

**GAS SUPPLY LICENCE - SMART METERING CONDITIONS**

**Definitions to be added to Condition 1**

**CH Technical Specification** means the Communications Hub Technical Specification, being the document (or part of a document) which:

- (a) identifies itself as such; and
- (b) applies in respect of a Communications Hub installed or provided for the purposes of the supply of gas.

**Communications Hub** means:

- (a) a device identified as a communications hub by the DCC,  
  
taken together with
- (b) any aerial which is required for the effective operation of that communications hub and is (or will be, when they are both installed) either a part of that device or situated adjacent to it,

in each case as provided by the DCC in accordance with its obligations under Part E of Condition 17 of the DCC Licence (Terms for the Provision of the Communications Hub Service).

~~**Communications Link** means a means by which information can be exchanged between a device or system and any other device or system.<sup>†</sup>~~

**DCC** means the holder of the DCC Licence.

<sup>†</sup> The text of this definition formed part of the consultation issued on 10 April 2014 on Home Area Network (HAN) Installations. That consultation has not yet concluded and therefore the text should be considered as draft. The finalised drafting will be included as part of the Government's Response to the Consultation on Home Area Network (HAN) Installations.

<b>DCC Licence</b>	means the licence for the provision of a smart meter communication service granted pursuant to section 7AB of the Gas Act 1986.
<b>HAN</b>	<p>means, in relation to a Smart Metering System, the home area network, <del>constituting a Communications Link or series of Communications Links</del><u>which:</u></p> <p><del>(a)</del> <u>is created by a device forming part of the HAN Interface of that Smart Metering System;</u></p> <p><del>and</del></p> <p><del>(a)(b)</del> <u>constitutes a means by which information can be exchanged between that Smart Metering System and any other device through the HAN Interfaces of those devices or system.</u></p>
<b>HAN Interface</b>	<p>means a HAN Interface:</p> <p>(a) having the meaning given to that term in the version of the SME Technical Specification which was applicable (in accordance with paragraph 47.10 of standard condition 47 (Technical Specifications)) on the Installation Date; and</p> <p>(b) which is operating at a <del>physical</del> frequency, and using the communications standards applicable to that frequency, as specified in that version of the SME Technical Specification.<sup>2</sup></p>
<b>In-Home Display (or IHD)</b>	<p>means a device provided at premises which, on the date on which it is provided (or, if later, the date on which a Smart Metering System is installed at the premises):</p> <p>(a) is a device of a type identified in a version of</p>

<sup>2</sup> ~~The text of this definition formed part of the consultation issued on 10 April 2014 on Home Area Network (HAN) Installations. That consultation has not yet concluded and therefore the text should be considered as draft. The finalised drafting will be included as part of the Government's Response to the Consultation on Home Area Network (HAN) Installations.~~

the IHD Technical Specification which is Valid on that date; and

- (b) as a minimum, has the functional capability specified by and complies with the other requirements of that version of the IHD Technical Specification.

**IHD Technical Specification**

means the In-Home Display Technical Specification, being the document (or part of a document) which:

- (a) identifies itself as such; and
- (b) applies in respect of the device referred to in that document as an In-Home Display.

**Installation Date**

means, in relation to a Smart Metering System:

- (a) where the system is installed after the Smart Metering Designated Date, the date on which it is installed; or
- (b) where the system is installed on or before the Smart Metering Designated Date, the Smart Metering Designated Date.

**Prepayment Meter Interface Device (or PPMID)**

means a device which:

- (a) is capable of connecting through the HAN to a device forming part of a Smart Metering System; and
- (b) where such a connection is in place, replicates the functionality provided by or on a Gas Meter forming part of that Smart Metering System for the purposes of facilitating the use, by the Customer, of the Gas Meter as a Prepayment Meter.

**PPMID Technical Specification**

means the Prepayment Meter Interface Device Technical Specification, being the document (or part of

a document) which:

- (a) identifies itself as such; and
- (b) applies in respect of a PPMID and any associated or ancillary device installed or provided for the purposes of the supply of gas (but excluding any Smart Metering System or In-Home Display).

**SEC Panel**

has the meaning given to it in the DCC Licence.

