

# ENERGY BILLS DISCOUNT SCHEME RULES 2023

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# **Energy Bills Discount Scheme for Non-Domestic Customers in Great Britain**

## **Energy Bills Discount Scheme Rules**

The Secretary of State makes these rules under regulations 5(2), 10(5), 11(6), 23(6)-(8), 27, 43, 50, 55, 59 and 71 of the Energy Bills Discount Scheme Regulations 2023 (S.I. 2023 / 453).

### **Part 1 – Introductory**

#### **1 Citation, commencement and interpretation**

1.1 These rules may be cited as the Energy Bills Discount Scheme Rules 2023 and come into force on 26 April 2023.

1.2 In these Rules:

- (a) "the Regulations" means the Energy Bills Discount Scheme Regulations 2023;
- (b) references to a regulation by number alone are to the regulation so numbered in the Regulations.

## **Part 2 – Rules concerning the calculation of the discounted supply price**

### **2 Division of certain supply contracts into more than one contract**

#### **2.1 Customer as intermediary**

2.1.1 This rule applies, at the election (in accordance with rule 2.1.3) of the customer, if and to the extent that:

- (a) a customer has a flexible price contract with a supplier,
- (b) the customer and one or more third parties are in the positions of "intermediary" and "end user" respectively (within the meaning of s.19(3) to (5) of the Energy Prices Act 2022) in relation to each other, and
- (c) under arrangements between the customer as intermediary and its end users, the customer makes certain elections under the supply contract to fix the contracted wholesale price or cancel such elections based on the instructions of those end users or based on the pricing adopted by those end users.

2.1.2 Where this rule applies:

- (a) there are as many flexible price contracts between the supplier and the customer as there are:
  - (i) groups of end users, where each end user is in the same position as regards elections made or cancelled under the supply contract, and
  - (ii) end users who do not fall within a group as described in paragraph (i),  
  
(with a separate contract in respect of each group within paragraph (i) or end user within paragraph (ii)) plus a further contract for any energy supplied to the customer in respect of which it has no arrangement as intermediary with an end user;
- (b) each such separate contract is defined so that a weighted volume average contracted wholesale price can be determined for it;
- (c) the reference wholesale price for each such contract is to be determined separately as a volume weighted average under regulation 10.

2.1.3 The customer may elect that this rule is to apply by giving to the supplier a declaration:

- (a) confirming that the conditions in rule 2.1.1 are met, and
- (b) specifying how each separate flexible price contract is to be defined.

2.1.4 Where this rule applies:

- (a) the supplier must give notice to the customer specifying the periods in respect of which and the dates by which the customer's declarations under paragraph (b) are to be sent;
- (b) the customer must, in respect of each specified period, by the specified date, send to the supplier a declaration:

- (i) setting out the data required to determine the reference wholesale price for each separate contract in accordance with rule 2.1.2(c);
- (ii) confirming that such data truly and fairly reflect the instructions of end-users referred to in rule 2.1.1(c) and the elections (as referred to in that rule) made or cancelled by the customer pursuant to those instructions.

## **2.2 Customer with several sites**

2.2.1 This rule applies if:

- (a) a customer has a flexible price contract with a supplier,
- (b) the customer occupies:
  - (i) more than one premises, and has arranged to make or cancel elections under that contract (including as to quantities and prices) in respect of the energy demand at each of those premises together, or
  - (ii) more than one group of premises, and has arranged to make or cancel elections under that contract (including as to quantities and prices) in respect of the energy demand at each of those groups of premises together, and
  - (iii) at each premises or group of premises the customer takes a supply of energy from the supplier through a separate meter, and
- (c) the arrangements within sub-paragraph (b) existed before 21 September 2022.

2.2.2 Where this rule applies, for the purposes of the Regulations, the customer is a party to a separate flexible price contract in respect of each site, and each such separate contract is defined so that a volume weighted average contracted wholesale price can be determined for it.

## **2.3 Customer providing balancing services**

2.3.1 This rule applies where a customer has a flexible price contract and provides balancing services.

2.3.2 Where this rule applies, the flexible price contract should be treated as comprising:

- (a) a flexible price contract between the supplier and the customer in respect of energy supplied that is used to provide balancing services (in relation to which Chapter 1 of Part 4 of the Regulations may apply), and
- (b) a flexible price contract between the supplier and the customer in respect of the other energy supplied to the customer.

## **2.4 Customer which is an excepted ETII body**

2.4.1 This rule applies where:

- (a) the conditions in regulation 16(5)(a), (b) and (c) are met in relation to the customer under a supply contract;

- (b) the energy supplied to the premises referred to in regulation 16(5)(c) is supplied through a meter through which no other premises are supplied with energy.

2.4.2 Where this rule applies the supply contract is treated as comprising:

- (a) a supply contract in respect of energy supplied to those premises;
- (b) a supply contract in respect of energy supplied to the customer's other premises.

## **2.5 Application of more than one rule**

In a case where more than one of rules 2.1 to 2.4 may apply in relation to a supply contract, any question as to which rule should apply or the order in which the rules should apply must be referred by the supplier to the Secretary of State whose decision is binding.

## **3 Determination of reference wholesale price for flexible supply contracts**

In relation to a flexible supply contract, the period for which the reference wholesale price is to be determined is:

- (a) the billing period for which the supplier's charges are to be reduced by the discount calculated by reference to that reference wholesale price, or
- (b) such other period, not being less than 28 days, as the supplier may decide.

## **4 Disapplication of Chapter 2 of Part 4 for certain Combined Heat and Power**

4.1 This rule applies where the facility referred to in regulation 52(2)(a) is a CHP-scheme.

4.2 Where this rule applies, if the CHP-scheme has an installed electricity generation capacity of 5 megawatts or less, Chapter 2 of Part 4 of the Regulations does not apply to the gas supplied to it or electricity generated by it and subsequently stored and grid-delivered.

4.3 In this rule:

- (a) "CHP" means a system which involves the simultaneous generation of heat and power in a single process;
- (b) "CHP-scheme" means all the equipment, operating systems and monitoring systems for the total system of a CHP.

### **Part 3 – Discount recovery rules**

#### **5 Designation of bank accounts and points of contact**

- 5.1 A supplier must notify to the Secretary of State details of:
- (a) the bank account:
    - (i) into which it wishes to receive amounts payable to it under the scheme;
    - (ii) from which it intends to pay any amounts payable by it under the scheme,which may, but need not, be the same account;
  - (b) a point of contact (including more than one mode of communication, and at least one phone number) for all communications from the Secretary of State to the supplier relating to payments under the scheme.
- 5.2 The Chief Financial Officer, or a director, of the supplier must confirm the details of a bank account notified under rule 5.1, in writing, to the Secretary of State.
- 5.3 The Secretary of State must notify to each supplier details of:
- (a) the bank account:
    - (i) into which the Secretary of State wishes to receive amounts payable to the Secretary of State under the scheme;
    - (ii) from which the Secretary of State intends to pay any amounts payable by the Secretary of State under the scheme,which may, but need not, be the same account;
  - (b) a point of contact (including more than one mode of communication, and at least one phone number) for all communications from the supplier to the Secretary of State relating to payments under the scheme.
- 5.4 In order to receive timely payment of its first recovery claim amount, a supplier must notify the Secretary of State under rule 5.1 by 30 April 2023.
- 5.5 A supplier or the Secretary of State may notify a replacement for the bank account or point of contact for the time being notified under rule 5.1 or 5.3, but if a supplier notifies a replacement bank account, it must give 10 business days' notice.
- 5.6 The Secretary of State may reject a bank account notified by a supplier within 10 business days of receiving the supplier's notification, if the Secretary of State considers that the bank account notified is unsuitable.
- 5.7 In these Rules, a person's "designated account" or "designated point of contact" is the bank account or point of contact that that person has most recently notified in accordance with this rule and that (in the case of a supplier's bank account) has not been rejected under rule 5.6.

## **6 Payments to suppliers and the Secretary of State**

6.1 If the Secretary of State determines that an amount in respect of a discount recovery claim is payable to a supplier under the Regulations, the Secretary of State must:

- (a) pay that amount into the supplier's designated account;
- (b) send to the supplier's designated point of contact a statement in respect of the payment, including brief details of what the payment is for.

6.2 If the Secretary of State exercises any of the Secretary of State's rights under the Regulations:

- (a) to elect to pay only part of a discount recovery claim;
- (b) to adjust the amount payable in respect of a discount recovery claim;
- (c) to withhold an amount payable in respect of a discount recovery claim;
- (d) to release an amount payable in respect of a discount recovery claim, having previously withheld it;
- (e) to set off an amount owing and unpaid against an amount payable in respect of a discount recovery claim,

the statement given under rule 6.1(b) must also indicate the basis on which, and the amounts in respect of which, that right is being exercised.

6.3 If the Secretary of State determines that a supplier is required to make a payment under the Regulations:

- (a) the Secretary of State must send to the supplier's designated point of contact an invoice or statement setting out:
  - (i) the amount to be paid;
  - (ii) when and why it is to be paid;
- (b) the supplier must pay that amount to the Secretary of State's designated account by the date specified in the invoice or statement under paragraph (a).

6.4 If, otherwise than as part of a discount recovery claim, a supplier considers that a payment is required to be made to it by the Secretary of State, or (otherwise than under rule 6.3) by it to the Secretary of State, the supplier must:

- (a) in the case of a payment to the supplier, send to the Secretary of State's designated point of contact a statement setting out:
  - (i) the amount that the supplier considers is to be paid;
  - (ii) when and why the supplier considers that it is to be paid;
- (b) in the case of a payment by the supplier:



- (i) before or when making such a payment send to the Secretary of State's designated point of contact a statement in respect of the payment, including brief details of what the payment is for;
- (ii) make the payment to the Secretary of State's designated account.

## **7 Scheme portal: establishment and use**

- 7.1 The Secretary of State must establish an online mechanism for the submission of discount recovery claims, information required to be submitted with those claims, and related communications (the "scheme portal").
- 7.2 The scheme portal may:
- (a) include prescribed formats in which information required to form part of a discount recovery claim, or another communication under the Regulations or Part 3 of these Rules, must be entered;
  - (b) include or issue instructions to suppliers in respect of their discount recovery claims.
- 7.3 The Secretary of State must:
- (a) send to suppliers' designated points of contact instructions for using the scheme portal (a "user guide");
  - (b) update the user guide as necessary to reflect changes to the scheme portal or suppliers' questions, and send the updates to suppliers' designated points of contact.
- 7.4 The Secretary of State may send any communication that the Secretary of State is required to send to a supplier or a supplier's designated point of contact under the Regulations or these Rules by way of the scheme portal.

