The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 9, 10, 14(4), and 31(5) and (6) of the Energy Act 2010(a) with the consent of the Treasury(b) and with the agreement of the Scottish Ministers(c).

The Secretary of State has consulted the Gas and Electricity Markets Authority, licensed electricity suppliers, licensed gas suppliers and such other persons as the Secretary of State considers appropriate.

In accordance with section 31(2)(b) of the Energy Act 2010 a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Warm Home Discount (Miscellaneous Amendments) Regulations 2018 and come into force on the 21st day after the day on which they are made.

Amendment of the Warm Home Discount Regulations 2011

2. The Warm Home Discount Regulations 2011(d) are amended in accordance with regulations 3 to 27.

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(a) 2010 c. 27. Sections 9 and 31 of the Energy Act 2010 are amended by section 58 of the Scotland Act 2016 (c.11).
(b) The consent of the Treasury is required by section 14(3) of the Energy Act 2010 to make regulations under section 9 of that Act.
(c) Notwithstanding section 14A(1) and (2) of the Energy Act 2010, as inserted by section 58 of the Scotland Act 2016, the Secretary of State may, by virtue of section 14A(6)(a) of the Energy Act 2010, make any provision under section 9 of the Energy Act 2010 for the purposes of a scheme in relation to Scotland, with the agreement of the Scottish Ministers.
Amendments to regulation 2 (interpretation)

3. In regulation 2(1)—

(a) in the definition of “eligible occupier of a mobile home”—

(i) at the end of paragraph (a), omit “or”;

(ii) after paragraph (a) insert—

“(ab) who meets the criteria described in any eligibility statement consulted on and published by the Secretary of State for the scheme year, and for the purpose of this definition “eligibility statement” has the same meaning as in regulation 6(2); or”;

(b) after the definition of “energy advice” insert—

“fourth commencement date” means the date on which the Warm Home Discount (Miscellaneous Amendments) Regulations 2018 come into force;”;

(c) in the definition of “the prescribed rebate”, for paragraph (d) substitute—

“(d) in all other scheme years, £140;”;

(d) in the definition of “scheme year”—

(i) at the end of paragraph (c) omit “or”;

(ii) after paragraph (d) insert—

“(e) from the fourth commencement date to 31st March 2019 (“scheme year 8”); (f) from 1st April 2019 to 31st March 2020 (“scheme year 9”); or (g) from 1st April 2020 to 31st March 2021 (“scheme year 10”);”;

(e) after the definition of “voluntary commitment” omit “and”;

(f) after the definition of “voluntary scheme electricity supplier” insert—

“working days” means any day other than—

(a) a Saturday or Sunday; or

(b) a day which is a bank holiday in England and Wales or in Scotland under section 1 of the Banking and Financial Dealings Act 1971(a).”.

Amendments to regulation 3 (name and duration of scheme)

4. In regulation 3—

(a) at the end of paragraph (4) insert “and during the period from the fourth commencement date to 31st March 2021 (“the third scheme period”);”;

(b) in paragraph (5), after “second scheme period” insert “and after the end of the third scheme period”.

Amendments to regulation 4 (notification by suppliers)

5. In regulation 4—

(a) in paragraph (2)(b), for “and 2017” substitute “, 2017, 2019 and 2020”;

(b) after paragraph (2)(d) insert—

“(e) 14 days after the fourth commencement date,”;

(c) after paragraph (3B) insert—

“(3C) If, before the fourth commencement date, a supplier has notified the Authority of the number of that supplier’s domestic customers on 31st December 2017, the Authority shall treat that as the supplier’s notification for the purposes of paragraph (2)(e).”.

(a) c.80.
Amendments to regulation 5 (scheme suppliers)

6. In regulation 5(4)—
   (a) in sub-paragraph (b), for “and 7” substitute “, 7, 9 and 10”;
   (b) after sub-paragraph (d) insert—
      “(e) in relation to scheme year 8, by 14 days after the fourth commencement date,”.

