

## GAS SUPPLY LICENCE: CONDITIONS

### Condition 39: Smart Metering Consumer Engagement

#### Introduction

39.1 This condition provides for holders of electricity and gas supply licences to be required to establish, support and monitor the work of a body which will carry out the role of consumer engagement in relation to Smart Metering Systems.

#### Application

39.2 This condition shall:

- (a) apply to the licensee only ~~to the extent specified in paragraph 39.3;~~ and
- (b) cease to apply from such date as is specified in a direction issued by the Secretary of State.

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39.3 Where ~~the licensee is;~~

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- (a) ~~a Relevant Supplier, it is required to comply with Part A;~~
- (b) ~~a Small Domestic Supplier, it is required to comply with Part B;~~
- (c) ~~a Large Non-Domestic Supplier, it is required to comply with Part C;~~
- (d) ~~a Small Non-Domestic Supplier, it is required to comply with Part D.~~

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### PART A. REQUIREMENTS APPLICABLE TO THE LICENSEE WHERE IT IS A RELEVANT SUPPLIER

#### Duty to establish the Central Delivery Body

39.4 The licensee, together with all other Relevant Suppliers, must take such steps and do such things as are within its power:

- (a) to establish, by no later than 30 June 2013, a body corporate to carry out the role of consumer engagement in relation to Smart Metering Systems (referred to in this condition as the Central Delivery Body);

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- (b) to provide that the Central Delivery Body is constituted and governed so as to ensure that it:
  - (i) has the characteristics set out at Part A1;
  - (ii) has the objectives set out at Part A2;
  - (iii) procures the advice of experts as set out at Part A3; and
  - (iv) fulfils the functions set out at Part A4;
- (c) to provide for the costs of the Central Delivery Body to be met as set out at Part A5, [Part C and Part D](#).

**Part A1. Characteristics of the Central Delivery Body**

**Constitution**

39.5 The articles of association of the Central Delivery Body must as a minimum provide that:

- (a) it is a not-for-profit body;
- (b) its board of directors (the **Board**) is at all times constituted so as to reflect the provisions of paragraph 39.6;
- (c) the Secretary of State has a right of veto in respect of the appointment of any person as the Chairman of the Board;
- (d) any person nominated by and representing either;
  - (i) the Secretary of State; or
  - (ii) all Network Operators,is entitled to attend, but not vote at, a meeting of the Board;
- (e) the Board will exercise independent judgment and reach its decisions in accordance with the requirements of paragraph 39.8;
- (f) its business shall be (and shall be limited to):
  - (i) achieving the objectives set out at Part A2;

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- (ii) achieving those objectives by taking such steps as are reasonably necessary and appropriate for carrying out the activities set out at Parts A3 and A4.

**Composition of the Board**

39.6 The Board shall comprise:

- (a) a Chairman appointed by the Relevant Suppliers;
- (b) six directors nominated by and representing Relevant Suppliers;
- (c) two directors nominated by and representing Small Domestic Suppliers;
- (d) ~~one~~ director nominated by and representing Non-Domestic Suppliers;
- ~~(e) one director nominated by and representing Non-Domestic-Only Suppliers;~~
- (f) two directors nominated by Citizens Advice or Citizens Advice Scotland; and
- (g) two directors representing the interests of Energy Consumers.

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39.7 The Chairman of the Board must be independent of any person or body that is represented by a director appointed in accordance with the provisions of paragraphs 39.6(b)-(g).

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**Decision-Making**

39.8 A decision made by the Board must be made in accordance with a voting procedure which provides for:

- (a) each director, other than the Chairman, to exercise a single vote on each decision to be taken;
- (b) decisions to be made by a simple majority; and
- (c) the Chairman to be able to exercise a casting vote but only where the number of votes for and against a decision are equal.

**Part A2. Objectives of the Central Delivery Body**

**Objectives**

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39.9 The objectives of the Central Delivery Body set out in paragraph 39.10 are to apply in respect of Energy Consumers at Domestic Energy Premises and Relevant Designated Premises.

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39.10 The objectives of the Central Delivery Body are to:

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<#>where it is cost effective to extend the consumer engagement activities undertaken by the Central Delivery Body so as also to include the engagement of Energy Consumers at Relevant Designated Premises, in respect of such Energy Consumers.¶

- (a) build consumer confidence in the installation of Smart Metering Systems by gas and electricity suppliers;
- (b) build consumer awareness and understanding of the use of Smart Metering Systems (and the information obtained through them);
- (c) increase the willingness of Energy Consumers to use Smart Metering Systems to change their behaviour so as to enable them to reduce their consumption of energy; and
- (d) in respect of Energy Consumers at Domestic Energy Premises only, assist those consumers with low incomes or prepayment meters, or those consumers who may encounter additional barriers in being able to realise the benefits of Smart Metering Systems due to their particular circumstances or characteristics, to realise the benefits of Smart Metering Systems while continuing to maintain an adequate level of warmth and to meet their other energy needs.

**Part A3. Arrangements for Obtaining Expert Advice**

39.11 The Central Delivery Body shall establish arrangements for the purpose of ensuring that it is regularly provided with all appropriate advice that is:

- (a) concerned with the means by which it can most efficiently and effectively achieve its objectives; and
- (b) procured from such persons, as selected by it, who have widely recognised expertise in matters that are relevant to, and will assist in, the efficient and effective achievement of its objectives.

**Part A4. Functions of the Central Delivery Body**

39.12 The functions of the Central Delivery Body shall be to:

- (a) produce and maintain a plan for achieving its objectives (the **Consumer Engagement Plan**) which meets the requirements of paragraphs 39.13 to 39.16;

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- (b) implement the Consumer Engagement Plan in accordance with paragraph 39.17;
- (c) develop and produce an annual budget for the delivery of the Consumer Engagement Plan which meets the requirements of paragraphs 39.18 and 39.19 (the **Annual Budget**);
- (d) produce a report on at least an annual basis (the Annual Report) which meets the requirements of paragraphs 39.20 and 39.21; and
- (e) publish the Consumer Engagement Plan, the Annual Budget and the Annual Report in accordance with paragraphs 39.22 and 39.23.

