the final date and by or on 31st July 2023 of:
 - (1) a scheme report containing the information specified in paragraph 11(b) and signed by the responsible person;
 - (2) an assurance declaration signed for or on behalf of the domestic electricity supplier by a senior compliance officer not under the direction of the responsible person certifying the accuracy of any information notified under this direction; and
 - (ii) an initial version by or on 21st March 2023 and a final version after the final date and by or on 31st July 2023 of an MPAN-level report containing the information specified in paragraph 11(c) and signed by the responsible person.
- (b) The scheme report required by paragraph 11(a)(i)(1) must include the following information:
 - (i) the number of direct debit customers to whom the supplier has provided an AFP;
 - (ii) the number of credit customers to whom the supplier has provided an AFP;

- (iii) the number of traditional prepayment customers to whom the supplier has provided an AFP;
 - (iv) the number of smart prepayment customers to whom the supplier has provided an AFP;
 - (v) the number of traditional prepayment customers who have been provided with an AFP by:
 - (1) receiving credit either by redeeming a secure voucher or receiving a special action message; or
 - (2) redeeming a secure voucher by exchanging it for cash;
 - (vi) the number of smart prepayment customers who have received a credit delivered to those customers' smart prepayment meters;
 - (vii) the number of eligible customers who have received a payment under paragraph 8(c)(iv);
 - (viii) the number of outstanding customers notified under paragraph 9(a);
 - (ix) the number and category of exception cases arising;
 - (x) the number of eligible customers to whom the supplier has not provided the AFP by:
 - (1) in relation to the initial report, the cut-off date; and
 - (2) in relation to the final report, the final date.
- (c) The MPAN-level report required by paragraph 11(a)(ii) must include the following information for each of the supplier's eligible customers:
- (i) the MPAN associated with the customer's account;
 - (ii) whether the customer type is traditional prepayment, smart prepayment, direct debit or credit;
 - (iii) whether an AFP has been provided;
 - (iv) for traditional prepayment customers only, the number of AFP special action messages, vouchers or cheques delivered;
 - (v) whether the customer's account is in arrears on the date that the supplier interrogated its records for the customer for the purpose of compiling the report; and

- (vi) whether the customer's billing cycle is monthly, quarterly, biannually, annually, irregular or other.
- (d) A domestic electricity supplier must provide the entity conducting the external audit with access to the supplier's payment records, information and documents required for the purposes of the external audit conducted following the final date.
- (e) A domestic electricity supplier must within a reasonable period comply with a request from the Secretary of State for payment records, information and documents in relation to:
 - (i) relevant eligible customers for the purposes of conducting sample-based assurance; or
 - (ii) any matter relating to the supplier's performance of its obligations under this direction.
- (f) For the purposes of paragraph 11(e), a supplier must be able to provide adequate evidence of the following in relation to each relevant eligible customer:
 - (i) where an AFP has been provided to the customer:
 - (1) that the customer was eligible on the qualifying date;
 - (2) the value of the AFP provided;
 - (3) the date the AFP was provided;
 - (4) that the AFP was clearly communicated to the customer as a payment funded by His Majesty's Government; and
 - (5) where a cheque or voucher was issued, the date this was redeemed; or
 - (ii) where an AFP has not been provided to the customer:
 - (1) that the case falls within one of the categories of exception case set out in the definition of exception case in paragraph 2(c); and
 - (2) that the supplier took all reasonable steps to provide the AFP before categorising the customer as an exception case.

12. **Conditions of payment**

- (a) By or on 25th January 2023 a domestic electricity supplier must comply with the conditions in this paragraph 12 to the Secretary of State's satisfaction to be eligible for payment.