## **8 Scheme portal: operational issues**

Where the scheme portal is unavailable or fails to operate as intended, and for as long as such unavailability or failure persists:

- (a) a supplier may communicate anything that it is required to communicate to the Secretary of State under the Regulations or Part 3 of these Rules by sending it to the Secretary of State's designated point of contact, or by such other means as the Secretary of State may instruct the supplier to use;
- (b) the Secretary of State may communicate anything that the Secretary of State is required to communicate to a supplier under the Regulations or Part 3 of these Rules by sending it to the supplier's designated point of contact, or by such other means as the Secretary of State considers is appropriate to use;
- (c) for the purposes of determining compliance with any deadline set under the Regulations or Part 3 of these Rules, any failure to meet such a deadline that results directly from the unavailability or failure of the scheme portal or the use of an alternative means of communication as provided for in paragraph (a) or (b) is to be disregarded.

## 9 Claim windows

- 9.1 During the scheme periods, and in the first month after the second scheme period, the claim windows are the periods which start and end with the dates in the table below:

Start	End
2 <sup>nd</sup> May 2023	16 <sup>th</sup> May 2023
1 <sup>st</sup> June 2023	14 <sup>th</sup> June 2023
3 <sup>rd</sup> July 2023	14 <sup>th</sup> July 2023
1 <sup>st</sup> August 2023	14 <sup>th</sup> August 2023
1 <sup>st</sup> September 2023	14 September 2023
2 <sup>nd</sup> October 2023	16 <sup>th</sup> October 2023
1 <sup>st</sup> November 2023	14 <sup>th</sup> November 2023
1 <sup>st</sup> December 2023	14 <sup>th</sup> December 2023
2 <sup>nd</sup> January 2024	15 <sup>th</sup> January 2024
1 <sup>st</sup> February 2024	14 <sup>th</sup> February 2024
1 <sup>st</sup> March 2024	14 <sup>th</sup> March 2024
1 <sup>st</sup> April 2024	15 <sup>th</sup> April 2024

- 9.2 The dates of subsequent claim windows are to be determined and published by the Secretary of State in accordance with regulations 43(4), 44(2) and 44(3).

## 10 Submission of discount recovery claims and information to be included

- 10.1 A supplier must submit separate discount recovery claims for:

- (a) discount recovery under the electricity scheme;
- (b) discount recovery under the gas scheme.

- 10.2 A supplier must, in addition to providing the information and documents required under regulations 40(1) and 42, include in a discount recovery claim:

- (a) the information about the supplier set out in Part 1 of Schedule 1;
- (b) in respect of each supply contract to which the claim relates, the information set out in Part 2 of Schedule 1, organised by reference to the meter or meters associated with that supply contract, identified:
  - (i) by the unique number given to each such meter and known respectively as the "meter point administration number" or "MPAN" in the case of electricity and the "meter point reference number" or "MPRN" in the case of gas; or
  - (ii) in the case of a meter registered in the Central Meter Registration Service (as defined in the BSC), by such other unique identifier as the Secretary of State may specify or accept;
- (c) the further information about the claim set out in Parts 3 and 4 of Schedule 1;

- (d) a concise explanation of:
  - (i) how the supplier has calculated the base recovery amount,
  - (ii) how the supplier has calculated the amount of any adjustments under regulation 33(1)(b) that form part of the calculation of the recovery claim amount;
- (e) in relation to the application of regulation 34(3)(b), how the discount recovery claim takes account of any amounts carried forward from a previous claim.

10.3 When submitting a discount recovery claim, a supplier must also submit a declaration:

- (a) made on behalf of the supplier by:
  - (i) a named director of the supplier, or
  - (ii) if the supplier is not a company, a named person approved by the Secretary of State for the purpose of making such a declaration,
- (b) signed by that director or other person, and
- (c) in the form set out in Schedule 2,

that, to the best of the signatory's knowledge, the claim meets the substantive requirements of validity (see rule 11.3).

10.4 The declaration submitted under rule 10.3 must state, to the best of the signatory's knowledge, whether an event of insolvency, not previously declared to the Secretary of State, has occurred in respect of the supplier.

## **11 Validity of supplier's discount recovery claims**

11.1 A discount recovery claim submitted by a supplier is valid if, or to the extent that, it meets:

- (a) the formal requirements of validity, and
- (b) the substantive requirements of validity,

for a discount recovery claim.

11.2 The formal requirements of validity for a discount recovery claim are that:

- (a) it is made:
  - (i) through the scheme portal, using such formats as the user guide prescribes and complying with any instructions that the portal includes or issues, or
  - (ii) otherwise, in accordance with rule 8(a),
- (b) it appears to comply with the requirements of rules 10.1 and 10.2, and
- (c) the supplier has complied with the requirements of rule 10.3 in respect of it.

11.3 The substantive requirements of validity for a discount recovery claim are that:

- (a) it reflects reductions that the supplier has made in the supply price under supply contracts between the supplier and its customers, in respect of energy supplied during a scheme period;
- (b) all those reductions have been calculated in accordance with the Regulations;
- (c) the supplier has, in particular, taken account of any:
  - (i) declarations made by a customer, or
  - (ii) notices given by a customer or the supplier,
 under Part 4 of the Regulations in calculating the reductions;
- (d) the supplier has, in particular, complied with Chapter 3 of Part 2 of the Regulations in determining the quantities of energy treated as supplied to a customer under each deemed supply contract, and where applicable in respect of supply redetermination events;
- (e) the claim does not include an amount in respect of:
  - (i) any reduction that the supplier was not required to make or any amount that the supplier is not entitled to claim under the Regulations, or
  - (ii) any reduction in respect of which the supplier has already submitted a claim;
- (f) the supplier has calculated the amount of the claim in accordance with the Regulations, and based on information that is:
  - (i) accurate and complete, or
  - (ii) to the extent that it includes estimates, fairly estimated in accordance with applicable industry rules or good industry practice.

## **12 Validation: Secretary of State's actions**

- 12.1 Before paying any amount in respect of a discount recovery claim, the Secretary of State must carry out such checks with respect to its validity as the Secretary of State considers it reasonably practicable to carry out in the time before the claim is due to be paid.
- 12.2 By making a payment in respect of a discount recovery claim in accordance with rule 6.1, the Secretary of State indicates that, to the extent that:
- (a) the amount claimed is paid, and
  - (b) the Secretary of State does not indicate otherwise in a statement under rule 6.2 or a provisional conclusions notice,

the Secretary of State has, at the time of making that payment (and without prejudice to the subsequent exercise of any power under the Regulations or these Rules), no grounds on which the Secretary of State considers it reasonable to conclude that the claim is not valid.

### **13 Provisional conclusions notices**

- 13.1 The Secretary of State must consider any information that comes to the Secretary of State's attention that may provide grounds on which it would be reasonable to conclude that a discount recovery claim is, wholly or in part, invalid.
- 13.2 If, having considered such information, the Secretary of State concludes that a claim may be or have been, wholly or in part, invalid, the Secretary of State may give the supplier a notice setting out that information and the Secretary of State's provisional conclusions in respect of it (a "provisional conclusions notice").
- 13.3 The Secretary of State may give a provisional conclusions notice either before or after making (or declining, or electing not, to make) a payment in respect of the discount recovery claim to which the provisional conclusions notice relates.
- 13.4 The Secretary of State may give more than one provisional conclusions notice in respect of the same discount recovery claim, or part of a discount recovery claim.
- 13.5 The processes of checking the validity of a discount recovery claim and verifying any information contained in it are iterative, and the Secretary of State may continue to carry them out in respect of any discount recovery claim for up to 3 years after a supplier submits it, regardless of whether any amount has been paid to the supplier in respect of the claim.
- 13.6 The Secretary of State may give a supplier a provisional conclusions notice in respect of a discount recovery claim up to 32 months after the supplier submits it.
- 13.7 A supplier must respond to a provisional conclusions notice and address each of the points raised by the Secretary of State in it as soon as practicable.
- 13.8 When a supplier responds to a provisional conclusions notice, it must give a declaration in the form set out in Schedule 3.
- 13.9 The Secretary of State is not obliged:
- (a) to give a provisional conclusions notice before exercising the Secretary of State's rights under the Regulations in respect of a particular payment;
  - (b) where a provisional conclusions notice has been given, to wait for a supplier's response to the notice before deciding to exercise such a right.
- 13.10 Such a decision by the Secretary of State does not prejudice:
- (a) the right of the supplier, where the Secretary of State has exercised a right under the Regulations to reduce a supplier's recovery claim amount by a particular amount, to receive that amount at a later date if the Secretary of State subsequently determines that the supplier is entitled under the Regulations to receive it;
  - (b) the right of the Secretary of State, where the Secretary of State has exercised a right under the Regulations to increase a supplier's recovery claim amount by a particular amount, to reduce a later recovery claim amount paid to the supplier by that amount if the Secretary of State subsequently determines that the supplier is not entitled under the Regulations to receive it.

## **14 Early payment of discount recovery claims**

14.1 In this section, "early payment" means payment of a discount recovery claim on a day which is earlier than the latest day by which payments in respect of claims in the claim window are to be made.

14.2 Where:

- (a) a supplier makes a valid discount recovery claim,
- (b) the total amount of the claim is less than £20 million, and
- (c) the supplier provides with the claim:
  - (i) a request for early payment, and
  - (ii) a statement that the conditions in rule 14.3(b) are met, setting out what would be the effect on the supplier and its customers of the supplier's inability to meet its obligations referred to in that rule,

the Secretary of State may, if satisfied that all the conditions in 14.3 are met, make early payment in respect of the claim.

14.3 The conditions are that:

- (a) the supplier has a share of GB non-domestic electricity supply or GB non-domestic gas supply that, when measured by number of customer accounts or by quantities of energy supplied, is smaller than 5 per cent;
- (b) the effect of applying the discount in the amounts charged to the supplier's customers (at the times at which it normally sends invoices or statements of account for those charges) is that the supplier would be unable to meet its obligations to pay for the wholesale energy it supplies, if it does not receive early payment;
- (c) it is appropriate to make early payment in respect of the claim having regard to the likely impact of not making the early payment on:
  - (i) customers of the supplier that has made the application for early payment;
  - (ii) other consumers of electricity or gas, other participants in GB electricity and gas markets, and taxpayers.

## **15 Index of defined terms used in Part 3 of these Rules and not defined in the Energy Prices Act 2022 or the Regulations**

In Part 3 of these Rules, the expressions listed below have the meanings given below, or in the provisions indicated below.