**The Consumer Engagement Plan**

39.13 The Consumer Engagement Plan must be in writing and must:

- (a) constitute a plan which is designed to ensure that the Central Delivery Body takes all appropriate steps to achieve its objectives;
- (b) describe the activities that the Central Delivery Body proposes to carry out for that purpose;
- (c) describe how the Central Delivery Body has taken into account the need to:
  - (i) co-ordinate its consumer engagement activities with consumer engagement activities undertaken by other parties in relation to Smart Metering Systems;
  - (ii) undertake a co-ordinated delivery of consumer engagement activities that reflects and takes into account the need to adopt different activities for the purpose of meeting the consumer engagement requirements of any class or classes of Energy Consumer, including Energy Consumers:

(A) paying by different payment methods;

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(B) residing in different geographical areas;

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(C) occupying different types of Domestic Energy Premises and Relevant Designated Premises; and

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(D) carrying on commercial activities at Relevant Designated Premises in respect of different sectors of the economy;

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(iii) provide additional assistance and consumer engagement activities that may be required by particular categories of Energy Consumers, including in particular Energy Consumers with low incomes or who may encounter additional barriers in being able to access the benefits of Smart Metering Systems due to their particular circumstances or characteristics; and

(d) be designed to ensure that in carrying out its activities the Central Delivery Body does not restrict, distort or prevent competition in the supply of gas or electricity or in any commercial activities connected with Smart Metering Systems.

39.14 The Consumer Engagement Plan must be produced by no later than 31 December 2013.

39.15 The Central Delivery Body must keep the Consumer Engagement Plan under review, and must:

(a) make appropriate amendments to it from time to time so that it continues to be accurate, up to date, and fit for purpose; and

(b) in particular produce an amended version of the Consumer Engagement Plan which satisfies the requirements of sub-paragraph (a) within the period that commences on [the date on which this sub-paragraph (b) first comes into force] and ends on [the date which is three months later].

39.16 In producing, and prior to making any subsequent amendment to, the Consumer Engagement Plan, the Central Delivery Body:

(a) must seek the advice of, and have due regard to the advice given by, the persons with whom it has made arrangements in accordance with the provisions of paragraph 39.11; and

(b) may consult with, and have regard to the representations of, any other interested parties.

39.17 The Central Delivery Body must take such steps and do such things as are within its power:

(a) to implement the Consumer Engagement Plan in accordance with its terms (as amended from time to time); and

(b) to do so in an efficient and cost-effective manner that achieves value for money in the performance of its activities.

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**Annual Budget**

39.18 The Central Delivery Body must:

- (a) by 31 December 2013, develop and produce the first Annual Budget in respect of the calendar year commencing on 1 January 2014; and
- (b) thereafter by 31 December in each subsequent year, develop and produce an Annual Budget in respect of the calendar year which commences immediately following that date.

39.19 Each Annual Budget must comprise a detailed statement of the best estimate of the Central Delivery Body, made in good faith, of all costs that it expects to incur for the purpose of undertaking its activities during the calendar year to which that Annual Budget relates.

**Annual Report**

39.20 The Central Delivery Body must:

- (a) by 31 March 2014, produce the first Annual Report in respect of the calendar year that commenced on 1 January 2013; and
- (b) thereafter by 31 March in each subsequent year, produce an Annual Report in respect of the calendar year that commenced on 1 January in the previous year.

39.21 Each Annual Report must in particular:

- (a) report on:
  - (i) the Central Delivery Body's performance; and
  - (ii) the extent to which, in the opinion of the Board, the steps taken by the Central Delivery Body to implement the Consumer Engagement Plan (as applicable during the period to which the Annual Report relates) have contributed to the achievement of its objectives during the period to which the Annual Report relates; and
- (b) set out the expenditure of the Central Delivery Body during that period and report on the extent to which, in the opinion of the Board, such expenditure represents value for money.

**Publication**

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39.22 The Central Delivery Body must ensure that up to date copies of:

- (a) the Consumer Engagement Plan;
- (b) the Annual Budget; and
- (c) the Annual Report,

are at all times made available by it in a form that is readily accessible to most Energy Consumers.

39.23 In complying with paragraph 39.22 the Central Delivery Body:

- (a) must exclude from each document, so far as practicable, any information which would or might seriously prejudice the interests of any individual or body to which it relates; and
- (b) may exclude from each document any information that would, or would be likely to, prejudice the commercial interests of any person (including the Central Delivery Body itself).

**Part A5. Costs of the Central Delivery Body**

39.24 The licensee must:

- (a) together with all other Relevant Suppliers, take such steps and do such things as are within its power to meet:
  - (i) the capital costs of establishing the Central Delivery Body; and
  - (ii) all costs, excluding Domestic Fixed Operating Costs, that are reasonably incurred by the Central Delivery Body in undertaking its activities in respect of Energy Consumers at Domestic Energy Premises and operating in an efficient and cost-effective manner that achieves value for money; and
- (b) together with all other Relevant Suppliers and Small Domestic Suppliers, take such steps and do such things as are within its power to meet all Domestic Fixed Operating Costs that are reasonably incurred by the Central Delivery Body operating in an efficient and cost-effective manner that achieves value for money.