Amendments to regulation 6 (determination of scheme customers by the Secretary of State)

7. In regulation 6—
   (a) for paragraph (2) substitute—
      “(2) A person may not be specified in a notice unless—
      (a) in scheme years 9 and 10, where the Secretary of State has consulted on and
          published a document for the scheme year which describes the criteria adopted by
          the Secretary of State for the purpose of providing the prescribed rebate to persons
          living in fuel poverty or in a fuel poverty risk group (“an eligibility statement”), it
          appears to the Secretary of State that—
              (i) the person meets the criteria described in the eligibility statement; and
              (ii) the person is a domestic customer of the scheme electricity supplier; or
          (b) in scheme year 8 or where the Secretary of State has not consulted on and
              published an eligibility statement for the scheme year, it appears to the Secretary
              of State that—
              (i) the person, or the person’s partner, is in receipt of guarantee credit; and
              (ii) the person is a domestic customer of the scheme electricity supplier.”;
   (b) for paragraph (3) substitute—
      “(3) A notice containing personal information (within the meaning of section 40(5) of the
          Digital Economy Act 2017(a)) may only be given if—
          (a) the personal information is given with the consent of the persons to whom it
              relates;
          (b) regulations are in force under section 142 of the Pensions Act 2008(b) and those
              regulations authorise the Secretary of State to provide the electricity supplier with
              the personal information contained in the notice; or
          (c) the Secretary of State is authorised by section 36 of the Digital Economy Act
              2017(c) to provide the electricity supplier with the personal information contained
              in the notice.
      (c) after paragraph (5) insert—
      “(6) In scheme year 10, a notice may not be given after 1st March 2021.
      (7) In paragraph (2), “guarantee credit” is to be construed in accordance with sections 1
          and 2 of the State Pension Credit Act 2002.”.

Amendments to regulation 9 (provision of information by suppliers)

8. In regulation 9—
   (a) at the end of paragraph (2)(a) insert “, except for any scheme electricity supplier to
       whom information may not be disclosed under section 36(1) of the Digital Economy Act
       2017”;

(a) c.30.
(b) c.30.
(c) c.30.
(b) for paragraph (3) substitute—

“(3) A direction may only be given to a scheme electricity supplier if—

(a) regulations are in force under section 142 of the Pensions Act 2008 and those regulations authorise the scheme electricity supplier to disclose to the Secretary of State the information specified in the direction; or

(b) the scheme electricity supplier is authorised by section 37 of the Digital Economy act 2017 to disclose to the Secretary of State the information specified in the direction.”;

(c) in paragraph (7), for “6 and 7” substitute “6 to 10”;

(d) in paragraph (8), after sub-paragraph (b) insert—

“(c) for each subsequent scheme year, the 5 month period immediately following the end of the scheme year, beginning on 1st April and ending on 31st August.”.

Amendment to regulation 11 (Part 3: Interpretation)

9. In regulation 11, for “except in regulation 8” substitute “except the first, second and fourth references in regulation 6(2), the references in regulation 8”.

Amendments to regulation 12 (determination and notification of non-core spending obligation)

10. In regulation 12—

(a) in paragraph (1)(b), for “4 and 7” substitute “4, 7, 9 and 10”;

(b) after paragraph (1)(d) insert—

“(e) for scheme year 8, by 7 days after the fourth commencement date,”;

(c) after paragraph (6) insert—

“(6A) The Authority must—

(a) for scheme year 8, by 20 working days after the fourth commencement date,

(b) for scheme year 9, by 14th March 2019,

(c) for scheme year 10, by 14th March 2020,

calculate for each compulsory scheme electricity supplier, and notify to that supplier, the amounts specified in paragraph (7).”;

(d) for paragraph (7)(b) substitute—

“(b) in a scheme year in which the aggregate non-core spending obligation exceeds £50 million, the amount of spending, which by virtue of regulation 15A(3)(a), the supplier is required, where reasonably practicable, to make under Chapter 2;”;

(e) in paragraph (7)(c), for “15(3A)(ba)(ii)” substitute “15A(6)(b)”.

Amendment to regulation 13 (calculation of non-core spending obligation)

11. In regulation 13(5), for “6 and 7” substitute “6 to 10”.

Amendments to regulation 14 (adjustments for banking and borrowing)

12. In regulation 14—

(a) in paragraph (1), for “2 to 7” substitute “2 to 10”;

(b) in paragraph (3)(b)(iii), for “scheme years 5, 6 and 7” substitute “subsequent scheme years”;

(c) in paragraph (3A), for “6 and 7” substitute “6 to 10”;

(d) in paragraph (3B), after sub-paragraph (b) insert—
“(c) for each subsequent scheme year, the 5 month period immediately following the end of the scheme year, beginning on 1st April and ending on 31st August.”;

(e) in paragraph (3C)—
   (i) for “scheme year 7” substitute “scheme years 7 to 10”;
   (ii) for “scheme year 6” substitute “the preceding scheme year”;

(f) in paragraph (4), for “scheme year 7” substitute “scheme years 7 to 10”.