- (b) The supplier must have satisfied the notification requirements under paragraph 7(a)(i) and (ii).
- (c) The supplier must have submitted to the Secretary of State a declaration signed by the finance director of the supplier, on behalf of the supplier, confirming that:
 - (i) an insolvency event has not occurred in respect of the supplier; and
 - (ii) that, having made reasonable enquiries, the finance director is not aware of any present circumstances that could reasonably be expected to give rise to such an insolvency event during the calendar month in which the declaration is given or the following month.
- (d) A supplier is not required to comply with paragraph 12(c) where an energy supply company administration order pursuant to section 94(1) of the Energy Act 2011 is in force in respect of the supplier.
- (e) The supplier must have executed a deed entered into with the Secretary of State which contains the following terms of payment:
 - (i) that the supplier is responsible for ensuring that all payments provided to it by the Secretary of State in connection with this direction are used for the sole purpose of providing AFP to eligible customers;
 - (ii) that prior to a supplier having provided an AFP to an eligible customer, the supplier:
 - (1) must not use any monies relating to the AFP which it has received from the Secretary of State under paragraph 13 for any purpose, or release or transfer such monies out of the designated account; and
 - (2) in any case must not use such monies to fund dividends or salary payments, for illegal purposes or fraudulently, or to fund any administration costs of providing the AFP to eligible customers and complying with this direction;
 - (iii) that the supplier will refund to the Secretary of State any overpayments in accordance with paragraph 14;
 - (iv) that, in accordance with this direction:
 - (1) the Authority is entitled to audit compliance by the supplier; and
 - (2) the Secretary of State may provide information received from the supplier under this Direction to the Authority for this purpose;

- (v) that any use of subcontractors by the supplier for the purpose of providing and delivering AFP does not relieve the supplier of any of its obligations under this direction, including its obligation to refund overpayments; and
- (vi) the further terms for receiving a payment which are listed in paragraph 13.

13. **Payment**

- (a) Where a domestic electricity supplier has provided the information and declaration and executed the deed referred to in paragraph 12(b), (c) and (e) respectively, the Secretary of State will, within 5 working days of the later of 25th January 2023 or receipt of the information, declaration and deed, determine whether the supplier has satisfied the conditions for receiving payment set out in paragraph 12.
- (b) If the Secretary of State determines that the supplier has met the conditions, the Secretary of State will within 3 working days of making the determination pay to the supplier an amount calculated on the basis of the expected number of eligible customers for the supplier.
- (c) If the Secretary of State determines that the supplier has not met the conditions then:
 - (i) the Secretary of State will notify the supplier of this and explain which aspects of the conditions the supplier has not met; and
 - (ii) the supplier must remedy those aspects as soon as is reasonably practicable.
- (d) The Secretary of State may also make a payment under paragraph 13(b) where the Secretary of State determines that the supplier has met the conditions but did not do so until after 25th January 2023.

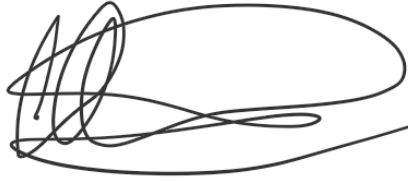
14. **Overpayments**

- (a) A domestic electricity supplier which has received a payment from the Secretary of State under paragraph 13(b) must comply with this paragraph.
- (b) If the supplier becomes aware that it has received a payment from the Secretary of State that is significantly larger than is required for the supplier to provide an AFP to all of its eligible customers, then the supplier must notify the Secretary of State of this as soon as is reasonably practicable.
- (c) If in July 2023 the supplier becomes aware of an overpayment as defined in paragraph 14(d) then the supplier must notify the Secretary of State of the overpayment by or on 31st July 2023.