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39.25 For the purpose of meeting the requirements of paragraph 39.24, the licensee must, together with all other Relevant Suppliers and Small Domestic Suppliers, establish a mechanism to allocate:

- (a) between Relevant Suppliers the costs of the Central Delivery Body, as referred to in paragraph 39.24(a), on the basis of their respective shares of the markets for gas and electricity supply; and
- (b) between Relevant Suppliers and Small Domestic Suppliers the costs of the Central Delivery Body as referred to in paragraph 39.24(b), on the basis of their respective shares of the markets for gas and electricity supply to Domestic Premises.

**Part A6. Other Duties of Relevant Suppliers**

**General Duty**

39.26 The licensee, together with all other Relevant Suppliers, must take such steps and do such things as are within its power to ensure that:

- (a) the Central Delivery Body achieves its objectives; and
- (b) in achieving its objectives the Central Delivery Body acts in a manner which is transparent, impartial, cost-effective and represents value for money.

**The Domestic Performance Management Framework**

39.27 The licensee must, together with all other Relevant Suppliers, produce and maintain a performance framework (the **Domestic Performance Management Framework**) which meets the requirements of paragraphs 39.28 to 39.31.

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39.28 The **Domestic** Performance Management Framework must:

- (a) set out the standards, including key performance indicators and targets, which have been determined by the Relevant Suppliers as standards against which **they will measure** the performance of the Central Delivery Body in achieving its objectives **in respect of Energy Consumers at Domestic Energy Premises**; and
- (b) include such provisions as will enable any person, including in particular the Relevant Suppliers, the Secretary of State and the Authority, to assess:
  - (i) the Central Delivery Body's performance against the specified standards;

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- (ii) the effectiveness of the steps taken by the Central Delivery Body for the purpose of achieving the relevant objectives; and
- (iii) the extent to which the Central Delivery Body has, in accordance with paragraph 39.16, amended the Consumer Engagement Plan to take into account information received in respect of its performance.

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39.29 The Domestic Performance Management Framework must be produced by no later than 31 December 2013.

39.30 The licensee, together with all other Relevant Suppliers must keep the Domestic Performance Management Framework under review, and must make appropriate amendments to it from time to time so that it continues to be accurate, up to date, and fit for purpose.

39.31 In determining the standard to be set out, and the other provisions to be included, in the Domestic Performance Management Framework, the licensee, together with all other Relevant Suppliers, must consult with and take into account the views of, and information provided by, relevant interested parties, including in particular the Secretary of State.

**Co-operation**

39.32 The licensee must:

- (a) co-operate with the Central Delivery Body for the purposes of enabling the Central Delivery Body to undertake its activities; and
- (b) take all reasonable steps to ensure that in carrying out its consumer engagement activities in relation to, and communicating with Energy Consumers about, Smart Metering Systems it does not act inconsistently with the activities of the Central Delivery Body.

**PART B. REQUIREMENTS APPLICABLE TO THE LICENSEE WHERE IT IS A SMALL DOMESTIC SUPPLIER**

39.33 The licensee must, together with all Relevant Suppliers and other Small Domestic Suppliers, take such steps and do such things as are within its power to:

- (a) meet the Domestic Fixed Operating Costs that are reasonably incurred by the Central Delivery Body operating in an efficient and cost-effective manner that achieves value for money; and

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- (b) establish a mechanism to allocate between Relevant Suppliers and Small Domestic Suppliers the costs referred to in sub-paragraph (a), on the basis of their respective shares of the markets for gas and electricity supply to Domestic Premises.

39.34 The licensee must:

- (a) co-operate with:
  - (i) Relevant Suppliers for the purposes of ensuring the establishment of the Central Delivery Body in accordance with Part A1 of this condition; and
  - (ii) the Central Delivery Body for the purposes of enabling the Central Delivery Body to undertake its activities; and
- (b) take all reasonable steps to ensure that in carrying out its consumer engagement activities in relation to, and communicating with Energy Consumers about, Smart Metering Systems it does not act inconsistently with the activities of the Central Delivery Body.

**PART C. REQUIREMENTS APPLICABLE TO THE LICENSEE WHERE IT IS A LARGE NON-DOMESTIC SUPPLIER**

**Costs of the Central Delivery Body**

39.35 The licensee must:

- (a) ~~together with all other Large Non-Domestic Suppliers, take such steps and do such things as are within its power to meet all costs, excluding Non-Domestic Fixed Operating Costs, that are reasonably incurred by the Central Delivery Body in undertaking its activities in respect of Energy Consumers at Relevant Designated Premises and operating in an efficient and cost-effective manner that achieves value for money; and~~
- (b) ~~together with all other Large Non-Domestic Suppliers and Small Non-Domestic Suppliers, take such steps and do such things as are within its power to meet all Non-Domestic Fixed Operating Costs that are reasonably incurred by the Central Delivery Body operating in an efficient and cost-effective manner that achieves value for money,~~

39.36 For the purpose of meeting the requirements of paragraph 39.35, the licensee must apply the mechanism specified in a direction issued by the Secretary of State for allocating:

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<#>the Central Delivery Body for the purposes of enabling the Central Delivery Body to undertake its activities; and¶

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(a) between Large Non-Domestic Suppliers the costs of the Central Delivery Body, as referred to in paragraph 39.35(a); and

(b) between Large Non-Domestic Suppliers and Small Non-Domestic Suppliers the costs of the Central Delivery Body as referred to in paragraph 39.35(b),

in each case on the basis of their respective shares of the markets for gas and electricity supply to Designated Energy Premises.

**The Non-Domestic Performance Management Framework**

39.37 The licensee must, together with all other Large Non-Domestic Suppliers, produce and maintain a performance framework (the **Non-Domestic Performance Management Framework**) which meets the requirements of paragraphs 39.38 to 39.41.