Amendments to regulation 15 (types and amounts of spending)

13.—(1) In the heading to regulation 15, at the end insert “in scheme years 1 to 7”.

(2) In regulation 15—
   (a) in paragraph (1), for “each scheme year” substitute “each of scheme years 1 to 7”.
   (b) in paragraph (3)(a), for “each scheme year” substitute “each of scheme years 1 to 7”.

New regulations 15A and 15B (types and amounts of spending from scheme year 8)

14. After regulation 15 insert—

“Types and amounts of spending from scheme year 8

15A.—(1) This regulation applies to a scheme year commencing on or after the fourth commencement date and in which the aggregate non-core spending obligation is greater than zero (“a relevant scheme year”).

(2) In each relevant scheme year, a compulsory scheme electricity supplier must incur spending under this Part to the amount of its non-core spending obligation, and in doing so—

(a) may include spending on industry initiatives under Chapter 4 and on specified activities under Chapter 5, subject to the limits in paragraphs (3) to (5);

(b) in a scheme year in which the aggregate non-core spending obligation does not exceed £50 million, must not include spending under Chapter 2; and

(c) in a scheme year in which the aggregate non-core spending obligation exceeds £50 million, must include spending under Chapter 2, where reasonably practicable, of no less than the relevant percentage of the amount calculated by subtracting £40 million from the aggregate non-core spending obligation.

(3) In each relevant scheme year in which the aggregate non-core spending obligation exceeds £5 million, the maximum amount of spending under Chapter 4 on an activity of a kind listed in the final row of the table in Schedule 4, that a compulsory scheme electricity supplier may count towards its non-core spending obligation, is the relevant percentage of £5 million.

(4) In each relevant scheme year in which the aggregate non-core spending obligation exceeds £50 million, the maximum amount of spending under Chapters 4 and 5 combined, that a compulsory scheme electricity supplier may count towards its non-core spending obligation, is the relevant percentage of £40 million, unless the Authority has notified the supplier under article 15B(3)(c) that spending in excess of that amount is necessary to meet the supplier’s non-core spending obligation;

(5) Subject to paragraph (6), the maximum amount of spending under Chapter 4 on debt write-off, that a compulsory scheme electricity supplier may count towards its non-core spending obligation, is the relevant percentage of—

(a) £10 million in scheme year 8;

(b) £8 million in scheme year 9;

(c) £6 million in scheme year 10.
(6) Paragraph (5) does not apply in a scheme year in which the aggregate non-core spending obligation is equal to, or less than—
   (a) £10 million in scheme year 8;
   (b) £8 million in scheme year 9;
   (c) £6 million in scheme year 10.
(7) In this regulation—
   “debt write-off” has the same meaning as in regulation 15(6); and
   “the relevant percentage” means the percentage determined under regulation 13(2).

Adjustment of types and amounts of spending from scheme year 8

15B.—(1) If an amount of spending is notified to a compulsory scheme electricity supplier under regulation 12(7)(b) for a scheme year, the supplier must notify the Authority by 15th December in the scheme year, if it considers that it will not incur at least that amount of spending for the scheme year.
(2) A notification under paragraph (1) must be in such form, and contain such information, as the Authority requires.
(3) The Authority must, within 20 working days of receiving a notification under paragraph (1)—
   (a) determine whether, and if so the extent to which, the supplier may incur spending below the amount notified to the supplier under regulation 12(7)(b);
   (b) where the Authority determines that the supplier may incur spending below that amount, determine the amount by which the supplier must increase its spending under Chapters 4 or 5; and
   (c) notify the supplier accordingly.
(4) A supplier must comply with a determination notified to it under paragraph (3)(c).”.

New regulation 17B (scheme year 8 spending incurred before fourth commencement date)

15. After regulation 17A insert—

“Scheme year 8 spending incurred before fourth commencement date

17B. In scheme year 8, a compulsory scheme electricity supplier may treat as an amount of spending incurred under Chapter 4 any spending which—
   (a) was incurred in the period beginning on 1st April 2018 and ending on the day before the fourth commencement date, and
   (b) would count towards its non-core spending obligation by virtue of Chapter 4 if the Warm Home Discount (Miscellaneous Amendments) Regulations 2018 had come into force on 1st April 2018.”.