**Smart Metering System**

means:

- (a) in respect of any Designated Premises, a system installed at such premises for the purposes of the supply of gas to those premises which:
  - (i) consists of a Gas Meter and any associated or ancillary devices identified in a version of the SME Technical Specification which is Valid on the Installation Date; and
  - (ii) as a minimum, has the functional capability specified by and complies with the other requirements of that version of the SME Technical Specification;
- (b) in respect of any Domestic Premises, a system installed at such premises for the purposes of the supply of gas to those premises which:
  - (i) consists of a Gas Meter and any associated or ancillary devices identified in a version of the SME Technical Specification which is Valid on the Installation Date;
  - (ii) as a minimum, has the functional capability specified by, and complies with the other requirements of, that version of

the SME Technical Specification; and

- (iii) except where that version of the SME Technical Specification is the version of that document which was designated on the Smart Metering Designated Date, includes a Relevant Communications Hub (as defined in paragraph 47.15 of standard condition 47 (Technical Specifications)).

**SME Technical Specification**

means the Smart Metering Equipment Technical Specification, being the document (or part of a document) which:

- (a) identifies itself as such; and
- (b) applies in respect of a Gas Meter and any associated or ancillary device installed or provided for the purposes of the supply of gas but excluding any In-Home Display or PPMID).

**Valid**

in relation to a Technical Specification as defined in standard condition 47 (Technical Specifications) has the meaning given in paragraph 47.4 of that condition.

### **Condition 33. Smart Metering System - Roll-out, Installation and Maintenance**

#### **PART A - ROLL-OUT DUTY AND EXCEPTIONS TO THE DUTY**

##### **The roll-out duty**

33.1 The licensee must take all reasonable steps to ensure that a Smart Metering System is installed on or before 31 December 2020 at each Domestic Premises or Designated Premises in respect of which it is the Relevant Gas Supplier.

33.2 The requirement in paragraph 33.1 is subject to paragraphs 33.3, 33.4 and 33.5.

##### **Exception for Domestic and Designated Premises - Current Transformer Meters**

33.3 The requirement in paragraph 33.1 does not apply in respect of any Domestic Premises or Designated Premises at which either:

- (a) the existing Gas Meter is a Large Gas Meter; or
- (b) any New Gas Meter or Replacement Gas Meter installed or arranged to be installed by the licensee is a Large Gas Meter,

and where in either case:

- (c) that Large Gas Meter meets any requirements which apply to it by virtue of paragraph 12.27 or 12.29 of standard condition 12 (Matters relating to Gas Meters).

##### **Exception for Designated Premises - Advanced Meter Arrangements**

33.4 The requirement in paragraph 33.1 does not apply in respect of any Designated Premises:

- (a) where:
  - (i) the licensee or any other person has, prior to 6 April 2016 ('the relevant date'), made arrangements for an Advanced Meter to be installed at that Designated Premises; and
  - (ii) the obligation under those arrangements to install an Advanced Meter is to be satisfied by a date which is also prior to the relevant date; and
- (b) where either:
  - (i) the relevant date has not yet occurred; or

- (ii) the relevant date has occurred and the Gas Meter installed at the Designated Premises is an Advanced Meter that was installed prior to that date.

#### **Exception for Designated Premises - Advanced Meter Contract**

33.5 The requirement in paragraph 33.1 does not apply in respect of any Designated Premises:

(a) where:

- (i) the licensee or any other person has, prior to 6 April 2016, entered into a contract with the Customer at the Designated Premises to install or arrange the installation of an Advanced Meter at that Designated Premises; and
- (ii) the obligation under that contract is for the Advanced Meter to be installed prior to 1 January 2021 ('the relevant date'); and

(b) whether either:

- (i) the relevant date has not yet occurred; or
- (ii) the relevant date has occurred and the Gas Meter installed at the Designated Premises is the Advanced Meter that was first installed, pursuant to the contract, prior to that date.

#### **PART B - DUTY IN RELATION TO REPLACEMENT METERS AND NEW CONNECTIONS AND EXCEPTIONS FROM THE DUTY**

##### **The duty in relation to replacement meters and new connections**

33.6 The licensee must take all reasonable steps to ensure that at each Domestic Premises or Designated Premises in respect of which:

- (a) it is the Relevant Gas Supplier, any Replacement Gas Meter which is installed or is arranged to be installed forms part of a Smart Metering System;
- (b) it is to be the first Relevant Gas Supplier, any New Gas Meter which is installed or is arranged to be installed forms part of a Smart Metering System.

33.7 The requirement in paragraph 33.6 is subject to paragraphs 33.9, 33.10 and 33.11.

33.8 The requirement in paragraph 33.6 and paragraphs 33.9, 33.10 and 33.11 apply only with effect from any date specified by the Secretary of State in a direction issued to the licensee in accordance with this paragraph.