39.38 The Non-Domestic Performance Management Framework must:

(a) set out the standards, including key performance indicators and targets, which have been determined by the Large Non-Domestic Suppliers as standards against which they will measure the performance of the Central Delivery Body in achieving its objectives in respect of Energy Consumers at Relevant Designated Premises; and

(b) include such provisions as will enable any person, including in particular the Large Non-Domestic Suppliers, the Secretary of State and the Authority, to assess:

(i) the Central Delivery Body's performance against the specified standards;

(ii) the effectiveness of the steps taken by the Central Delivery Body for the purpose of achieving the relevant objectives; and

(iii) the extent to which the Central Delivery Body has, in accordance with paragraph 39.16, amended the Consumer Engagement Plan to take into account information received in respect of its performance.

39.39 The Non-Domestic Performance Management Framework must be produced within the period that commences on [the date on which this paragraphs first comes into force] and ends on [the date which is three months later].

39.40 The licensee, together with all other Large Non-Domestic Suppliers must keep the Non-Domestic Performance Management Framework under review, and must make appropriate

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amendments to it from time to time so that it continues to be accurate, up to date, and fit for purpose.

39.41 In determining the standard to be set out, and the other provisions to be included, in the Non-Domestic Performance Management Framework, the licensee, together with all other Large Non-Domestic Suppliers, must consult with and take into account the views of, and information provided by, relevant interested parties, including in particular the Secretary of State.

**Co-operation**

39.42 The licensee must:

- (a) co-operate with the Central Delivery Body for the purposes of enabling the Central Delivery Body to undertake its activities; and
- (b) take all reasonable steps to ensure that in carrying out its consumer engagement activities in relation to, and communicating with Energy Consumers about, Smart Metering Systems it does not act inconsistently with the activities of the Central Delivery Body.

**PART D. REQUIREMENTS APPLICABLE TO THE LICENSEE WHERE IT IS A SMALL NON-DOMESTIC SUPPLIER**

39.43 The licensee must, together with all Large Non-Domestic Suppliers and other Small Non-Domestic Suppliers, take such steps and do such things as are within its power to meet the Non-Domestic Fixed Operating Costs that are reasonably incurred by the Central Delivery Body operating in an efficient and cost-effective manner that achieves value for money.

39.44 For the purpose of meeting the requirements of paragraph 39.43, the licensee must apply the mechanism specified in a direction issued by the Secretary of State for allocating between Large Non-Domestic Suppliers and Small Non-Domestic Suppliers the costs of the Central Delivery Body on the basis of their respective shares of the markets for gas and electricity supply to Designated Energy Premises.

39.45 The licensee must:

- (a) co-operate with the Central Delivery Body for the purposes of enabling the Central Delivery Body to undertake its activities; and

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(b) take all reasonable steps to ensure that in carrying out its consumer engagement activities in relation to, and communicating with Energy Consumers about, Smart Metering Systems it does not act inconsistently with the activities of the Central Delivery Body.

**PART E. INTERPRETATION AND DEFINITIONS**

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39.46 In this condition:

**Designated Energy Premises** means premises which (with respect to the supply of gas) are Designated Premises, or (with respect to the supply of electricity) satisfy the definition of 'Designated Premises' at standard condition 1 of the Electricity Supply Licence.

**Domestic Energy Premises** means premises which (with respect to the supply of gas) are Domestic Premises, or (with respect to the supply of electricity) satisfy the definition of 'Domestic Premises' at standard condition 6 of the Electricity Supply Licence.

**Domestic Fixed Operating Costs** means the costs of:

- (a) renting and maintaining premises;
- (b) staff recruitment, salaries, and benefits; and
- (c) purchasing and maintaining office equipment, including IT and telephony equipment,

insofar as those costs relate to the activities carried out by the Central Delivery Body in respect of Energy Consumers at Domestic Energy Premises.

**Energy Consumer** means a consumer of gas or electricity (or both).

**Energy Customer** means a person who is (with respect to the supply of gas) a Customer, or (with respect to the supply of electricity) a 'Customer' in accordance with the

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definition at standard condition 1 of the Electricity Supply Licence.

**Energy Meter Point**

means:

- (a) in relation to the supply of electricity, a Metering Point as defined in the Master Registration Agreement; or
- (b) in relation to the supply of gas, a Supply Meter Point as defined in the Uniform Network Code.

**Large Non-Domestic Supplier**

means a gas or electricity supplier which supplies gas, or electricity, or both to Energy Consumers at Designated Energy Premises via more than 100,000 Energy Meter Points.

**Master Registration Agreement**

has the meaning given to it in accordance with the definition at standard condition 1 of the Electricity Supply Licence

**Micro Business Energy Consumer**

means an Energy Consumer that is a Micro Business Consumer in accordance with:

- (a) the meaning given to the term Micro Business Consumer in standard condition 7A (Supply to Micro Business Consumers); or
- (b) the meaning given to the term Micro Business Consumer in standard condition 7A of the Electricity Supply Licence.

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**Network Operator**

means any person holding:

- (a) a licence granted under section 6(1)(b) or 6(1)(c) of the Electricity Act 1989; or
- (b) a licence granted under section 7 of the Gas Act

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**Non-Domestic Fixed**

**Operating Costs**

means the costs of:

- (a) renting and maintaining premises;
- (b) staff recruitment, salaries, and benefits; and
- (c) purchasing and maintaining office equipment, including IT and telephony equipment,

insofar as those costs relate to the activities carried out by the Central Delivery Body in respect of Energy Consumers at Designated Energy Premises.

**Non-Domestic-Only Supplier**

means a Non-Domestic Supplier which does not also supply gas or electricity to any Domestic Energy Premises.

**Non-Domestic Supplier**

means either a Large Non-Domestic Supplier or a Small Non-Domestic Supplier.

**Relevant Designated Premises**

means:

- (a) Designated Energy Premises at which the Energy Consumer is a Micro Business Energy Consumer; and
- (b) such additional categories of Designated Energy Premises as may be specified in a direction issued by the Secretary of State.