"BSC"	means the Balancing and Settlement Code for the governance of electricity balancing and settlement in Great Britain which is maintained in accordance with the conditions of transmission licences granted under section 6(1)(b) of the Electricity Act 1989, as it was in force on the date these Rules were made.
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"designated account"	rule 5.7
"designated point of contact"	rule 5.7
"early payment"	rule 14.1
"meter point administration number" or "MPAN"	rule 10.2(b)
"meter point reference number" or "MPRN"	rule 10.2(b)
"scheme portal"	rule 7.1
"UNC"	means the Uniform Network Code provided for in the conditions of transportation licences granted under section 7 of the Gas Act 1986, as it was in force on the date these Rules were made
"user guide"	rule 7.3

## Part 4 – Rules about decisions and determinations by the Secretary of State

### 16 General

#### 16.1 Interpretation

16.1.1 In Part 4 of these Rules:

- (a) "annual contract value" in relation to a supply contract, means the aggregate amount payable by way of supply price under the contract over the 12 month period ending on the scheme commencement date, or (if the contract was not in force for that period) that it is reasonable to expect would have been payable if it were;
- (b) "certification review request" means a review request in respect of a decision of the Secretary of State not to issue an ETII certificate or QHS certificate or to revoke an ETII certificate or QHS certificate;
- (c) "certification person" means the ETII applicant, QHS applicant, certified ETII operator or certified heat supplier that makes a certification review request;
- (d) "interested person" means:
  - (i) in respect of a referral, the referring party and the other party;
  - (ii) in respect of a review request:
    - (A) in the case of a Part 2 or 4 review request, each party to the supply contract;
    - (B) in the case of a Part 3 review request, the supplier;
    - (C) in the case of a certification review request, the certification person;
    - (D) in the case of a regulation 22 review request, each affected person;
  - (iii) in respect of a determination of the Secretary of State under regulation 69(2):
    - (A) in the case of a determination of a Part 2 or Part 4 matter, the supplier and the customer party to the relevant supply contract;
    - (B) in the case of a determination of a regulation 22 matter, each affected person;
- (e) "notice of referral" means a notice of a referral sent under rule 17.1.1;
- (f) "notice of referral response" means a notice of response to a referral sent under rule 17.2.1;
- (g) "notice of an interested person's views" means a notice of an interested person's views in respect of a review request sent under rule 18.2.1;
- (h) "notice under these Rules" means a notice of referral, notice of referral response, review request, notice of an interested party's views, or representations (as defined in rule 19.1(d));



- (i) "other party" in relation to a referral, means the party which is not the referring party;
- (j) "Part 2 or 4 review request" means a review request in respect of the determination by the Secretary of State of a Part 2 or Part 4 matter;
- (k) "Part 3 review request" means a review request in respect of a Part 3 decision;
- (l) "party" in relation to a referral or a Part 2 or 4 review request means each of the supplier and the customer which are parties to the supply contract;
- (m) "referral" means a referral to the Secretary of State under regulation 68(3)(b) in respect of a supplier's determination in respect of a Part 2 or Part 4 matter;
- (n) "referred determination" in relation to a referral, means the determination of a supplier in respect of which the referral is made;
- (o) "referred determination date" in relation to a referral, means the date on which the supplier notified or otherwise informed the customer of that determination;
- (p) "referring party" means the party which makes the referral;
- (q) "regulation 22 review request" means a review request in respect of a determination of the Secretary of State of a regulation 22 matter;
- (r) "relevant decision date" in relation to a Part 2 or 4 review request, a Part 3 request or a certification review request, the date on which the Secretary of State gave notice to the applicant and (where applicable) each other interested person of the relevant decision;
- (s) "supply contract" in relation to a referral or a Part 2 or 4 review request means the supply contract in respect of which the referral or request is made.

## **16.2 Applicable threshold – regulation 67(3)(b)**

16.2.1 In relation to a referral or relevant request, the financial consequences referred to in regulation 67(3)(b) are not material if the value of the matter does not exceed the materiality threshold.

16.2.2 The materiality threshold is:

- (a) in the case of a referral or a Part 2 or 4 review request:
  - (i) subject to paragraphs (ii) and (iii), 5% of the annual contract value,
  - (ii) £500, if the amount in paragraph (i) is less than £500, or
  - (iii) £50,000, if the amount in paragraph (i) is more than £50,000;
- (b) in the case of a Part 3 review request, £1,000;
- (c) in the case of a certification review request, £2,000;
- (d) in the case of a regulation 22 review request, £2,000.

16.2.3 In Part 4 of these Rules a reference to the value of a matter is:

- (a) in relation to a referral or a Part 2 or 4 review request, a reference to the magnitude of the difference between:
  - (i) the charges that would be payable by the customer under the supply contract, over that part of the term of the contract which falls within either scheme period, on the basis of the determination of the matter proposed in the notice of referral or the review request, and
  - (ii) the charges so payable on the basis of the referred determination or relevant decision;
- (b) in relation to a Part 3 review request, a reference to the magnitude of the difference between:
  - (i) the amount which would be or would become payable to the supplier in respect of discount recovery on the basis of the decision or determination proposed in the review request, and
  - (ii) the amount which was so payable or paid to the supplier on the basis of the relevant decision;
- (c) in relation to a certification review request, a reference to the magnitude of the difference between:
  - (i) the amount of the scheme benefit that would be received, over both scheme periods, by the certification person on the basis of the decision proposed in the review request, and
  - (ii) the amount of the scheme benefit that would be so received on the basis of the relevant decision;
- (d) in relation to a regulation 22 review request, a reference to the magnitude of the difference between:
  - (i) the amount of the scheme benefit that would be received, over both scheme periods, by the relevant certified ETII operator or certified heat supplier, or if there is more than one, by all of them collectively, on the basis of the decision proposed in the review request, and
  - (ii) the amount of the scheme benefit that would be so received on the basis of the relevant decision.

### **16.3 Applicable threshold – regulation 67(3)(c)**

A referral or a review request is made within a period which is reasonable for the purposes of regulation 67(3)(c) if the notice of referral or the review request is sent by the specified time.

### **16.4 Specified times**

16.4.1 Subject to rule 16.4.2, the "specified time" is:

- (a) for sending a notice of referral, 45 days after the referred determination date;

- (b) for sending a notice of referral response, 15 days after the date on which the notice of referral was sent;
- (c) for sending a review request, 30 days after the relevant decision date;
- (d) for sending a notice of an interested person's views, 15 days after the date on which the review request was sent.

16.4.2 The Secretary of State may extend, by such period as the Secretary of State may decide, the specified time for a person to send a notice or request in a particular case if:

- (a) no later than the time specified in rule 16.4.1, that person requests such extension, and
- (b) the Secretary of State is satisfied that it was not reasonable to expect the notice or request to be sent by the time specified in rule 16.4.1.

## **16.5 Supporting information**

16.5.1 In Part 4 of these Rules "supporting information" means a document or other information sent by an interested person to the Secretary of State as evidence of or otherwise to support anything stated in a notice under these Rules.

16.5.2 Where supporting information is sent to the Secretary of State, the notice under these Rules with which the supporting information is sent must explain clearly how it evidences or supports the statement to which it relates, and direct the Secretary of State to the particular parts of it which do so.

## **16.6 Declaration**

16.6.1 Any notice under these Rules must include a declaration made on behalf of the interested person sending the notice that, to the best of the knowledge of the person signing the declaration:

- (a) all statements of fact contained in the notice are true and not misleading;
- (b) any estimates contained in the notice are made in good faith and after taking reasonable care;
- (c) any supporting information sent as a copy of a document with the notice is a true and accurate copy of the original document.

16.6.2 The declaration must be signed by:

- (a) a named director of the interested person sending the notice, or
- (b) if the interested person is not a company:
  - (i) a named person approved by the Secretary of State for the purpose of making such a declaration, or
  - (ii) the interested person itself, if a natural person.

## **17 Referrals in respect of supplier determinations of Part 2 or Part 4 matters (regulation 68)**

### **17.1 Making a referral**

17.1.1 Where the customer or the supplier under a supply contract wishes to make a referral, it must send a notice to the Secretary of State and the other party.

17.1.2 The notice of referral must set out or attach:

- (a) the identity of the referring party and the other party;
- (b) a point of contact for communications with the Secretary of State about the referral;
- (c) a copy of the supply contract;
- (d) details of the matter in respect of which the referral is made, including:
  - (i) the referred determination;
  - (ii) the regulation under which the referred determination was made;
  - (iii) the referred determination date;
- (e) where the customer is the referring party:
  - (i) evidence that the customer gave timely notice to the supplier in accordance with regulation 68(1)(a), and that the customer endeavoured to resolve the matter with the supplier in accordance with regulation 68(1)(b);
  - (ii) the determination which the customer considers should have been made;
  - (iii) the customer's reasons for so considering;
  - (iv) the customer's estimate of the value of the matter, how that estimated value has been calculated, and the customer's estimate of the annual contract value;
- (f) where the supplier is the referring party, the reasons for making a referral;
- (g) any supporting information on which the referring party relies;
- (h) if the notice is not given by the specified time, an explanation of why the notice was not given earlier.

17.1.3 The Secretary of State may decline to accept a referral if the notice of referral does not comply with these Rules.

17.1.4 The referring party may withdraw a notice of referral, by giving notice to the Secretary of State and the other party, at any time before the Secretary of State has given notice of a decision under rule 17.3.2(b).

## **17.2 Response by other party**

17.2.1 Where the other party disagrees with or otherwise wishes to comment on anything in a notice of referral, the other party may respond to the referral by sending a notice to the Secretary of State and the referring party.

17.2.2 The notice of referral response must set out or attach:

- (a) the identity of the other party and the referring party;
- (b) a point of contact for communications with the Secretary of State about the referral;
- (c) the notice of referral in respect of which it is sent;
- (d) what the other party disagrees with in the notice of referral and its reasons for disagreeing, or (as the case may be) the comment it wishes to make;
- (e) if the other party disagrees with the notice of referral, the determination which the other party considers should have been made (which, where the other party is the supplier, may be to confirm the relevant determination);
- (f) any supporting information on which the other party relies.

17.2.3 The Secretary of State may decide the matter subject to the referral without considering a notice of referral response which is sent after the specified time.

## **17.3 Consideration of referral**

17.3.1 Where a notice of referral is sent to the Secretary of State, and the Secretary of State does not decline to determine the matter referred under regulation 68(4) or rule 17.1.3, and the notice is not withdrawn:

- (a) the Secretary of State must consider the notice and (if sent, and subject to rule 17.2.3) the notice of response;
- (b) the Secretary of State may seek from either party clarification of or further information about anything in either notice;
- (c) the Secretary of State is not required to consider:
  - (i) any other communication received from either party;
  - (ii) any information about the matter which is not included in the notice of referral or notice of response,

unless it was requested by the Secretary of State under paragraph (b);

- (d) if the Secretary of State considers that exceptional circumstances make it appropriate to do so, the Secretary of State may invite both parties (but not one only of the parties) to a meeting at which the Secretary of State can hear their views or oral evidence on any matter specified by the Secretary of State.

17.3.2 The Secretary of State must:

- (a) decide either:
  - (i) that the referred determination should stand, or
  - (ii) that the referred determination should be replaced by a determination made by the Secretary of State;
- (b) by the required date under rule 17.3.4, give notice of the decision to both parties, setting out the decision and the reasons for the decision.

17.3.3 In a case within rule 17.3.2(a)(ii) the replacement determination of the Secretary of State may be what was proposed in the notice of referral or a notice of referral response or a different determination.

17.3.4 The required date is:

- (a) 45 days after the specified time for sending a notice of referral response, or
- (b) such later date as the Secretary of State may specify by notice to both parties given before:
  - (i) the date in paragraph (a), or
  - (ii) the date specified in an earlier notice given under this paragraph.

## **18 Review requests (regulation 70)**

### **18.1 Making a review request**

18.1.1 Where an interested person wishes to make a review request, it must send the review request to the Secretary of State and (except in the case of a Chapter 3 review request) each other interested person.