Amendment to regulation 18 (broader group customers)

16. In regulation 18(1), after “in each scheme year” insert “in which the aggregate non-core spending obligation exceeds £50 million”.

Amendments to regulation 19 (eligibility criteria and verification measures)

17. In regulation 19—
   (a) for paragraph (4) substitute—
   “(4) The Authority must approve a supplier’s eligibility criteria if, but only if, in the case of eligibility criteria notified for the purposes of—

6
(a) any of scheme years 2 to 8, they satisfy Conditions 1 and 2;
(b) any subsequent scheme year, they satisfy Conditions 2 and 3.”;
(b) in paragraph (6), for “scheme years 2 to 7” substitute “a scheme year”;
(c) after paragraph (6) insert—
“(6A) Condition 3 is that the Authority is satisfied that—
(a) the eligibility criteria include all the descriptions of persons in Part 1 of Schedule 2
other than those persons meeting the criteria described in any eligibility statement
consulted on and published by the Secretary of State for the scheme year; and
(b) customers meeting any other criterion will wholly or mainly be persons in fuel
poverty, or in a fuel poverty risk group.”;
(d) after paragraph (7) insert—
“(8) In paragraph (6A)(a), “eligibility statement” has the meaning given in article 6(2).”.

Amendment to regulation 20 (provision of rebate to broader group customers)
18. In regulation 20(1)(b)(ii), for “1 and 6” substitute “1, 6 and 8”.

Amendment to regulation 21ZA (scope of Chapter 3)
19. In regulation 21ZA, for “6 and 7” substitute “commencing on or after the third
commencement date”.

Amendments to regulation 26 (industry initiatives)
20. In regulation 26—
(a) in paragraph (1), for “regulation 15(4) and (4B)” substitute “regulations 15(4) and (4B)
and 15A(3)”;
(b) in paragraph (3)(b)(ii), for “1 and 6” substitute “1, 6 and 8”.

Amendments to regulation 27A (activities specified by the Secretary of State)
21. In regulation 27A, in paragraph (1)—
(a) for “regulation 15(4)” substitute “regulations 15(4) and 15A(3)”;
(b) for “6 and 7” substitute “6 to 10”.

Amendments to regulation 28 (approvals by the Authority: procedure)
22. In regulation 28—
(a) in paragraph (4)(a), for “28 days” substitute “20 working days”;
(b) in paragraph (5), for “28 days” substitute “20 working days”.

Amendment to regulation 29 (determination of amounts spent by scheme suppliers)
23. In regulation 29(1)(c)(iii), for “6 and 7” substitute “6 to 10”.

Substitution of regulation 31 (reviews of the scheme)
24. For regulation 31 substitute—

“Reviews of the scheme
31. The Secretary of State must conduct a review—
(a) of the scheme, if the Secretary of State is satisfied that a review would be desirable because—

(i) the Scottish Ministers have consulted, or intend to consult, the Secretary of State about proposed regulations under section 9 of the Energy Act 2010 in relation to Scotland; or

(ii) there has been a significant change in circumstances since the fourth commencement date;

(b) of the amount of the prescribed rebate, if the Secretary of State is satisfied that a review would be desirable because there has been a significant change in the gas or electricity costs incurred by persons in fuel poverty or in a fuel poverty risk group;

(c) of regulation 5 (scheme suppliers), if the Secretary of State is satisfied that a review would be desirable in order to promote effective competition between suppliers or to protect the interests of domestic customers;

(d) [of Part 4 (non-core spending), if the Secretary of State is satisfied that a review would be desirable because the Secretary of State has proposed a significant increase to the number of persons to whom suppliers must provide the prescribed rebate under Part 3 (core group)];

(e) of any aspect of the operation of the scheme, if the Secretary of State is satisfied that a review would be desirable—

(i) in order for the scheme to achieve greater reductions in fuel poverty; or

(ii) because that aspect of the scheme is not, or may not be, operating effectively or its effectiveness could be improved.”.