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**Relevant Supplier**

means a gas or electricity supplier which:

- (a) is authorised by its licence to supply gas or electricity to Domestic Energy Premises; and
- (b) supplies either gas or electricity (or both) to more than 250,000 Energy Customers at Domestic Energy Premises.

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**Small Domestic Supplier**

means a gas or electricity supplier which:

- (a) is authorised by its licence to supply gas or electricity to Domestic Energy Premises; and
- (b) supplies gas or electricity to, in each case, no more than 250,000 Energy Customers at Domestic Energy Premises.

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**Small Non-Domestic Supplier**

means a gas or electricity supplier which supplies gas or electricity (or both) to Designated Energy Premises and which is not a Large Non-Domestic Supplier.

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**Condition 41: Smart Metering — Matters Relating To Obtaining and Using Consumption Data**

**Application**

41.1 Part A of this condition applies only in respect of each Domestic Premises (the **relevant premises**):

- (a) to which gas is supplied through a Gas Meter which forms part of a Smart Metering System; or
- (b) to which gas is supplied through a Remote Access Meter; and
- (c) in respect of which the quantity of gas supplied is measured by that Gas Meter.

41.2 Part B of this condition applies only in respect of each Designated Premises at which the Customer is a Micro Business Consumer (the **micro business premises**):

- (a) to which gas is supplied through a Gas Meter which forms part of a Smart Metering System; or
- (b) to which gas is supplied through a Remote Access Meter; and
- (c) in respect of which the quantity of gas supplied is measured by that Gas Meter.

**PART A. APPLICATION TO RELEVANT PREMISES**

**Prohibition on obtaining consumption data**

41.3 Subject to paragraphs 41.4 and 41.7, the licensee must not, in respect of any relevant premises, obtain any Gas Consumption Data which relates to a period of less than one month.

**Exception to Prohibition — Obtaining consumption data for periods of less than one month**

41.4 Paragraph 41.3 does not apply where:

- (a) the Gas Consumption Data that is obtained relates to a period of less than one month but not less than one day; and
- (b) the requirements of either paragraph 41.5 or 41.6 are satisfied.

41.5 The requirements of this paragraph are that:

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- (a) the licensee has given Notice to the Domestic Customer at the relevant premises informing the Domestic Customer:
  - (i) that the licensee intends to obtain Gas Consumption Data which relates to any one or more periods of a length referred to in paragraph 41.4(a);
  - (ii) of the purposes (which purposes must not include Marketing) for which the licensee may use that Gas Consumption Data; and
  - (iii) that the Domestic Customer may at any time object to the licensee obtaining that Gas Consumption Data and of the process by which he may do so; and
- (b) the Domestic Customer has either:
  - (i) given explicit consent to the licensee obtaining that Gas Consumption Data for the purposes set out in the Notice (and such consent has not been withdrawn); or
  - (ii) after at least seven days have elapsed from the date on which the Notice was given to him, not objected to the licensee obtaining that Gas Consumption Data for the purposes set out in the Notice.

41.6 The requirements of this paragraph are that one of the following applies:

- (a) the licensee has reasonable grounds to suspect that there is an occurrence of theft or abstraction of gas at the relevant premises, and it obtains Gas Consumption Data which relates to any one or more periods of a length referred to in paragraph 41.4(a) only for the purposes of investigating that suspected theft or abstraction;
- (b) the licensee obtains Gas Consumption Data which relates to a single period of a length referred to in paragraph 41.4(a) only for the purposes of:
  - (i) verifying the quantity of gas supplied to the relevant premises since the last date in respect of which the licensee obtained Gas Consumption Data that was used for the purposes of sending a Bill or a statement of account to the Domestic Customer (the **Billing Date**); and
  - (ii) calculating and sending an accurate and up to date Bill or statement of account (including a final Bill or statement of account) to the Domestic Customer in respect of the Charges for the Supply of Gas to the relevant premises since the Billing Date;

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- (c) the licensee obtains Gas Consumption Data which relates to any one or more periods of a length referred to in paragraph 41.4(a) only for the purposes of responding to an enquiry from or a complaint made by, or on behalf of, the Domestic Customer at the relevant premises and relating to the supply of gas by the licensee to the relevant premises;
- (d) the licensee obtains Gas Consumption Data which relates to any one or more periods of a length referred to in paragraph 41.4(a), only following receipt of a request of the type referred to in, and for the purposes of complying with the requirement of, paragraph 45.4(b) of standard condition 45 (Smart Metering – Customer Access to Consumption Data); or
- (e) the Gas Meter forming part of the Smart Metering System or Remote Access Meter at the relevant premises is a Prepayment Meter, and the Gas Consumption Data:
  - (i) is obtained only by virtue of the Remote Access Meter or Smart Metering System registering an advance payment made by the Domestic Customer through that Prepayment Meter; and
  - (ii) relates to a single period of a length referred to in paragraph 41.4(a) which corresponds to the period since the previous advance payment made by the Domestic Customer through that Prepayment Meter.

**Exception to Prohibition — Obtaining consumption data for periods of less than a day**

41.7 Paragraph 41.3 does not apply where:

- (a) the Gas Consumption Data that is obtained relates to a period of less than one day; and
- (b) the requirements of either paragraph 41.8 or 41.9 are satisfied.

41.8 The requirements of this paragraph are that:

- (a) the licensee has given Notice to the Domestic Customer at the relevant premises informing the Domestic Customer:
  - (i) that the licensee intends to obtain Gas Consumption Data which relates to any one or more periods of less than one day;
  - (ii) of the purposes for which the licensee may use that Gas Consumption Data;

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- (iii) that the licensee requires the Domestic Customer's consent to obtain that Gas Consumption Data; and
  - (iv) that where the Domestic Customer gives consent he may withdraw it at any time and of the process by which he may do so; and
- (b) the Domestic Customer has given his explicit consent to the licensee obtaining that Gas Consumption Data for the purposes set out in the Notice and such consent has not been withdrawn.