18.1.2 The review request must set out or attach:

- (a) the identity of the applicant and (where applicable) each other interested person;
- (b) a point of contact for communications with the Secretary of State about the request;
- (c) in the case of a Part 2 or 4 review request, a copy of the supply contract;
- (d) the relevant decision in respect of which the request is made;
- (e) the grounds on which the applicant considers the relevant decision should be reviewed;
- (f) the decision or determination which the applicant considers should have been made instead of the relevant decision;
- (g) the reasons for so considering;

- (h) the applicant's estimate of the value of the matter, and how that estimated value has been calculated, and (in the case of a Part 2 or 4 review request) the applicant's estimate of the annual contract value;
- (i) any supporting information on which the applicant relies;
- (j) if the review request is not given by the specified time, an explanation of why the request was not given earlier.

18.1.3 The Secretary of State may decline to accept a review request if the request does not comply with these Rules.

18.1.4 The applicant may withdraw a review request, by giving notice to the Secretary of State and (where applicable) each other interested person, at any time before the Secretary of State has given notice of a reconsidered decision under regulation 70(6)(e).

## **18.2 Representations of other interested person**

18.2.1 Where, in relation to a Part 2 or 4 review request or a certification review request or a regulation 22 review request, an interested person (other than the applicant) wishes to make representations on the matter, the interested person may respond to the request by sending a notice of its views to the Secretary of State and the applicant.

18.2.2 The notice of an interested person's views must set out or attach:

- (a) the identity of the interested person and the applicant;
- (b) a point of contact for communications with the Secretary of State about the request;
- (c) the review request in respect of which it is sent;
- (d) the views of the interested person in respect of the matter, and in particular whether it disagrees with the review request and its reasons for disagreeing;
- (e) either confirmation that the interested person considers that the relevant decision should stand, or a decision or determination which the interested person considers should have been made instead of the relevant decision;
- (f) any supporting information on which the interested person relies.

18.2.3 The Secretary of State may decide the matter subject to the review request without considering a notice of an interested person's views which is sent after the specified time.

## **18.3 Consideration of review request**

18.3.1 Where a review request is sent to the Secretary of State, and the Secretary of State does not decline to accept the request under regulation 70(5) or rule 18.1.3, and the request is not withdrawn:

- (a) the Secretary of State must consider the request and any notice of an interested person's views (if sent and subject to rule 18.2.3);

- (b) the Secretary of State may seek from the applicant or any other interested person clarification of or further information about anything in the request or a notice of an interested person's views;
- (c) the Secretary of State is not required to consider:
  - (i) any other communication received from the applicant or another interested person;
  - (ii) any information about the matter which is not included in the notice of referral or a notice of an interested person's views,unless it was requested by the Secretary of State under paragraph (b);
- (d) if the Secretary of State considers that exceptional circumstances make it appropriate to do so, the Secretary of State may invite the applicant and (except in the case of a Part 3 review request) all other interested persons (but not one or some only of the interested persons) to a meeting at which the Secretary of State can hear its or their views or oral evidence on any matter specified by the Secretary of State.

18.3.2 Where a Part 3 review request relates to a matter in respect of which the Secretary of State has, before the review request was sent, given to the supplier a provisional conclusions notice under rule 13.2, the Secretary of State may:

- (a) suspend consideration of the review request until the supplier has given a response under rule 13.7 to the provisional conclusions notice addressing those points which relate to the matter in question;
- (b) where the Secretary of State considers that the supplier's response affects the grounds specified in the review request for requesting a review, give notice to the supplier that a revised request must be submitted before the Secretary of State will consider the matter.

18.3.3 The Secretary of State must ensure that none of the officials who are responsible for dealing with a review request was responsible for dealing with the relevant decision.

18.3.4 The reconsidered decision of the Secretary of State must be:

- (a) that the relevant decision should stand, or
- (b) that the relevant decision should be replaced by a decision or determination made by the Secretary of State.

18.3.5 In a case within rule 18.3.4(b), the replacement decision or determination may be what was proposed in the review request or a notice of an interested person's views, or a different decision or determination.

18.3.6 Notice of the reconsidered decision must be given by:

- (a) 45 days after:
  - (i) in the case of a Part 2 or 4 review request, certification review request or regulation 22 review request, the specified time for sending a notice of an interested person's views;



- (ii) in the case of a Part 3 review request, the date when the request was sent or (in a case within rule 18.3.2, and subject to rule 18.3.2(b)) the supplier's response to the provisional conclusions notice is given, or
- (b) such later date as the Secretary of State may specify by notice to the applicant and (where applicable) each other interested person given before:
  - (i) the date in paragraph (a), or
  - (ii) the date specified in an earlier notice given under this paragraph.

**19 Determinations by Secretary of State (regulation 69)**

19.1 In this rule:

- (a) "final determination" means the determination, if any, which the Secretary of State decides to make following a notice of proposed determination;
- (b) "notice of proposed determination" means the notice to be given by the Secretary of State under regulation 69(3)(a);
- (c) "proposed determination" means a determination that the Secretary of State proposes to make under regulation 69(2);
- (d) "representations" means representations made by an interested person in accordance with the notice of proposed determination;
- (e) "supply contract" means the supply contract to which a proposed determination of a Part 2 or Part 4 matter relates.

19.2 A notice of proposed determination may set out the matter in question by:

- (a) in the case of a Part 2 or Part 4 matter:
  - (i) identifying the supply contract to which the proposed determination relates, and
  - (ii) setting out the provision of Part 2 or Part 4 under which the determination was made or falls to be made;
- (b) in the case of a regulation 22 matter, identifying the provider who determined that matter and the benefit calculation period to which it relates.

19.3 If an interested person makes representations, those representations must include:

- (a) whether the person agrees or disagrees with the proposed determination, and with the Secretary of State's reasons for proposing to make that determination;
- (b) if the person disagrees:
  - (i) the reasons for disagreeing;
  - (ii) the determination, if any, which the person considers should be made;

- (iii) the reasons for so considering;
- (iv) any supporting information on which the person relies.

19.4 An interested person must send a copy of its representations to each other interested person promptly after they are sent to the Secretary of State.

19.5 In deciding whether to make a final determination, and (if so) what determination to make following a notice of proposed determination:

- (a) the Secretary of State may seek from any interested person clarification of or further information about anything said in representations;
- (b) the Secretary of State is not required to consider information about the matter which is not included in the notice of proposed determination or in representations made by an interested person in accordance with the notice, unless it was requested by the Secretary of State under paragraph (a);
- (c) the Secretary of State need not reconsider any reason given in the notice of proposed determination if no interested person disagreed with the reason in representations;
- (d) if the Secretary of State considers that exceptional circumstances make it appropriate to do so, the Secretary of State may invite each interested person (but not one or some only of them) to a meeting at which the Secretary of State can hear their views or oral evidence on any matter specified by the Secretary of State.

19.6 The final determination may be the same as the proposed determination or a different determination.

19.7 The Secretary of State must give notice of the final determination, or of a decision not to make a final determination, by:

- (a) 45 days after the date specified for making representations, or
- (b) such later date as the Secretary of State may specify by notice to the interested person given before:
  - (i) the date in paragraph (a), or
  - (ii) the date specified in an earlier notice given under this paragraph.

## **Part 5 – Chapter 3 rules**

### **20 Interpretation**

In this Part:

- (a) "applicable certification criteria" means the ETII certification criteria or the QHS certification criteria;
- (b) "application date" means the date on which a relevant application is submitted;
- (c) "certified person" means the certified ETII operator named in an ETII certificate or certified heat supplier named in a QHS certificate;
- (d) "customer billing name" means the name of a customer as it appears on the most recent invoice or statement of account sent to it by the supplier under a supply contract;
- (e) "obliged heat supplier" means a person who is required by regulation 17(4) to apply for a QHS certificate in respect of a heat network;
- (f) "relevant applicant" means an ETII applicant or a QHS applicant;
- (g) "relevant application" means an ETII application or a QHS application.

### **21 SIC codes (ETII activities)**

The SIC codes referred to in regulation 27(1) are specified in Schedule 4.

### **22 ETII activities a substantial part of a person's activities**

- 22.1 The qualifying ETII activities carried on by a person (P) are a substantial part of all the activities carried on by P if and only if:
- (a) the condition in rule 22.2 is met; or
  - (b) if P is an excepted ETII body, the condition in rule 22.4 is met.
- 22.2 The condition is that the revenue generated by P in the specified period from carrying out those qualifying ETII activities is not less than fifty percent (50%) of the total revenue generated by P in the specified period.
- 22.3 In rule 22.2 the "specified period" is the period of 12 months, or such lesser period, not being less than 6 months, for which P has carried on any qualifying ETII activities, ending on:
- (a) the application date, in the case of an ETII application by P; or
  - (b) any later date on which it is to be decided whether P continues to meet the ETII certification criteria.

- 22.4 The condition is that, at the application date, in all buildings occupied by P, the area of the floor space occupied by P exclusively for the purposes of carrying out the qualifying ETII activities is not less than 50% of the total area of the floor space occupied by P.
- 22.5 For the purposes of regulation 16(5)(c):
- (a) in this rule 22 references to activities carried on by P are to activities carried on at particular premises;
  - (b) in rule 22.2, references to P's revenues are to revenues generated from carrying on activities at those premises;
  - (c) in rule 22.4 references to buildings occupied by P are to buildings at those premises.

## **23 Certification portal**

- 23.1 The Secretary of State must establish an online mechanism for the submission of ETII applications and QHS applications, information required to be submitted with those applications, revisions of that information, and related communications (the "certification portal").
- 23.2 The certification portal may:
- (a) include prescribed formats in which information required to form part of an ETII application or QHS application, or another communication under the Regulations or Part 5 of these Rules, must be entered;
  - (b) include or issue instructions to ETII applicants and QHS applicants in respect of their applications.
- 23.3 The Secretary of State must:
- (a) publish instructions for using the certification portal (a "user guide");
  - (b) update the user guide as necessary to reflect changes to the certification portal or applicants' questions, and publish the updates.
- 23.4 The Secretary of State may send any communication that the Secretary of State is required to send to an ETII applicant, QHS applicant, certified ETII operator or certified heat supplier under the Regulations or these Rules by way of the certification portal.

## **24 ETII and QHS applications**

- 24.1 A person in respect of whom the ETII certification criteria are met may apply to the Secretary of State for an ETII certificate by submitting an ETII application.
- 24.2 An obliged heat supplier must apply to the Secretary of State for a QHS certificate by submitting an QHS application.
- 24.3 The ETII application or QHS application must:
- (a) be submitted using the certification portal;
  - (b) set out the information specified:

- (i) for an ETII application, in Schedule 5;
- (ii) for a QHS application, in Schedule 6.