**Exception for Domestic and Designated Premises - Current Transformer Meters**

33.9 The requirement in paragraph 33.6 does not apply in respect of any Domestic Premises or Designated Premises at which either:

- (a) the existing Gas Meter is a Large Gas Meter; or
- (b) any New Gas Meter or Replacement Gas Meter installed or arranged to be installed by the licensee is a Large Gas Meter,

and where in either case:

- (c) that Large Gas Meter meets any requirements which apply to it by virtue of paragraph 12.27 or 12.29 of standard condition 12 (Matters relating to Gas Meters).

**Exception for Designated Premises - Advanced Meter Arrangements**

33.10 The requirement in paragraph 33.6 does not apply in respect of any Designated Premises where:

- (a) the licensee or any other person has, prior to 6 April 2016 ('the relevant date'), made arrangements for an Advanced Meter to be installed at that Designated Premises;
- (b) the obligation under those arrangements to install an Advanced Meter is to be satisfied by a date which is also prior to the relevant date; and
- (c) the relevant date has not yet occurred.

**Designated Premises - Advanced Meter Contract**

33.11 The requirement in paragraph 33.6 does not apply in respect of any Designated Premises

- (a) where:
  - (i) the licensee or any other person has, prior to 6 April 2016, entered into a contract with the Customer at the Designated Premises to install or arrange the installation of an Advanced Meter at that Designated Premises; and

- (ii) the obligation under that contract is for the Advanced Meter to be installed prior to 1 January 2021 ('the relevant date'); and
- (b) where both:
  - (i) the Advanced Meter has not yet been installed at the Designated Premises pursuant to the contract; and
  - (ii) the relevant date has not yet occurred.

## **PART C - DUTIES AFTER INSTALLATION AND DEFINITIONS**

### **The duties after installation**

33.12 The licensee must take all reasonable steps to ensure that, at each Domestic Premises or Designated Premises in respect of which it is the Relevant Gas Supplier and at which a Smart Metering System has been installed, the Smart Metering System continues to satisfy the requirements of the SME Technical Specification that was applicable (in accordance with paragraph 47.12 of standard condition 47 (Technical Specifications)) on its Installation Date.

33.13 The requirement in paragraph 33.12 is subject to paragraph 33.14.

### **Exception**

33.14 The requirement in paragraph 33.12 does not apply in respect of any part of a Smart Metering System which consists of a Communications Hub.

### **Definitions**

33.15 For the purposes of this condition:

<b>Advanced Meter</b>	means a Gas Meter which satisfies the definition of 'advanced meter' in paragraph 12.22 of standard condition 12 (Matters relating to Gas Meters) but which does not form part of a Smart Metering System.
<b>New Gas Meter</b>	means the Gas Meter that is the first Gas Meter to be installed or arranged to be installed at the relevant premises.
<b>Replacement Gas</b>	means a Gas Meter that replaces a Gas Meter previously

**Meter** installed at the relevant premises.

### **Condition 34. Provision of an In-Home Display**

#### **The general duty**

- 34.1 The licensee must, where it installs or arranges for the installation of a Smart Metering System at any Domestic Premises on or after the Smart Metering Designated Date, ensure that it:
- (a) provides to the Domestic Customer at the premises complete and accurate information, which does not mislead the Domestic Customer, concerning the availability and benefits of an In-Home Display;
  - (b) communicates that information in plain and intelligible language;
  - (c) offers the Domestic Customer the opportunity to have an In-Home Display provided at the Domestic Premises from no later than the date the Smart Metering System is installed; and
  - (d) where the Domestic Customer accepts the offer, provides at the premises from no later than that date an In-Home Display which operates together with the Smart Metering System at the premises, so as to permit the intended use of the functional capability of that In-Home Display.
- 34.2 The requirement in paragraph 34.1 is subject to paragraph 34.3.

#### **Exception to the general duty**

- 34.3 The licensee is not required to comply with paragraph 34.1 if a device has been provided by any person at the Domestic Premises which, on the date on which the Smart Metering System is installed at the Domestic Premises:
- (a) constitutes an In-Home Display; and
  - (b) operates, together with the Smart Metering System at the premises, so as to permit the intended use of the functional capability of that In-Home Display.

#### **The duty on request of Domestic Customers**

- 34.4 Where paragraph 34.5 applies, the licensee must take all reasonable steps to provide, at Domestic Premises in respect of which it is the Relevant Gas Supplier, an In-Home Display which operates, together with the Smart Metering System at the premises, so as to permit the intended use of the functional capability of that In-Home Display.

34.5 This paragraph applies where:

- (a) the Domestic Customer at premises in respect of which the licensee is the Relevant Gas Supplier makes a request for the licensee to provide an In-Home Display within the Relevant Period; and
- (b) prior to that request an In-Home Display has not been provided at the premises.