41.9 The requirements of this paragraph are that:

- (a) where:
  - (i) there is a Remote Access Meter and the Authority has approved the Trial; or
  - (ii) the Gas Meter forms part of a Smart Metering System and the Secretary of State has approved the Trial; and
- (b) the relevant premises fall within that category;
- (c) the licensee has given at least 14 days advance Notice to the Domestic Customer at the relevant premises informing the Domestic Customer:
  - (i) of the nature and purpose of the Trial;
  - (ii) that he may at any time object to being included in the Trial;
  - (iii) of the process by which the Domestic Customer may object; and
  - (iv) the Domestic Customer has not objected to being included in the Trial.

**Prohibition on use of consumption data**

41.10 Subject to paragraph 41.11, the licensee must not use Gas Consumption Data obtained in respect of any relevant premises other than for any of the following purposes:

- (a) calculating and sending a Bill or a statement of account to the Domestic Customer;
- (b) complying with a relevant condition or a relevant requirement;
- (c) where the requirements of paragraph 41.5 are satisfied, the purpose set out in the Notice given to the Domestic Customer under paragraph 41.5(a);

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- (d) where any of the requirements of paragraph 41.6 are satisfied, the purpose for which the data was obtained in accordance with paragraph 41.6;
- (e) where the requirements of paragraph 41.8 are satisfied, the purpose set out in the Notice given to the Domestic Customer under paragraph 41.8(a);
- (f) where the requirements of paragraph 41.9 are satisfied, the purpose of the Trial.

**Exception to prohibition on use of consumption data**

41.11 The licensee may use Gas Consumption Data for purposes other than the purposes specified in paragraph 41.10 where:

- (a) it has given at least seven days advance Notice informing the Domestic Customer that it intends to use Gas Consumption Data for the purposes specified in the Notice; and
- (b) the requirements of paragraph 41.12 are satisfied.

41.12 The requirements of this paragraph are that:

- (a) where the Gas Consumption Data relates to any period of less than one day, the Domestic Customer has given explicit consent for that Gas Consumption Data to be used for the purposes specified in the Notice;
- (b) where the Notice given under paragraph 41.11(a) specifies that the licensee intends to use Gas Consumption Data for Marketing, the Domestic Customer has given explicit consent for the Gas Consumption Data to be used for Marketing; and
- (c) in all other cases, the Domestic Customer has not objected to the Gas Consumption Data being used for the purposes specified in the Notice.

**Maintaining records and informing customers**

41.13 The licensee must, in respect of each of its Domestic Customers at relevant premises, at all times maintain an accurate and up to date record of:

- (a) the date of any Notice sent to the Domestic Customer under this condition and of the information contained in it;
- (b) the nature of the Domestic Customer's response (if any) to that Notice;

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- (c) the time periods (by reference to length) in relation to which the licensee obtains or may obtain Gas Consumption Data; and
- (d) where the licensee obtains Gas Consumption Data by virtue of the requirements of paragraph 41.6(a) a statement setting out the reasons why such requirements are satisfied in the circumstances of the case.

41.14 The licensee must, in accordance with paragraph 41.15, inform the Domestic Customer in Writing of:

- (a) the time periods (by reference to length) in relation to which the licensee obtains or may obtain Gas Consumption Data;
- (b) the purposes for which that Gas Consumption Data is, or may be, used by the licensee; and
- (c) where any of the time periods is of less than one month, the Domestic Customer's right, if any, to object or withdraw consent (as the case may be) to the licensee obtaining or using (as the case may be) that Gas Consumption Data.

41.15 The licensee shall inform the Domestic Customer of the matters set out in paragraph 41.14:

- (a) where it installs or arranges for the installation of the Remote Access Meter or Smart Metering System at the Domestic Premises, on, or at any time during the 14 days prior to, the date of installation or as soon as reasonably practicable after the date of installation; and
- (b) in all cases, at such intervals as are determined appropriate by the licensee for the purposes of ensuring that the Domestic Customer is regularly updated of such matters.

**PART B. MICRO BUSINESS PREMISES**

**Prohibition on obtaining consumption data**

41.16 Subject to paragraph 41.17, the licensee must not, in respect of any micro business premises, obtain any Gas Consumption Data which relates to a period of less than one month.

**Exception to prohibition on obtaining consumption data**

41.17 Paragraph 41.16 does not apply where the requirements of paragraphs 41.17A or 41.17B are satisfied.

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41.17A The requirements of this paragraph are:

- (a) the licensee has given at least seven days advance Notice to the Micro Business Consumer at the micro business premises informing the Micro Business Consumer:
  - (i) that the licensee intends to obtain Gas Consumption Data which relates to any one or more periods of less than one month;
  - (ii) of the purposes for which the licensee may use that Gas Consumption Data; and
  - (iii) that the Micro Business Consumer may at any time object to the licensee obtaining that Gas Consumption Data and of the process by which he may do so; and
- (b)
  - (i) the Micro Business Consumer has not objected to the licensee obtaining that Gas Consumption Data for the purposes set out in the Notice; or
  - (ii) the Micro Business Consumer has objected to the licensee obtaining Gas Consumption Data, which relates to any one or more period of less than one month and the licensee is unable to remotely configure the Remote Access Meter to prevent Gas Consumption Data from being automatically sent to the licensee or third party, but as soon as reasonable practicable the licensee:
    - (1) takes all reasonable steps to prevent the third party passing that Gas Consumption Date to the licensee or any other third party;
    - (2) takes all reasonable steps to ensure the third party permanently erases that Gas Consumption Data; and
    - (3) permanently erases any of that Gas Consumption Data it has obtained.