24.4 When submitting a relevant application the relevant applicant must also submit a declaration:

- (a) made on behalf of the applicant by:
  - (i) a named director of the applicant, or
  - (ii) if the applicant is not a company, a named qualifying representative,
- (b) signed by that director or representative, and
- (c) in the form set out:
  - (i) for an ETII application, in Schedule 7
  - (ii) for a QHS application, in Schedule 8

that, to the best of the signatory's knowledge, the applicable certification criteria are met in respect of the applicant and (in the case of an ETII application) that the application complies with rule 25.1.

24.5 For the purposes of rule 24.4(a)(ii) a "qualifying representative" is a natural person that:

- (a) has such capacity and authority in relation to the relevant applicant as the Secretary of State may prescribe generally or in relation to particular descriptions of relevant applicant, or
- (b) otherwise is approved by the Secretary of State for the purposes of making a declaration under that rule.

24.6 Where a QHS applicant submits more than one QHS application (in respect of different heat networks) on the same day, the QHS applicant may submit a single declaration under rule 24.4 in respect of all of those applications.

24.7 A relevant application is valid if the requirements in rules 24.3 and 24.4 are met in respect of the application.

24.8 A certified ETII operator or certified heat supplier must keep, until the 5th anniversary of the end of the second scheme period, records and other information which are sufficient to show that:

- (a) at the certification date, it met, and
- (b) until the end of the second scheme period or any earlier notice given under regulation 16(7) or 17(7), it continued to meet,

the applicable certification criteria.

24.9 Any proceedings brought by the Secretary of State against a certified person may be served on that person at the address specified in the relevant application, as revised under rule 33.3.

## **25 Time requirements – ETII applications**

- 25.1 An ETII application may not be made before the earliest application date (but that does not affect the certification date if the application is accepted).
- 25.2 The "earliest application date" is the date 6 months after the first date on which the ETII applicant carried on any qualifying ETII activity.
- 25.3 A person wishing to apply for an ETII certificate must make a valid ETII application within the prescribed period after the later of:
- (a) the scheme introduction date, and
  - (b) the earliest application date.
- 25.4 The prescribed period is 90 days, or such longer period as the Secretary of State may, in the discretion of the Secretary of State, decide and publish.
- 25.5 An ETII certificate will not be issued to a person who has not complied with rule 25.3.

## **26 Time requirements – QHS applications**

An obliged heat supplier must make a valid QHS application within 90 days after the latest of:

- (a) the scheme introduction date;
- (b) the first date on which the QHS certification criteria were first met in respect of the heat supplier and the relevant heat network;
- (c) the date from which the heat supplier was aware, or could reasonably be expected to be aware, that any heat consumer supplied through the relevant heat network is a domestic heat consumer.

## **27 Dealing with applications**

- 27.1 Where the Secretary of State receives a valid ETII application:
- (a) if the ETII applicant is a pre-approved ETII applicant, the Secretary of State may accept the application and issue an ETII certificate to the applicant;
  - (b) otherwise, rule 27.4 applies,
- 27.2 For the purposes of this rule, "pre-approved ETII applicants" are persons that the Secretary of State has identified as being likely to meet the ETII certification criteria and from whom the Secretary of State may decide to accept ETII applications, on the basis of the declaration to be given under rule 24.4, without requiring further evidence of their meeting the ETII certification criteria or of rule 25.1 being met.
- 27.3 Where the Secretary of State receives a valid QHS application:
- (a) if the Secretary of State considers that, on the basis of a notification or updated notification submitted by the QHS applicant pursuant to regulation 3(1) of the Heat Network (Metering and Billing) Regulations 2014, it is evident that the QHS

certification criteria are met in respect of the applicant, the Secretary of State may accept the application and issue a QHS certificate to the applicant;

(b) otherwise, rule 27.4 applies,

27.4 Where this rule applies in respect of a relevant application, subject to rule 27.5, the Secretary of State will, before deciding on the application, by giving notice to the relevant applicant, require it to provide such evidence as the Secretary of State considers is requisite for the purposes of reaching a decision.

27.5 The Secretary of State may accept an ETII application from an excepted ETII body, made on the basis of the condition in rule 22.4, in reliance on the declaration submitted under rule 24.4, without requiring further evidence of that condition being met.

27.6 A notice under rule 27.4:

(a) must specify the evidence required by Secretary of State and the time by which it is to be provided;

(b) may invite the relevant applicant to provide, in respect of any of the evidence which is to be provided under paragraph (a), a letter from a person holding such professional qualification and accreditation as an accountant as the Secretary of State may specify;

(c) may require the relevant applicant to provide a further declaration, made by such a person as is specified in rule 24.4, as to the truth and accuracy of the evidence provided.

27.7 The evidence required by the Secretary of State in respect of an ETII application:

(a) may include, without limitation:

(i) statutory accounts or other accounts of the applicant, for a qualifying evidence period, in which revenue earned from ETII activities is shown separately;

(ii) documentation in respect of the applicant's sales made in carrying on its ETII activities and other activities in a qualifying evidence period, which may include an invoice, remittance advice, sale contract, despatch note or goods received note;

(iii) VAT returns of the applicant for a qualifying evidence period;

(b) may vary according to the magnitude of the scheme benefit that it is expected that the applicant will receive over a given period.

27.8 In rule 27.7 a "qualifying evidence period" is:

(a) a period of 12 months (or if permitted by the Secretary of State a longer or shorter period), ending not more than 12 months before the application date, or

(b) such lesser period, not being less than 6 months, ending on or before the application date, for which the applicant has carried on any qualifying ETII activities.

- 27.9 The evidence required by the Secretary of State in respect of an QHS application may include, without limitation:
- (a) contracts for supply of heat by the applicant, including contracts with domestic heat consumers;
  - (b) invoices or statements of account for the supply of heat.
- 27.10 If the relevant applicant does not provide the required evidence by the time specified in the notice, the Secretary of State may reject the relevant application.
- 27.11 If the evidence provided by the relevant applicant does not satisfy the Secretary of State that the relevant certification criteria are met, the Secretary of State may:
- (a) reject the application; or
  - (b) require (on one or more occasions) the applicant to explain the evidence provided or to provide further evidence.
- 27.12 If the evidence provided by the relevant applicant satisfies the Secretary of State that the relevant certification criteria are met, the Secretary of State must accept the application and issue an ETII certificate or (as the case may be) QHS certificate to the applicant.
- 27.13 Where the Secretary of State decides to reject an ETII application or a QHS application, the Secretary of State must give notice of the rejection to the relevant applicant stating the reason for the Secretary of State's decision.

## **28 Certificates**

- 28.1 An ETII certificate will be in the form, and include the details, set out in Schedule 9.
- 28.2 A QHS certificate will be in the form, and include the details, set out in Schedule 10.
- 28.3 An ETII certificate or QHS certificate is evidence of the determination made by the Secretary of State that the holder of the certificate satisfied the relevant certification criteria at the certification date.

## **29 Revocation of certificate**

- 29.1 If the Secretary of State decides to revoke an ETII certificate or a QHS certificate, the Secretary of State will give notice to the person (the "certificate holder") to whom the certificate was issued, stating:
- (a) that the certificate is revoked;
  - (b) the reason for the revocation;
  - (c) the date with effect from which certificate is revoked, being:
    - (i) in a case within regulation 16(9)(b) or 17(8)(b), the date on which the relevant certification criteria ceased to be met in respect of the certificate holder;
    - (ii) in a case within regulation 16(9)(a) or 17(8)(a), the certification date.



29.2 The Secretary of State may, before deciding to revoke an ETII certificate, invite representations from the certificate holder in respect of the proposed revocation, by giving notice stating:

- (a) the reason for the proposed revocation;
- (b) the date by which the certificate holder may make such representations.

29.3 If the Secretary of State invites representations from the certificate holder, the Secretary of State will consider any representations received by the date specified in the notice before deciding whether to revoke the certificate.

29.4 If the Secretary of State revokes an ETII certificate or QHS certificate the Secretary of State may publicise the revocation in such manner, and generally or to such persons, as the Secretary of State may decide.

29.5 The certificate holder must notify its immediate ETII provider or higher-tier provider of the revocation of an ETII certificate or QHS certificate immediately on being given notice of the revocation.

### **30 Record maintained by Secretary of State**

30.1 The Secretary of State must maintain a record of the determinations made by the Secretary of State that a person:

- (a) has satisfied the relevant certification criteria;
- (b) has not satisfied the relevant certification criteria, including where a certificate has previously been issued to that person; and
- (c) has ceased to satisfy the relevant certification criteria.

30.2 A person may request the Secretary of State to provide to it the information held in the record which relates to that person.

30.3 If any question arises as to whether a person should hold an ETII certificate or QHS certificate, the question is to be determined on the basis of the record maintained by the Secretary of State which is taken to be conclusive.

### **31 Communications to and between providers**

31.1 In this rule "relevant communication" means:

- (a) the sending by a certified ETII operator or a provider of an ETII certificate under regulation 18(3);
- (b) the sending by a provider of a QHS certificate under regulation 19(3);
- (c) the notification by a provider of a benefit calculation period under regulation 20;
- (d) the notification by a provider of an ETII proportion or a QHS certificate under regulation 21.

- 31.2 A relevant communication may be made by any means of communication which meets the following requirements:
- (a) the communication is in writing;
  - (b) the communication identifies the person by which it is made (the "sender") and the person to which it is made (the "recipient");
  - (c) the communication is readily accessible and readable by the recipient;
  - (d) there is a record, capable of being made available by the sender to the Secretary of State upon request at any time before the 5th anniversary of the end of the second scheme period, of:
    - (i) the content of the communication; and
    - (ii) the date on which the communication is made.
- 31.3 Before making a relevant communication the sender must endeavour to agree the means of communication with the recipient.
- 31.4 Where the regulations require a provider to make a relevant communication as soon as reasonably practicable after any specified time or event, the provider must do so within 5 business days after that time or event unless it has a reasonable excuse for not doing so.
- 31.5 If the recipient of a relevant communication requests any clarification of the communication from the sender, the sender must provide that clarification as soon as reasonably practicable after such request is made.

## **32 Dealings with certificates**

### *Informing supplier of certification*

- 32.1 Where the Secretary of State issues an ETII certificate or a QHS certificate to a relevant applicant which is the customer under a supply contract:
- (a) the supplier will be informed of that, by inspecting the certification record as provided in rule 34.1 (and that is treated as the supplier receiving the certificate from the Secretary of State for the purposes of regulation 18(2)(a) or 19(2)(a));
  - (b) subject to paragraph (c), the applicant need not itself send the certificate to the supplier;
  - (c) if the applicant does not receive from the supplier notice under regulation 18(6)(b) or 19(6)(b) within 15 business days after the issue of the certificate, the applicant may (and in the case of a QHS applicant must) send the certificate to the supplier.

### *Supplier confirmation that customer is ETII / QHS customer*

- 32.2 Subject to rule 32.3, a supplier must, unless it has a reasonable excuse for not doing so, give the notice or notices required under regulation 18(6) or 19(6) within 10 business days after:
- (a) in a case within rule 32.1, accessing the certification record;

- (b) in any other case, receiving the ETII certificate or QHS certificate as a result of which its customer becomes an ETII customer or QHS customer.