- (d) For the purposes of paragraph 14(c) an overpayment exists in the following circumstances:
 - (i) where any monies paid to a domestic electricity supplier exceed the total sum of all the AFP that the supplier has provided or delivered to its eligible customers;
 - (ii) where any monies paid to a domestic electricity supplier in relation to prepayment eligible customers exceed the total sum paid by the supplier to the issuer(s) of secure vouchers;
 - (iii) where any monies paid to a domestic electricity supplier in relation to prepayment eligible customers exceed the total sum of all the credits applied by those customers;
 - (iv) where any monies paid to a domestic electricity supplier are in respect of an exception case; or
 - (v) where any monies paid to a domestic electricity supplier in relation to eligible customers to whom the supplier has tendered payment under paragraph 8(c)(iv) exceed the total sum of all the payments received by eligible customers under that paragraph.
- (e) The supplier must check the balance in the qualifying bank account as soon as is reasonably practicable after any date on which it expected to receive a payment.
- (f) Where a supplier is required to notify the Secretary of State under paragraph 14(b) or (c) then the supplier must:
 - (i) refund to the Secretary of State within 5 working days of receipt of a written request from the Secretary of State to do so:
 - (1) in a case under paragraph 14(b), the amount specified in the request by the Secretary of State; and
 - (2) in a case under paragraph 14(c), the amount of the overpayment; and
 - (ii) account to the Secretary of State for any monies received within 5 working days of a written request from the Secretary of State to do so.

15. **Data Protection**

A domestic electricity supplier must comply with the data protection requirements set out in the Schedule to this direction.

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Minister of State for Energy and Climate

23rd January 2023

Schedule: data protection requirements

1. Interpretation

(a) In this schedule:

“AFP personal data” means personal data which is provided by the Secretary of State to a domestic electricity supplier for the purposes of this direction;

“personal data” has the meaning given in article 4 of the UK GDPR;

"personal data breach" has the meaning given in article 4 of the UK GDPR;

“personal data obligations” means a supplier’s obligations under this schedule and paragraph 15 of this direction;

“processing” has the meaning given in section 3(4) of the Data Protection Act 2018, and “process” shall be construed accordingly;

“UK GDPR” means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation) (United Kingdom General Data Protection Regulation), as it forms part of the law of England and Wales, Scotland and Northern Ireland by virtue of section 3 of the European Union (Withdrawal) Act 2018 (and see section 205(4) of the Data Protection Act 2018).

(b) In this schedule references to paragraphs are to paragraphs in the schedule, unless stated otherwise.

2. Permitted processing in connection with the supplier’s licence

This schedule does not prevent a supplier from processing any personal data that it otherwise holds or receives in connection with the performance of its obligations under its electricity supply licence.

3. Processing and notification of inaccurate or irrelevant data

(a) A domestic electricity supplier must only process AFP personal data for the purposes of this direction.

(b) A domestic electricity supplier must reasonably promptly notify the Secretary of State if it becomes aware that any AFP personal data is inaccurate or irrelevant to the supplier’s obligations under this direction.

4. Disclosure to other persons

(a) A domestic electricity supplier must not disclose AFP personal data to any other person except in so far as is necessary for the supplier to comply with its obligations under this direction.

(b) A domestic electricity supplier only may make a disclosure in accordance with paragraph 4(a) if the recipient is under—

(i) an obligation not to disclose the data to any other person; and

- (ii) obligations equivalent to those placed upon a supplier by paragraphs 3(a), 5(a) and 6(a).
- (c) Paragraph 4(a) and (b) do not prevent a disclosure which the supplier or any other person is required to make:
 - (i) by applicable law;
 - (ii) by order of a court;
 - (iii) by the rules and regulations of a regulatory body; or
 - (iv) by an enquiry or investigation by a governmental, parliamentary or official body which has the power to compel disclosure.

5. Appropriate technical and organisational measures and notification of a personal data breach

- (a) In relation to AFP personal data, a domestic electricity supplier must maintain appropriate technical and organisational measures sufficient to comply with the security, integrity and confidentiality obligations imposed on a controller by the UK GDPR and the Data Protection Act 2018.
- (b) A domestic electricity supplier must promptly inform the Secretary of State upon becoming aware of any personal data breach involving AFP personal data and must promptly respond to any requests for further information by the Secretary of State relating to the breach.

6. Deletion of data when obligations under this direction are complete

- (a) Once a domestic electricity supplier has completed all of its obligations under this direction apart from its personal data obligations, and by 30th November 2023 in any event, the supplier must cease processing AFP personal data and securely and permanently delete it from its systems.
- (b) Paragraph 6(a) does not require a supplier to delete personal data that it otherwise holds or receives in connection with the performance of its obligations under its electricity supply licence.