41.17B The requirements of this paragraph are that the Gas Consumption Data that is obtained relates to a period of less than one month but not less than one day, and that one of the following applies:

- (a) the licensee has reasonable grounds to suspect that there is an occurrence of theft or abstraction of gas at the micro business premises, and it obtains Gas Consumption Data which relates to any one or more periods of a length referred to in this paragraph 41.17B only for the purposes of investigating that suspected theft or abstraction;

**Deleted:** licensee obtains Gas Consumption Data only following receipt of a request of the type referred to in, and for the purposes of complying with the requirements of, paragraph 45.8 of standard condition 45 (Smart Metering – Customer Access to Consumption Data).



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- (b) the licensee obtains Gas Consumption Data which relates to a single period of a length referred to in this paragraph 41.17B only for the purposes of:

  - (i) verifying the quantity of gas supplied to the micro business premises since the last date in respect of which the licensee obtained Gas Consumption Data that was used for the purposes of sending a Bill or a statement of account to the Micro Business Consumer (the **Billing Date**); and
  - (ii) calculating and sending an accurate and up to date Bill or statement of account (including a final Bill or statement of account) to the Micro Business Consumer in respect of the Charges for the Supply of Gas to the micro business premises since the Billing Date;
- (c) the licensee obtains Gas Consumption Data which relates to any one or more periods of a length referred to in this paragraph 41.17B only for the purposes of responding to an enquiry from or a complaint made by, or on behalf of, the Micro Business Consumer at the micro business premises and relating to the supply of gas by the licensee to the micro business premises;
- (d) the licensee obtains Gas Consumption Data which relates to any one or more periods of a length referred to in this paragraph 41.17B only following receipt of a request of the type referred to in, and for the purposes of complying with the requirement of, paragraph 45.8 of standard condition 45 (Smart Metering – Customer Access to Consumption Data); or
- (e) the Gas Meter forming part of the Smart Metering System or Remote Access Meter at the micro business premises is a Prepayment Meter, and the Gas Consumption Data:

  - (i) is obtained only by virtue of the Remote Access Meter or Smart Metering System registering an advance payment made by the Micro Business Consumer through that Prepayment Meter; and
  - (ii) relates to a single period of a length referred to in this paragraph 41.17B which corresponds to the period since the previous advance payment made by the Micro Business Consumer through that Prepayment Meter.

**Use of consumption data**

41.18 The licensee must not use Gas Consumption Data obtained in respect of any micro business premises other than for any of the following purposes:

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- (a) calculating and sending a Bill or a statement of account to the Micro Business Consumer;
- (b) complying with a relevant condition or a relevant requirement;
- (c) where the requirements of paragraph 41.17A are satisfied, the purpose set out in the Notice given to the Micro Business Consumer under paragraph 41.17A(a);
- (d) where any of the requirements of paragraph 41.17B are satisfied, the purpose for which the data was obtained in accordance with paragraph 41.17B.

**Interpretation and Definitions**

41.19 In this condition, any reference:

- (a) to Gas Consumption Data being 'obtained' by the licensee shall be read as incorporating a reference to the licensee requesting any other person to obtain that Gas Consumption Data on its behalf (and references to 'obtain' and 'obtaining' shall be construed accordingly);
- (b) to the licensee obtaining Gas Consumption Data which 'relates to' a specified period, shall be read as incorporating a reference to the licensee obtaining any data which would allow it to calculate Gas Consumption Data in respect of that period (and references to Gas Consumption Data being 'in relation to' a period of time shall be construed accordingly).

41.20 For the purposes of this condition:

**Gas Consumption Data**

means, in respect of a relevant premises or a micro business premises, the quantity of gas measured by the Gas Meter as having been supplied to the relevant premises or the micro business premises.

**Marketing**

means:

- (a) any activities of the licensee or its Representatives which are directed at or incidental to identifying and communicating with Domestic Customers for the purpose of promoting the provision of goods or services

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by any person and includes entering into contracts for the provision of goods or services with such customers;

- (b) the licensee or its representatives disclosing Gas Consumption Data to any other person for the purposes of that person undertaking activities which are directed at or incidental to identifying and communicating with Domestic Customers for the purpose of promoting the provision of goods or services by any person, including the entering into contracts for the provision of goods or services with such customers,

but for these purposes 'goods or services' shall be taken to exclude the supply of gas by the licensee.

**Micro Business Consumer**

has the meaning given to it in standard condition 7A (Supply to Micro Business Consumers).

**Remote Access Meter**

means a Gas Meter that, either on its own or with an ancillary device:

- (a) provides measured Gas Consumption Data for multiple time periods and is able to provide such data for periods of less than one month;
- (b) is able to provide the licensee with remote access to such data; and
- (c) is not a Smart Metering System or part of a Smart Metering System.

**Trial**

means proposals submitted by the licensee for obtaining Gas Consumption Data which relates to any one or more period of less than one day, in respect of a particular category of relevant premises and for a

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particular purpose (in each case as specified in the proposal), on a trial basis.

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**Condition 45: Smart Metering – Customer Access to Consumption Data**

**Application**

45.1 Parts A and C of this Condition apply to the licensee in respect of any Domestic Premises at which:

- (a) it is the Relevant Gas Supplier; and
- (b) there is installed a Smart Metering System,

(the **relevant premises**)

45.2 Parts B and C of this Condition apply to the licensee in respect of any Designated Premises and (to the extent to which they are not Designated Premises) any Micro Business Premises at which:

- (a) it is the Relevant Gas Supplier; and
- (b) there is installed a Smart Metering System,

(the **relevant designated or micro business premises**).