32.3 Where the supplier has identified any discrepancy (as provided in rule 34.2) in relation to the ETII certificate or QHS certificate):

- (a) the supplier must disclose the existence of the discrepancy in its notice to the customer;
- (b) the notice is given subject to, and the question whether the customer is an ETII customer or QHS customer is subject to, the resolution of the discrepancy.

*Notification of receipt of certificate by provider that is not a main scheme provider*

32.4 Where under regulation 18(5) or 19(5) the Secretary of State is notified that a provider who has no higher-tier provider has received an ETII certificate or a QHS certificate, the Secretary of State must notify the certified person that the scheme does not apply in respect of the ETII energy or QHS energy.

*Customer switching supplier*

32.5 Rule 32.6 applies where:

- (a) the customer under a supply contract with a supplier (the "existing supplier") is an ETII customer or QHS customer; and
- (b) that customer enters into a supply contract with a different supplier (the "new supplier").

32.6 Where this rule applies:

- (a) the customer must, no later than 5 business days after the commencement of supply by the new supplier, notify the Secretary of State of the identity of the new supplier and the date of commencement of supply by the new supplier;
- (b) the new supplier will be informed that the customer is an ETII customer or QHS customer, by inspecting the certification record as provided in rule 34.1;
- (c) it is not the responsibility of the existing supplier to inform the new supplier that the customer is an ETII customer or QHS customer;
- (d) the customer must send to the new supplier each ETII certificate and QHS certificate that has been received by the customer as provider under regulation 18(4) or 19(4).

*Provider erroneously receiving certificate*

32.7 Rule 32.8 applies if:

- (a) a provider (P1) receives an ETII certificate or a QHS certificate from another person (P2), and
- (b) P1 is not a provider in relation to P2.

32.8 Where this rule applies:

- (a) P1 must:
  - (i) inform P2 and the Secretary of State of the circumstances in rule 32.7;
  - (ii) provide to P2 or the Secretary of State any information they may reasonably request in connection with clarifying how those circumstances occurred;
  - (iii) if P1 is a lower-tier provider, not send the certificate to a higher-tier provider
- (b) the Secretary of State must, within a reasonable time after it is informed by P2 of those circumstances, inform the certified person of them.

*Customer as provider receiving certificate*

32.9 Where under regulation 18(4) or 19(4) a customer receives an ETII certificate or QHS certificate, the customer must, at the same that it sends the certificate to the supplier, give notice to the Secretary of specifying:

- (a) the certificate;
- (b) its supplier (being the supplier of the ETII energy or QHS energy);
- (c) the meter or meters through which its supply is made;
- (d) its customer billing name.

**33 Certification information**

33.1 The Secretary of State must maintain a record ("certification record") of the information specified in rule 33.2 in respect of certified persons (such information, as updated under rule 33.3, being the "certification information", and representing what the Secretary of State has been informed of by certified persons and customers, except for details which the Secretary of State provides in certificates).

33.2 The information is:

- (a) the information provided by each relevant applicant in or with its relevant application in accordance with rule 24.3(b);
- (b) the details in the ETII certificate or QHS certificate;
- (c) where applicable, the information notified by a customer under rule 32.9;
- (d) the identity of any new supplier notified by the customer under rule 32.6(a).

33.3 If, from time to time, there is any change in any of the certification information provided by the relevant applicant or certified person:

- (a) that person must notify the change to the Secretary of State, using the certification portal or by such other means as the Secretary of State may require;
- (b) after receiving the notification, the Secretary of State must update the certification record accordingly.

33.4 The Secretary of State will make available to a supplier the following certification information in relation to each certified person to whom it supplies energy that is ETII energy or QHS energy (such information being the "accessible certification information" in relation to the supplier):

- (a) in respect of the certified person or the certificate:
  - (i) the identity of the certified person;
  - (ii) the certification date;
  - (iii) the certificate number;
- (b) in respect of the customer that is supplied with ETII energy or QHS energy, or its supply contract:
  - (i) the supplier that supplies energy that is ETII energy or QHS energy in relation to the certified person;
  - (ii) the meter or meters through which that ETII energy or QHS energy is supplied to that customer (each referred to as a meter "associated with" the certified person);
  - (iii) where the customer is a registered company, its company registration number, if supplied by the relevant applicant;
  - (iv) the customer billing name of the ETII customer or QHS customer;

(such information, the "validation certification information");
- (c) such further certification information as the Secretary of State may decide.

### **34 Identification and resolution of discrepancies in information**

34.1 A supplier must inspect the accessible certification information:

- (a) at such intervals as the supplier shall decide for the purposes of determining who are certified persons in respect of energy supplied to its customers who are ETII customers or QHS customers; and
- (b) on each occasion on which it issues an invoice or statement of account to the customer under any supply contract (the "relevant customer"), no earlier than 5 business days before the day on which it issues the invoice or statement of account, before (and for the purposes of) determining:
  - (i) whether the supply contract is a relevant supply contract, and
  - (ii) if it is, the quantities of energy supplied under each deemed supply contract with the relevant customer.

34.2 On each occasion on which the supplier inspects the certification information:

- (a) the supplier must compare the validation certification information for each relevant certified person with the corresponding supply contract information for the relevant customer;
- (b) if there is any discrepancy in such information in relation to any relevant certified person, the supplier must:
  - (i) notify the Secretary of State, providing details of the discrepancy, and
  - (ii) in a case within rule 34.1(b), take the action (if any) specified in the table below;
- (c) when notified of the discrepancy, the Secretary of State must investigate the discrepancy and (according to the result of the investigation) may:
  - (i) require the relevant certified person to notify a correction of the certification information;
  - (ii) require the supplier to correct the supply contract information;
  - (iii) correct an error in the certification record;
  - (iv) take such other step as the Secretary of State considers appropriate in respect of the discrepancy;
- (d) the Secretary of State must notify the supplier when the steps in paragraph (c) are completed or if the Secretary of State decides that no such step is necessary in respect of the discrepancy;
- (e) in a case within rule 34.1(b), upon receiving such notification, the supplier must, after complying with rule 34.1 (and on the basis of any changes in validation certification information or supply contract information) redetermine the quantities treated as supplied under each deemed supply contract; and that redetermination is a supply redetermination event in accordance with regulation 24(1)(b).

**Table: actions to be taken by supplier pending resolution of discrepancy in respect of any relevant certified person**

<b>Discrepancy</b>		<b>Action to be taken by supplier</b>
<b>Validation certification information in relation to any relevant certified person</b>	<b>Comparison with supply contract information</b>	
A meter is associated with the certified person	That meter is not associated with the relevant customer	No adjustment of the deemed supply contract volumes is needed because the supplier is not invoicing the customer for energy supplied through that meter  If the meter is associated with another customer of the

		supplier, the supplier should state that in its notice to the Secretary of State under rule 34.2(b)(i)
A meter is not associated with the certified person	That meter is associated with the relevant customer	In determining the proportion of the supplied volume treated as supplied under the ETII supply contract or QHS supply contract, the supplier must exclude the energy supplied through the meter in question.
The customer billing name (of the ETII customer or QHS customer)  The customer's company registration number, if provided	Either  (1) the name in the certification information is not the same as the name of the customer in the supply contract information, or  (2) (if the registration number is known to the supplier) the number in the certification information is not the same as the number in the supply contract information  unless it appears to the supplier to be beyond reasonable doubt that the discrepancy is the result of a mistake in entering those names or numbers	Determine as zero the proportion of the supplied volume treated as supplied under the ETII supply contract or QHS supply contract.

34.3 In this rule:

- (a) a certified person is a "relevant certified person" in relation to a customer if the customer is supplied with energy that is ETII energy or QHS energy in relation to that certified person;
- (b) "relevant customer" has the meaning given in rule 34.1(b);
- (c) "supply contract information" means the information maintained by the supplier in respect of a customer and supply contract.

### 35 Supply redetermination events


35.1 The condition in regulation 24(4) in respect of a supply redetermination event is met if, in relation to any one of the deemed supply contracts, either of the tests in rule 35.2 is met, either:

- (a) taking account of the supply redetermination event alone, or

- (b) taken cumulatively with any other supply redetermination events (in respect of the same customer) for which the supplier has not then complied with regulation 24(2).

35.2 The tests are:

- (a) that the magnitude (expressed as a decimal amount of the proportion) of the change in the ETII proportion or (as the case may be) the QHS proportion is greater than 0.03;
- (b) that the magnitude of the change in the charges for energy supply is greater than £5,000.



*Amanda Solloway*  
Parliamentary Under Secretary of State

26 April 2023

Department for Energy Security and Net Zero



## **Schedule 1 – Details to be included in a discount recovery claim**

### **Part 1 – information about the supplier**

1. The supplier's name and address
2. Details of the supplier's designated account
3. If the claim is under the electricity scheme:
  - a. the supplier's electricity licence number;
  - b. the market participation identifier used by the supplier in connection with BSC processes
4. If the claim is under the gas scheme:
  - a. the supplier's gas licence number;
  - b. the short code used by the supplier in connection with UNC processes

### **Part 2 – information about each of the supplier's supply contracts**

*Information to be supplied about each supply contract (unless otherwise stated, this applies to every supply contract, whether or not discount recovery is claimed for it, and whether it relates to electricity or gas; and, where electricity and gas are supplied under a single contract, information is to be supplied separately for each form of energy, even if it is the same in each case)*

5. Whether the supplier has reduced the supply price under the supply contract by the discount
6. The cumulative amount by which charges under the supply contract have been reduced by the discount since the scheme start date
7. To which category (fixed price contract, variable price contract or flexible price contract) the supplier has determined that the supply contract belongs
8. Where discount recovery is claimed for a contract, whether the supplier has determined that it is to be treated as two or more separate contracts (and, if so, on what basis), other than deemed supply contracts which are covered in the next item
9. Whether the supply contract is treated as comprising a general supply contract and an ETII supply contract or a QHS supply contract or both (and if so, which)
10. The contract start date
11. The contract end date (if applicable)
12. In the case of a fixed price contract, the price-fix date (in the case of a supply contract where discount recovery is not claimed, to be supplied if available)
13. The period of supply
14. The supply price applicable in respect of energy supplied during the period of supply
15. Any standing charge applicable in respect of the period of supply

16. How often the customer is sent a bill
17. Whether payment is to be made in arrears
18. Customer meter type (smart, advanced or traditional)
19. The address of the premises supplied
20. The post code of the premises supplied
21. The Unique Property Reference Number of the premises supplied (if available)
22. The customer's name (being the name of the organisation supplied, and not that of an individual as a point of contact, except in the case of a customer that is a sole trader)
23. The number under which the customer is registered in any register of companies, charities or other bodies, that is maintained under any enactment, and in which it is registered (if applicable and available)
24. Within the meaning of SIC 2007, to which Division of the classification (also known as a two-digit code) the customer belongs (if available)
25. Within the meaning of SIC 2007, to which Class of the classification (SIC Code) the customer belongs (if available)

