ENERGY
GREEN DEAL

MODIFICATIONS TO THE STANDARD CONDITIONS OF
ELECTRICITY SUPPLY LICENCES (No.1 of 2013)

The Secretary of State makes the following licence modifications in exercise of the powers conferred by sections 17(1)(d), 19(1)(d) and 20(1)(d) of the Energy Act 2011 (the "Act").

The Secretary of State has consulted the holders of any licence being modified, the Gas and Electricity Markets Authority and such other persons as the Secretary of State considered appropriate in accordance with section 21 of the Act.

Modifications to conditions in effect

1. The standard conditions of electricity supply licences granted, or treated as granted, under s6(1)(d) of the Electricity Act 1989 are modified with effect from the day after the date on which they are made, as follows:

1.1. For Standard Condition 35.1, substitute:

"Establishment and maintenance

35.1 The licensee must, under the Master Registration Agreement, in conjunction and cooperation with all persons that are Authorised by an Electricity Supply Licence to supply electricity:

(a) establish by 1 October 2012, or procure the establishment of by 1 October 2012; and

(b) subsequently maintain, or procure the subsequent maintenance of,

a database (the "Central Charge Database") capable of recording, storing and otherwise processing such data as is necessary to facilitate, in accordance with the provisions of the Green Deal Arrangements Agreement, the establishment and administration of Green Deal Plans (from 14 January 2013) and the collection and remittance of Green Deal Charges (from 1 March 2013)."

1.2. Standard Condition 35.3 is modified as follows:

1.2.1. In sub-paragraph (a)(vi), for "and, if one exists, its nominee for the remittance of the Green Deal Charges," substitute "and, if different, the person who is designated under the Green Deal Arrangements Agreement to receive information relating to the remittance of Green Deal Charges;"

1.2.2. Omit sub-paragraph (c) and renumber sub-paragraphs (d) and (e) as, respectively, (c) and (d).

1.2.3. In the new sub-paragraph (d), for "operation of the database," substitute "and accurate establishment and administration of Green Deal Plans and collection and remittance of Green Deal Charges."
1.3. After Standard Condition 35.3, insert:

"Sharing information

35.4 Subject to paragraph 35.5, the licensee must, in conjunction and co-operation with all persons that are Authorised by an Electricity Supply Licence to supply electricity, and solely in pursuance of its obligation under paragraph 35.1, share information collected and otherwise processed through the Central Charge Database in connection with the establishment or administration of a Green Deal Plan or energy plan:

(a) with any person identified in the Green Deal Arrangements Agreement as being a person entitled to receive such data, in accordance with that agreement; and

(b) with any person identified in the Master Registration Agreement as being entitled to access and view such data, in accordance with that agreement.

35.5 The licensee is not required to comply with paragraph 35.4 if compliance with the requirements of that paragraph would be incompatible with competition law applicable in the United Kingdom."

1.4. For sub-paragraph (e) of Standard Condition 38.4, substitute:

"(e) provisions enabling payments to be made (either directly or indirectly) to the Licensee in connection with the discharge of its functions under Section 1(6) of the Energy Act 2011 and in connection with Green Deal Payments, as calculated with the approval of the Secretary of State;"

Modifications to conditions not yet in effect

2. The modifications made to standard condition 37 of electricity supply licences granted, or treated as granted, under section 6(1)(d) of the Electricity Act 1989 on 28 June 2012 by the Secretary of State in exercise of the powers conferred by sections 17(1)(d), 18(1)(d), 19(1)(d) and 20(1)(d) of the Act are modified as follows, and will come into force on 28 January 2013 with these modifications:

2.1. For sub-paragraph (a) of Standard Condition 37.10, substitute:

"(a) a binding decision of the Relevant Ombudsman or a judgment (including any order or decree) of a court in Great Britain has been given in relation to that Green Deal Plan before the relevant time under paragraph 37.9 and there is a sum still to be paid under that final decision or judgment by the Green Deal Bill Payer; or"

2.2. For sub-paragraph (a) of Standard Condition 37.12, substitute:

"(a) subject to paragraph 37.12A, include a copy of:

(i) the current arrears information sheet prepared by the Office of Fair Trading under Section 89A of the Consumer Credit Act 1974 together with an explanation of how the information applies in the case of Green Deal Charge arrears; or

(ii) the current Green Deal Charges arrears information sheet prepared by the Secretary of State; and"
2.3. After Standard Condition 37.12, insert:

"37.12A Sub-paragraph 37.12(a)(i) shall cease to have effect on 31 December 2013."

2.4. For Standard Condition 37.13, substitute:

"Sharing information

37.13 Subject to paragraph 37.14, the licensee must share information collected and otherwise processed through the Central Charge Database in connection with the establishment or administration of a Green Deal Plan or energy plan to any person identified in the Green Deal Arrangements Agreement as being a person entitled to receive such data, in accordance with that agreement.

37.13A The licensee must share information collected and otherwise processed in connection with the establishment or administration of a Green Deal Plan or energy plan:

(a) as is reasonably required and requested by a Relevant Ombudsman; and

(b) as is reasonably required and requested by the Secretary of State."

2.5. For Standard Condition 37.14, substitute:

"37.14 The licensee is not required to comply with paragraph 37.13 if compliance with the requirements of that paragraph would be incompatible with competition law applicable in the United Kingdom."

2.6. Insert the following in the appropriate places in Standard Condition 37.15:

"Energy Ombudsman" means the person appointed by the Secretary of State, and approved by the Authority, to administer the redress scheme within the meaning of section 48(1) of the Consumers, Estate Agents and Redress Act 2007."

"Financial Ombudsman Service" means the ombudsman scheme referred to in section 225 of the Financial Services and Markets Act 2000."

"Relevant Ombudsman" means any of the Green Deal Ombudsman, the Energy Ombudsman or the Financial Ombudsman Service."