Amendments to Schedule 1 (aggregate non-core spending obligation)

25. In Schedule 1—

(a) after paragraph 3(c)(v) insert—

“(vi) £[340] million for scheme year 8;

(vii) for scheme year 9, £[340] million increased or, as the case may be, decreased by the percentage increase or decrease in the consumer prices index over the 12 month period ending with 31st December 2018 (the resulting figure being rounded to the nearest million pounds sterling, with half a million being rounded upwards);

(viii) for scheme year 10, £[340] million increased or, as the case may be, decreased by the percentage increase or decrease in the consumer prices index over the 24 month period ending with 31st December 2019 (the resulting figure being rounded to the nearest million pounds sterling, with half a million being rounded upwards).”;

(b) in paragraph 4, for “2 to 7” substitute “2 to 10”;

(c) in paragraph 7, for “3 to 7” substitute “3 to 10”;

(d) in paragraph 10, before the definition of “year t-1” insert—

““consumer prices index” means—

(a) the consumer prices index (CPI) published by the Office for National Statistics, or

(b) where the index is not published for a month, any substituted index or figures published by the Office for National Statistics;”.

Amendments to Schedule 2 (broader group)

26.—(1) In Part 1 of Schedule 2—

(a) in paragraph 2, omit “work-related activity or”;

(b) after paragraph 2 insert—
“2A. A person who is in receipt of income-related employment and support allowance and who is a member of the work-related activity group and—
   (a) has parental responsibility for a child under the age of 5 who ordinarily resides with that person; or
   (b) is in receipt of a qualifying component.”.

(c) in paragraph 4—
   (i) for “is not in work or self-employed” substitute “has an earned income of between zero and £1,349 in at least one of the twelve preceding assessment periods”;
   (ii) for sub-paragraph (a), substitute—
   “(a) has limited capability for work or limited capability for work and work-related activity as construed in accordance with regulations 39 and 40 of the Universal Credit Regulations 2013(a);”.

(2) In Part 3 of Schedule 2—
   (a) after the definition of “annual income” insert—
   ““assessment period” has the meaning given in regulation 21 of the Universal Credit Regulations 2013(b);”;
   (b) after the definition of “documentary evidence” insert—
   ““earned income” means a person’s earned income calculated in accordance with Chapter 2 of Part 6 of the Universal Credit Regulations 2013(c);”;
   (c) after the definition of “qualifying component” insert—
   ““member of the work-related activity group” means a person who has or is treated as having limited capability for work under either—
   (a) Part 5 of the Employment and Support Allowance Regulations 2008(d) other than by virtue of regulation 30 of those Regulations; or
   (b) Part 4 of the Employment and Support Allowance Regulations 2013(e) other than by virtue of regulation 26 of those Regulations;”.

Amendment to Schedule 4 (industry initiatives)

27. At the end of Schedule 4 insert—

A supplier may not count—

(a) the part of any payment in relation to a domestic customer that exceeds £140 in a scheme year;
(b) payments in relation to charges incurred by a domestic customer before the date on which the payment was made;
(c) payments to domestic customers eligible for a rebate from the supplier under Part 3;

“Making, or funding the making by other persons of, payments towards the gas or electricity bills of domestic customers who are—

(a) living in domestic premises which are non-gas fuelled;
(b) living in a household with a person who has significant health problems or a disability;
(c) living in a community where residents are wholly or mainly in fuel poverty, or in a fuel poverty risk group; or

(a) S.I. 2013/376. Regulations 39 and 40 are amended by S.I. 2014/597.
(b) Regulation 21 is amended by S.I. 2014/2887 and S.I. 2015/1362.
(d) supplied with gas or electricity through a pre-payment meter.

(d) payments to domestic customers who meet any eligibility criteria determined by the supplier and approved by the Authority in accordance with Chapter 2 of Part 4.”

Amendments to the Warm Home Discount (Reconciliation) Regulations 2011

28.—(1) The Warm Home Discount (Reconciliation) Regulations 2011(a) are amended as follows.

(2) In regulation 1A (application), for “1 to 7” substitute “1 to 10”.

(3) In regulation 2, in the definition of “the Operator”, for “scheme year 7” substitute “scheme years 7 to 10”.

(4) In regulation 4(2A), for “scheme year 7” substitute “each of scheme years 7 to 10”.

(5) In regulation 5(1)(b), for “scheme year 7” substitute “scheme years 7 to 10”.

(6) In regulation 7A(1)(b), for “scheme year7” substitute “scheme years 7 to 10”.