*Additional information to be supplied about each electricity supply contract*

26. The relevant meter point administration number for each meter through which electricity is supplied
27. Customer meter Measurement Class (as defined in the BSC)
28. Volume of electricity supplied in the period of supply, stated separately for each deemed supply contract (ETII supply contract, QHS supply contract, general supply contract) where applicable
29. Whether that volume (or part of it) has been estimated
30. Customer profile class for BSC purposes

*Additional information to be supplied about each gas supply contract*

31. The relevant meter point reference number for each meter through which gas is supplied
32. Class of supply meter point for UNC purposes
33. Volume of gas supplied in the period of supply, stated separately for each deemed supply contract (ETII supply contract, QHS supply contract, general supply contract) where applicable
34. Whether that volume (or part of it) has been estimated

### **Part 3 – further information about deemed supply contracts within discount recovery claim**

*In relation to supply contracts under which the customer is an ETII customer or a QHS customer, information is to be supplied (i) on an aggregated basis, (ii) separately for all ETII supply contracts, QHS supply contracts and general supply contracts, and (iii) separately for gas and electricity customers.*

35. The total numbers of ETII supply contracts, QHS supply contracts and general supply contracts for which discount recovery is claimed
36. The total quantity of gas or (as the case may be) electricity (each in kWh) that the supplier has supplied, during the period of supply to which the claim relates, under ETII supply contracts, QHS supply contracts and general supply contracts
37. The total amounts by which charges have been reduced by discounts under ETII supply contracts, QHS supply contracts and general supply contracts:
  - a. in respect of the periods of supply to which the claim relates
  - b. in respect of all periods of supply prior to those to which the claim relates
  - c. in respect of all periods of supply up to and including those to which the claim relates

### **Part 4– further information about discount recovery claim**

38. The total number of contracts for which discount recovery is claimed that the supplier has determined belong in each of the categories mentioned in paragraph 7 of this Schedule
39. The number of supply contracts under which the supplier made a GB non-domestic electricity supply or a GB non-domestic gas supply during the period to which the claim relates, for which discount recovery is not claimed, either as the result of an opt-out notice being issued or because they are excluded fixed price contracts
40. The total quantity of gas or (as the case may be) electricity (each in kWh) that the supplier has supplied, during the period of supply to which the claim relates, under supply contracts:
  - a. for which discount recovery is claimed;
  - b. for which discount recovery is not claimed
41. The total amounts by which charges have been reduced by discounts under all supply contracts:
  - a. in respect of the periods of supply to which the claim relates
  - b. in respect of all periods of supply prior to those to which the claim relates
  - c. in respect of all periods of supply up to and including those to which the claim relates
42. The aggregate value of Annual Quantity (AQ, as defined in and determined under the UNC) for all MPRNs supplied under gas supply contracts for which discount recovery is claimed

43. The aggregate value of Estimated Annual Consumption (EAC, as defined in and determined under the BSC) for all MPANs supplied under electricity supply contracts for which discount recovery is claimed

## **Part 5 – interpretation of this Schedule**

44. For the purposes of this Schedule:
- a. an item of information is "available", if it is held by the supplier, or it is reasonably practicable for the supplier to obtain it;
  - b. the "period of supply":
    - i. in the case of a supply contract in respect of which discount recovery is claimed, has the meaning given in the Regulations;
    - ii. in the case of a supply contract in respect of which discount recovery is not claimed, means the period (being a whole number of consecutive days) during which the supplier has supplied energy to the customer under the supply contract and in respect of which the supplier provides information about that supply in a particular discount recovery claim;
  - c. the "premises supplied" are the premises to which a supply is given under the supply contract;
  - d. a "standing charge" is an amount chargeable to the customer on a daily (or other periodic) basis under a supply contract in addition to the amounts chargeable to the customer in respect of each unit of energy supplied under that supply contract.

## Schedule 2 – Form of supplier declaration to be submitted with a discount recovery claim

[\*\* ] (the **Supplier**) [*Note: insert Supplier's registered company name and number*]

### EBDS DECLARATION

The Supplier submits this Declaration with its discount recovery submitted in the claim window that ends on [\*\* ] (the **Claim**). [*Note: insert the end-date of the relevant claim window*]

To: The Secretary of State

I, [\*\* ], being a director of [\*\* ] (the **Supplier**), refer to rule 10.3 of the Energy Bills Discount Scheme Rules 2023 (the **Rules**) and make this Declaration on the Supplier's behalf. [*Note: if the Supplier is not a company, insert in place of "director" the position that the person approved by the Secretary of State to make the Declaration holds in relation to the Supplier.*]

Terms defined in the Energy Prices Act 2022, the Energy Bills Discount Scheme Regulations 2023 (the **Regulations**), or the Rules have the same meanings when used in this Declaration.

I hereby declare that, to the best of my knowledge:

- (a) the Claim reflects reductions that the Supplier has made in the supply price under supply contracts between the Supplier and its customers, in respect of energy supplied during a scheme period;
- (b) all those reductions in paragraph (a) above have been calculated in accordance with the Regulations;
- (c) the Supplier has, in particular, taken account of any:
  - (i) declarations made by a customer, or
  - (ii) notices given by a customer or the Supplier, under Part 4 of the Regulations in calculating the reductions;
- (d) the Supplier has, in particular, complied with Chapter 3 of Part 2 of the Regulations in determining the quantities of energy treated as supplied to a customer under each deemed supply contract, and where applicable in respect of supply redetermination events;
- (e) the Claim does not include an amount in respect of:
  - (i) any reduction that the Supplier was not required to make or any amount that the Supplier is not entitled to claim under the Regulations, or
  - (ii) any reduction in respect of which the Supplier has already submitted a discount recovery claim;
- (f) the Supplier has calculated the amount of the Claim in accordance with the Regulations, and based on information that is:
  - (i) accurate and complete, or

- (ii) to the extent that it includes estimates, fairly estimated in accordance with applicable industry rules or good industry practice;
- (g) [no event of insolvency that has not previously been declared to the Secretary of State has occurred in respect of the Supplier] / [the following event of insolvency has occurred in respect of the Supplier] [*Note: please delete and complete as appropriate*].

.....

Name: [\*\*            ]

Position: Director

Dated: [\*\*            ]

.....

Witness's name: [\*\*            ]

Occupation: [\*\*            ]

Address: [\*\*            ]

Dated: [\*\*            ]

## Schedule 3 – Form of supplier declaration to be submitted with a response to a provisional conclusions notice

[\*\* ] (the **Supplier**) [ *Note: insert Supplier's registered company name and number*]

### EBDS DECLARATION

The Supplier submits this Declaration with its response to the Secretary of State's provisional conclusions notice dated [\*\* ] (respectively, the **Response** and the **Notice**). [ *Note: insert the date of the provisional conclusions notice to which the Supplier is responding and that this Declaration accompanies*]

To: The Secretary of State

I, [\*\* ], being a director of [\*\* ] (the **Supplier**), refer to rule 13.8 of the Energy Bills Discount Scheme Rules 2023 (the **Rules**) and make this Declaration on the Supplier's behalf. [ *Note: if the Supplier is not a company, insert in place of "director" the position that the person approved by the Secretary of State to make the Declaration holds in relation to the Supplier.*]

Terms defined in the Energy Prices Act 2022, the Energy Bills Discount Scheme Regulations 2023 (the **Regulations**), or the Rules have the same meanings when used in this Declaration.

The Response provides information or calculations, in response to the Notice, that amend the Supplier's discount recovery claim submitted in the claim window that ended on [\*\* ] [ *Note: insert the end-date of the relevant claim window*] (the **Claim**) by supplementing or correcting the information or calculations provided in it, which, for the purposes of this Declaration, when taken together with such parts of the Claim as are not so amended, constitute the **Amended Claim**.

Taking account of the respects in which the Response supplements or corrects the Claim, I hereby declare that, to the best of my knowledge,

- (a) the Amended Claim reflects reductions that the Supplier has made in the supply price under supply contracts between the Supplier and its customers, in respect of energy supplied during a scheme period;
- (b) all those reductions in paragraph (a) above have been calculated in accordance with the Regulations;
- (c) the Supplier has, in particular, taken account of any:
  - (i) declarations made by a customer, or
  - (ii) notices given by a customer or the Supplier,under Part 4 of the Regulations in calculating the reductions;
- (d) the Supplier has, in particular, complied with Chapter 3 of Part 2 of the Regulations in determining the quantities of energy treated as supplied to a customer under each deemed supply contract, and where applicable in respect of supply redetermination events;
- (e) the Amended Claim does not include an amount in respect of:

- (i) any reduction that the Supplier was not required to make or any amount that the Supplier is not entitled to claim under the Regulations, or
  - (ii) any reduction in respect of which the Supplier has already submitted a discount recovery claim;
- (f) the Supplier has calculated the amount of the Amended Claim in accordance with the Regulations, and based on information that is:
- (i) accurate and complete, or
  - (ii) to the extent that it includes estimates, fairly estimated in accordance with applicable industry rules or good industry practice.

.....

Name: [\*\* ]

Position: Director

Dated: [\*\* ]

.....

Witness's name: [\*\* ]

Occupation: [\*\* ]

Address: [\*\* ]

Dated: [\*\* ]



## Schedule 4 – Specified SIC codes

<i>Code</i>	<i>Description</i>
05.10	Mining of hard coal
06.10	Extraction of crude petroleum
08.11	Quarrying of ornamental and building stone, limestone, gypsum, chalk and slate
08.12	Operation of gravel and sand pits; mining of clays and kaolin
08.99	Other mining and quarrying n.e.c.
10.11	Processing and preserving of meat
10.12	Processing and preserving of poultry meat
10.20	Processing and preserving of fish, crustaceans and molluscs
10.41	Manufacture of oils and fats
10.42	Manufacture of margarine and similar edible fats
10.51	Operation of dairies and cheese making
10.61	Manufacture of grain mill products
10.62	Manufacture of starches and starch products
10.71	Manufacture of bread; manufacture of fresh pastry goods and cakes
10.81	Manufacture of sugar
10.82	Manufacture of cocoa, chocolate and sugar confectionery
10.85	Manufacture of prepared meals and dishes
10.86	Manufacture of homogenised food preparations and dietetic food
10.89	Manufacture of other food products n.e.c.
10.91	Manufacture of prepared feeds for farm animals
11.02	Manufacture of wine from grape
11.03	Manufacture of cider and other fruit wines
11.05	Manufacture of beer
11.06	Manufacture of malt
13.10	Preparation and spinning of textile fibres
13.20	Weaving of textiles
13.30	Finishing of textiles
13.91	Manufacture of knitted and crocheted fabrics
13.92	Manufacture of made-up textile articles, except apparel
13.93	Manufacture of carpets and rugs
13.94	Manufacture of cordage, rope, twine and netting
13.95	Manufacture of non-wovens and articles made from non-wovens, except apparel
13.96	Manufacture of other technical and industrial textiles
13.99	Manufacture of other textiles n.e.c.
14.11	Manufacture of leather clothes
14.12	Manufacture of workwear
14.19	Manufacture of other wearing apparel and accessories