**PART A – OBLIGATIONS IN RESPECT OF RELEVANT PREMISES**

**Customer Access to Relevant Consumption Data**

45.3 In respect of each relevant premises, the licensee must:

- (a) within a reasonable period of time after the Effective Date, notify the Domestic Customer at the premises that the licensee can, if requested, make available Relevant Consumption Data such that it can be accessed by the Domestic Customer in accordance with paragraph (b) below; and
- (b) as soon as is reasonably practicable after receiving any request to do so from the Domestic Customer at those premises, make available (free of charge and in a readily understandable format) Relevant Consumption Data such that it can be accessed, at any time, by the Domestic Customer via:
  - (i) the internet; or

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- (ii) where the licensee does not provide access via the internet, a Consumer Device provided, free of charge, by the licensee to the Domestic Customer for the purposes of meeting the Domestic Customer's request.

45.4 The requirements of paragraph 45.3 are subject to paragraph 45.7.

**Retention of Consumption Data**

45.5 Paragraph 45.6 applies where:

- (a) the licensee makes available Relevant Consumption Data such that it can be accessed by the Domestic Customer in accordance with paragraph 45.3(b); and
- (b) the Smart Metering System (or any part of it) at the relevant premises does not retain consumption data for the Relevant Period.

45.6 Where this paragraph applies:

- (a) the licensee must establish arrangements which enable consumption data to be retained for the Relevant Period; and
- (b) until such date as consumption data is retained for the Relevant Period, the reference to 24 months in the definition of Relevant Consumption Data shall be construed as a reference to the period for which consumption data is retained.

**Exception**

45.7 The requirements in paragraph 45.3 do not apply where:

- (a) where:
  - (i) either:
    - (A) the Smart Metering System at the relevant premises was not installed or arranged to be installed by the licensee; or
    - (B) the licensee replaces any apparatus forming part of the Smart Metering System pursuant to paragraph 44.9 of standard condition 44 (Smart Metering – Continuation of Arrangements on Change of Supplier); and
  - (ii) a connection that enables the exchange of information between the Smart Metering System and the licensee's Communications System has not at any time

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been established (whether directly to the licensee's Communications System or indirectly through the DCC's Communications System); or

(b) where:

- (i) the Smart Metering System at the relevant premises was installed or arranged to be installed by the licensee; and
- (ii) the obligations in paragraph 43.4 of standard condition 43 (Smart Metering Systems and In-Home Displays – Operational Requirements) do not apply in respect of the relevant premises by virtue of the exception at either paragraph 43.8 or paragraph 43.13 of that standard condition.

**PART B – OBLIGATIONS IN RESPECT OF RELEVANT DESIGNATED OR MICRO BUSINESS PREMISES**

- 45.8 In respect of each relevant designated or micro business premises, the licensee must, on request of the Customer at the premises, ensure that the Customer or that Customer's nominated agent has timely access to the half-hourly consumption data which is held by or stored in the Smart Metering System at such premises.
- 45.9 In the case of Smart Metering Systems at Non-Domestic Premises which are enrolled under the Smart Energy Code, the requirements of paragraph 45.8 shall only apply from the date (if any) on which the licensee becomes a DCC User (as defined in standard condition 48 (Enrolment of Smart Metering Systems)).
- 45.10 Paragraph 45.11 shall apply until the licensee becomes a DCC User (as defined in standard condition 48 (Enrolment of Smart Metering Systems)).
- 45.11 Before the licensee enters into a Non-Domestic Supply Contract, the licensee must take (and ensure that any Representative takes) all reasonable steps to:
- (a) ascertain whether a Smart Metering System enrolled under the Smart Energy Code is installed at the Non-Domestic Premises; and
  - (b) where such a Smart Metering System is installed at the premises, communicate to the Customer in plain and intelligible language an explanation of the nature and effect of any potential variations to the services related to the functionality of such a Smart Metering System that might be to the disadvantage of the Customer and which would arise if the Customer enters into the contract.

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**PART C - DEFINITIONS**

**Definitions**

45.12 In this Condition:

<b>Consumer Device</b>	means any device located at the relevant premises which: <ul style="list-style-type: none"><li>(a) is capable of providing the Domestic Customer with access (whether directly or indirectly) to Relevant Consumption Data; and</li><li>(b) is capable of connecting through the HAN to a device forming part of the Smart Metering System at the relevant premises.</li></ul>
<b>DCC Communications System</b>	has the meaning given to it in standard condition 43 (Smart Metering Systems and In-Home Displays — Operational Requirements).
<b>Effective Date</b>	means: <ul style="list-style-type: none"><li>(a) in respect of any Domestic Premises which is a relevant premises on the date this Condition takes effect, the date this Condition takes effect;</li><li>(b) in respect of any Domestic Premises which is a relevant premises only from a date after the date on which this Condition takes effect, the date on which that Domestic Premises first becomes a relevant premises.</li></ul>
<b><u>Micro Business Consumer</u></b>	<u>has the meaning given to it in standard condition 7A (Supply to Micro Business Consumers).</u>
<b><u>Micro Business Premises</u></b>	<u>means premises at which the Customer is a Micro Business Consumer.</u>
<b>Relevant Consumption</b>	means, in respect of any relevant premises, detailed data as to the quantity of gas supplied to the premises in each day, week,



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**Data**

month, and year for the period:

- (a) of 24 months prior to the date on which the Domestic Customer at the premises accesses the data;
- (b) starting from the date on which the Domestic Customer became the Customer at the premises and ending on the date on which the Domestic Customer accesses the data;
- (c) starting from the date on which the licensee became the Relevant Gas Supplier at the relevant premises and ending on the date on which the Domestic Customer accesses the data; or
- (d) starting from the date the Smart Metering System was installed at the relevant premises and ending on the date on which the Domestic Customer accesses the data,

whichever is the shorter period on the date on which the Domestic Customer accesses the data.

**Relevant Period**

means the period of 24 months prior to the date on which the Domestic Customer at the premises accesses consumption data.