(7) In regulation 8(1B), for “scheme year 7” substitute “scheme years 7 to 10”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on the 21st day after the day on which they are made, amend the Warm Home Discount Regulations 2011 (the “WHD Regulations”) and the Warm Home Discount (Reconciliation) Regulations 2011 (the “Reconciliation Regulations”). These Regulations extend to Great Britain.

The WHD Regulations established the Warm Home Discount scheme (“the Scheme”), which was in operation for seven years, until 31st March 2018. The Scheme placed obligations on licensed electricity suppliers who have 250,000 or more domestic customer accounts (or who are part of a group of electricity or gas supply companies which together have 250,000 or more domestic customer accounts) to incur spending on providing benefits to customers who are in, or are at risk of, fuel poverty.

The Scheme required those electricity suppliers to provide a rebate in each scheme year to customers specified in notices given by the Secretary of State (“the core group”). These were domestic customers who appeared to the Secretary of State to be, or to have a partner who is, in receipt of state pension credit guarantee credit. It also required those suppliers to incur “non-core spending” by providing the rebate to other domestic customers (“the broader group”) who met their eligibility criteria, and by undertaking “industry initiatives” for the benefit of energy consumers, such as the provision of energy advice or debt assistance.

Regulation 3 amends the WHD Regulations to reinstate the Scheme for a further three scheme years. Scheme year 8 will run from the coming into force of this instrument to 31st March 2019, scheme year 9 will run from 1st April 2019 to 31st March 2020 and scheme year 10 will run from 1st April 2020 to 31st March 2021.

A number of amendments are made to the WHD Regulations for the new scheme years.

Regulation 5 inserts provision into regulation 4 of the WHD Regulations to take into account notifications of domestic customer numbers made to the Gas and Electricity Markets Authority before this instrument comes into force.

Regulation 7 amends the process in regulation 6 of the WHD Regulations for the determination of core group customers by the Secretary of State. The person, or their partner, must appear to be in receipt of state pension credit guarantee credit, or in scheme years 9 and 10, where the Secretary of State has consulted upon and published eligibility criteria, the person must appear to the Secretary of State to meet those criteria.

Regulations 7 and 8 amend the circumstances in regulation 6 of the WHD Regulations in which the Secretary of State may give information about core group customers to electricity suppliers and the circumstances in regulation 9 of the WHD Regulations in which the Secretary of State may direct electricity suppliers to provide information to the Secretary of State about their domestic customers.

Regulation 14 inserts new regulations 15A and 15B to set out the types and amounts of spending required by electricity suppliers under the Scheme. It increases the maximum amount of spending on industry initiatives and specified activities to £40 million in each scheme year. It lowers the limit on spending on industry initiatives for debt write-off, to £10 million in scheme year 8, with further reductions in schemes years 9 and 10. It sets a £5 million limit in each scheme year on spending on industry initiatives for payments towards the gas and electricity bills of domestic customers. It prevents spending on rebates to the broader group if the total amount to be spent under the Scheme outside of the core group is £50 million or less in a scheme year.

Regulation 15 inserts a new regulation 17B to enable spending on industry initiatives incurred between 1st April 2018 and the coming into force of this instrument to count towards the non-core spending obligation.

Regulation 24 substitutes regulation 31 of the WHD Regulations to set out the circumstances in which the Secretary of State must conduct a review of the Scheme or of an aspect of it.

Regulation 25 amends Schedule 1 to the WHD Regulations to set the overall spending target at £340 million for scheme year 8, and to adjust it in line with the consumer prices index for scheme years 9 and 10.

Regulation 26 amends the broader group eligibility criteria in Part 1 of Schedule 2 to the WHD Regulations.

Regulation 27 adds a new type of initiative to the list of industry initiatives in Schedule 4 to the WHD Regulations, together with an exception describing the spending on that activity which may not be counted towards a supplier’s obligations under the Scheme.

Regulations 5(b), 6(b), 7(d), 10(b) and (c) and 22 change the deadlines for certain notifications and determinations under the Scheme. The remaining provisions in regulations 3 to 27 amend the WHD Regulations in consequence of the extension of the Scheme and the other changes described above.

The Reconciliation Regulations provide for the operation of a reconciliation mechanism in relation to spending by electricity suppliers under the Scheme. Regulation 28 amends the Reconciliation Regulations in consequence of the extension of the Scheme.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Department for Business, Energy and Industrial Strategy at 1 Victoria Street, London, SW1H 0ET and is published with the Explanatory Memorandum alongside this instrument on www.legislation.gov.uk.