<i>Code</i>	<i>Description</i>
14.31	Manufacture of knitted and crocheted hosiery
14.39	Manufacture of other knitted and crocheted apparel
15.11	Tanning and dressing of leather; dressing and dyeing of fur
15.12	Manufacture of luggage, handbags and the like, saddlery and harness
16.10	Sawmilling and planing of wood
16.21	Manufacture of veneer sheets and wood-based panels
16.22	Manufacture of assembled parquet floors
16.29	Manufacture of other products of wood; manufacture of articles of cork, straw and plaiting materials
17.11	Manufacture of pulp
17.12	Manufacture of paper and paperboard
17.21	Manufacture of corrugated paper and paperboard and of containers of paper and paperboard
17.22	Manufacture of household and sanitary goods and of toilet requisites
17.23	Manufacture of paper stationery
17.24	Manufacture of wallpaper
17.29	Manufacture of other articles of paper and paperboard
19.10	Manufacture of coke oven products
19.20	Manufacture of refined petroleum products
20.11	Manufacture of industrial gases
20.12	Manufacture of dyes and pigments
20.13	Manufacture of other inorganic basic chemicals
20.14	Manufacture of other organic basic chemicals
20.15	Manufacture of fertilisers and nitrogen compounds
20.16	Manufacture of plastics in primary forms
20.17	Manufacture of synthetic rubber in primary forms
20.20	Manufacture of pesticides and other agrochemical products
20.41	Manufacture of soap and detergents, cleaning and polishing preparations
20.60	Manufacture of man-made fibres
22.11	Manufacture of rubber tyres and tubes; retreading and rebuilding of rubber tyres
22.19	Manufacture of other rubber products
22.21	Manufacture of plastic plates, sheets, tubes and profiles
22.22	Manufacture of plastic packing goods
22.23	Manufacture of builders' ware of plastic
22.29	Manufacture of other plastic products
23.11	Manufacture of flat glass
23.12	Shaping and processing of flat glass
23.13	Manufacture of hollow glass
23.14	Manufacture of glass fibres
23.19	Manufacture and processing of other glass, including technical glassware

<i>Code</i>	<i>Description</i>
23.20	Manufacture of refractory products
23.31	Manufacture of ceramic tiles and flags
23.32	Manufacture of bricks, tiles and construction products, in baked clay
23.41	Manufacture of ceramic household and ornamental articles
23.42	Manufacture of ceramic sanitary fixtures
23.43	Manufacture of ceramic insulators and insulating fittings
23.44	Manufacture of other technical ceramic products
23.49	Manufacture of other ceramic products
23.51	Manufacture of cement
23.52	Manufacture of lime and plaster
23.61	Manufacture of concrete products for construction purposes
23.62	Manufacture of plaster products for construction purposes
23.63	Manufacture of ready-mixed concrete
23.64	Manufacture of mortars
23.65	Manufacture of fibre cement
23.69	Manufacture of other articles of concrete, plaster and cement
23.70	Cutting, shaping and finishing of stone
23.91	Production of abrasive products
23.99	Manufacture of other non-metallic mineral products n.e.c.
24.10	Manufacture of basic iron and steel and of ferro-alloys
24.20	Manufacture of tubes, pipes, hollow profiles and related fittings, of steel
24.31	Cold drawing of bars
24.32	Cold rolling of narrow strip
24.33	Cold forming or folding
24.34	Cold drawing of wire
24.41	Precious metals production
24.42	Aluminium production
24.43	Lead, zinc and tin production
24.44	Copper production
24.45	Other non-ferrous metal production
24.46	Processing of nuclear fuel
24.51	Casting of iron
24.52	Casting of steel
24.53	Casting of light metals
24.54	Casting of other non-ferrous metals
25.92	Manufacture of light metal packaging
26.11	Manufacture of electronic components
26.52	Manufacture of watches and clocks
27.20	Manufacture of batteries and accumulators

<i>Code</i>	<i>Description</i>
27.32	Manufacture of other electronic and electric wires and cables
27.51	Manufacture of electric domestic appliances
28.91	Manufacture of machinery for metallurgy
91.01	Library and archive activities
91.02	Museum activities
91.03	Operation of historical sites and buildings and similar visitor attractions
91.04	Botanical and zoological gardens and nature reserve activities

## Schedule 5 – Information to be provided with ETII application

### 1. Details of the applicant:

- a. Name
- b. Registered office (if applicable) or principal office
- c. Applicant's email address
- a. Applicant's website
- b. Company registration number (if applicable)
- a. Form of business organisation (if not a limited company) (by reference to forms specified by the Secretary of State)

### 2. Contact details of the individual completing the application:

- a. Name
- b. Email address
- c. Telephone number
- d. Position in the applicant's organisation

### 3. Details of the ETII qualifying activities:

*[Note: to be provided for up to 4 ETII qualifying activities of the applicant]*

- a. Name of sector (within the Standard Industrial Classification referred to in the definition of SIC code in regulation 15)
- b. 4-digit SIC code

### 4. Details of the contract (or each contract, if more than one) under which the applicant is provided with energy, heating or hot water:

- a. The name of the person providing energy, heating or hot water to the applicant
- b. Whether that person is a licensed supplier
- c. For each of the applicant's premises supplied by that person that are connected to an electricity system or to a pipeline system operated by a gas transporter (as defined respectively in regulation 2 and regulation 46(2)), the associated meter number(s) (MPRN(s) or MPAN(s)).
- d. Where that person is a licensed supplier, the applicant's customer billing name.

## Schedule 6 – Information to be provided with QHS application

1. Details of the applicant:
  - a. Name
  - b. Registered office (if applicable) or principal office
  - c. Applicant's email address
  - d. Applicant's website
  - e. Company registration number (if applicable)
  - f. Category of business (if not a limited company) (by reference to categories specified by the Secretary of State)
2. Contact details of the individual completing the application:
  - a. Name
  - b. Email address
  - c. Telephone number
3. Details of the heat network:
  - a. Name(s)
  - b. Postcode of the site or main site at which the heating or hot water that is supplied through the heat network is produced
  - c. Input fuel type (gas, electricity or both)
4. Details of the contract (or each contract, if more than one) under which the applicant is provided with energy that it uses to produce heating or/ hot water:
  - a. The name of the person(s) providing energy to the applicant
  - b. Whether that person is a licensed supplier
  - c. For each of the applicant's premises supplied by that person that are connected to an electricity system or to a pipeline system operated by a gas transporter (as defined respectively in regulation 2 and regulation 46(2)), the associated meter number(s) (MPRN(s) or MPAN(s))
  - d. Where that person is a licensed supplier, the applicant's customer billing name.

## Schedule 7 – Form of declaration to be provided with ETII application

[\*\* ] (the **Applicant**) [ *Note: insert Applicant's registered company name and number, if applicable*]

### EBDS DECLARATION

The Applicant submits this Declaration with its ETII application dated [\*\* ] (the **Application**). [ *Note: insert the date of the application*]

To: The Secretary of State

I, [\*\* ], being a [director] [qualifying representative] of the Applicant, refer to rule 24.4 of the Energy Bills Discount Scheme Rules 2023 (the **Rules**) and make this Declaration on the Applicant's behalf. [ *Note: delete 'director' or 'qualifying representative' according to whether the Applicant is or is not a company. See rule 24.5 of the Rules for who is a qualifying representative*]

I hereby declare that, to the best of my knowledge:

- (a) the conditions in regulations 16(2) to (4) of the Regulations (the **ETII certification criteria**) are met in respect of the Applicant;
- (b) the ETII certification criteria were satisfied in respect of the Applicant not less than 6 months before the date on which the Application is submitted;
- (c) the information submitted by the Applicant in or with the Application:
  - (i) has been prepared in accordance with the Rules;
  - (ii) is true, accurate and not misleading.

.....  
Name: [\*\* ]

Position: [Director] [ *In case of a qualifying representative, insert in place of "director" the position that representative holds in relation to the applicant*]

Dated: [\*\* ]  
.....

Witness's name: [\*\* ]

Occupation: [\*\* ]

Address: [\*\* ]

Dated: [\*\* ]

## Schedule 8 – Form of declaration to be provided with QHS application

[\*\* ] (the **Applicant**) [ *Note: insert Applicant's registered company name and number, if applicable*]

### EBDS DECLARATION

The Applicant submits this Declaration with its QHS application or (if more than one) QHS applications dated [\*\* ] (each, an **Application**). [ *Note: insert the date of the application(s)*]

To: The Secretary of State

I, [\*\* ], being a [director] [qualifying representative] of the Applicant, refer to rule 24.4 of the Energy Bills Discount Scheme Rules 2023 (the **Rules**) and make this Declaration on the Applicant's behalf. [ *Note: delete 'director' or 'qualifying representative' according to whether the Applicant is or is not a company. See rule 24.5 of the Rules for who is a qualifying representative*]

I hereby declare that, to the best of my knowledge:

- (a) the conditions in regulations 17(2) and (3) of the Regulations (the **QHS certification criteria**) are met in respect of the Applicant and the heat network specified in each Application;
- (b) the information submitted by the Applicant in or with each Application:
  - (i) has been prepared in accordance with the Rules;
  - (ii) is true, accurate and not misleading.

.....

Name: [\*\* ]

Position: [Director] [ *In case of a qualifying representative, insert in place of "director" the position that representative holds in relation to the applicant*]

Dated: [\*\* ]

.....

Witness's name: [\*\* ]

Occupation: [\*\* ]

Address: [\*\* ]

Dated: [\*\* ]



## Schedule 9 – Form of ETII certificate

### ETII Certificate

Issued under regulation 16 of the Energy Bills Discount Scheme Regulations 2023 (the "Regulations")

Certificate number	
Name of certified ETII operator	
Company registration number (if applicable)	
Contact details	
Application Reference Number (ARN)	
Certification date	
Date application submitted	
Eligible SIC code(s)	

The Secretary of State has determined that, at the certification date, the ETII certification criteria are satisfied in respect of the ETII operator named in this certificate.

Terms used in this certificate and defined in the Regulations have the meanings given to them in the Regulations.

This certificate is issued subject to, and is liable to revocation in accordance with, the Regulations.

Dated \_\_\_\_\_

[Name]

On behalf of the Secretary of State for Energy Security and Net Zero

## Schedule 10 – Form of QHS certificate

### Qualifying Heat Supplier Certificate

Issued under regulation 17 of the Energy Bills Discount Scheme Regulations 2023 (the "Regulations")

Certificate number	
Heat supplier name	
Company registration number (if applicable)	
Heat supplier contact details	
Heat network name	
Application Reference Number (ARN)	
Certification date	
Date application submitted	

The Secretary of State has determined that, at the certification date, the QHS certification criteria are satisfied in respect of the heat supplier and heat network named in this certificate.

Terms used in this certificate and defined in the Regulations have the meanings given to them in the Regulations.

This certificate is issued subject to, and is liable to revocation in accordance with, the Regulations.

Dated \_\_\_\_\_

[Name]

On behalf of the Secretary of State for Energy Security and Net Zero