34.6 The requirement in paragraph 34.4 is subject to paragraph 34.11.

#### **The duty during the Relevant Period on and after provision of an IHD**

34.7 The licensee must take all reasonable steps to ensure that at each Domestic Premises in respect of which it is the Relevant Gas Supplier and at which an In-Home Display has been provided, the In-Home Display continues during the Relevant Period to satisfy the requirements of the IHD Technical Specification applicable (in accordance with paragraph 47.12 of standard condition 47 (Technical Specifications)) at the date on which it was provided.

34.8 The requirement in paragraph 34.7 is subject to paragraph 34.11.

#### **The duty to deal with IHD faults**

34.9 Where:

- (a) the licensee is notified that there is a fault in an In-Home Display provided at a Domestic Premises in respect of which it is the Relevant Gas Supplier;
- (b) the consequence of the fault is that the In-Home Display no longer satisfies the minimum requirements of the IHD Technical Specification applicable at the date on which the In-Home Display was provided;
- (c) the Smart Metering System at the Domestic Premises was installed:
  - (i) on or after the Smart Metering Designated Date; and
  - (ii) no more than 12 months prior to the date on which the licensee is notified of the fault; and
- (d) the licensee is in its reasonable opinion satisfied that the fault in the In-Home Display is not due to a failure by the Domestic Customer to take all reasonable steps to keep the In-Home Display in good working order,

the licensee must take all reasonable steps to repair or replace the faulty In-Home Display.

34.10 The requirement in paragraph 34.9 is subject to paragraph 34.11.

#### **Exceptions**

34.11 Paragraphs 34.4, 34.7 and 34.9 apply:

- (a) in all cases in respect of any Domestic Premises at which the licensee installed or arranged for the installation of the Smart Metering System; and
- (b) in any other case, only from such date and to such extent as specified in a direction issued by the Secretary of State under this sub-paragraph.

#### **Definitions**

34.12 For the purposes of this condition:

**Relevant Period** means, in respect of a Smart Metering System installed on or after the Smart Metering Designated Date, the period which commences on the date on which the Smart Metering System is installed at the Domestic Premises and ends 12 months after that date.

## Condition 35. Smart Metering Installation and Installation Code of Practice – Domestic Customers

### Application

35.1 This Condition applies only where the licensee supplies or offers to supply gas to Domestic Premises.

### The Objectives and the duty to achieve them

35.2 The objectives of this Condition (the **Objectives**) are to ensure that:

- (a) the licensee and any Representative provides and maintains a standard of service which helps to ensure that Domestic Customers' experience of the installation of Smart Metering Systems at their premises meets their reasonable expectations;
- (b) all activities undertaken by the licensee and any Representative in relation to the installation of Smart Metering Systems are conducted in a fair, transparent, appropriate and professional manner;
- (c) Domestic Customers are given information about, and during, the installation of Smart Metering Systems which:
  - (i) is complete and accurate;
  - (ii) does not mislead them; and
  - (iii) informs them about the benefits of Smart Metering Systems and about what to expect in relation to the installation process; and
- (d) Domestic Customers are not subject to unwelcome Marketing during any visit to their premises for the purposes of installing Smart Metering Systems.

35.3 The licensee shall take all reasonable steps:

- (a) to secure the achievement of the Objectives; and
- (b) to avoid doing anything which jeopardises its ability to achieve the Objectives.

### The Domestic Installation Code

35.4 The steps that the licensee must take to secure the achievement of the Objectives include, without limitation, taking such steps and doing such things as are within its power to:

- (a) together with all other licensed electricity and gas suppliers of Domestic Premises; and
- (b) by no later than one month after this Condition takes effect (or such later date as the Authority may direct) (the **relevant period**),

prepare and submit for approval to the Authority a document to be known as the Domestic Installation Code of Practice (**Domestic Installation Code**).

35.5 If:

- (a) the licensee, together with all other licensed electricity and gas suppliers of Domestic Premises, does not submit a Domestic Installation Code to the Authority within the relevant period; or
- (b) the Authority does not approve the Domestic Installation Code submitted to it,

the Authority may:

- (c) designate a Domestic Installation Code which shall apply for the purposes of this Condition; or
- (d) in the case of sub-paragraph (b), issue a direction requiring the licensee and all other licensed electricity and gas suppliers of Domestic Premises to make such modifications to the Domestic Installation Code which has been submitted to it as are specified in the direction.

#### **Content of the Domestic Installation Code**

35.6 The Domestic Installation Code must include provisions which set minimum standards of service for the installation, and activities relating to the installation, of Smart Metering Systems at Domestic Premises.

35.7 The Domestic Installation Code must include provisions which ensure that any costs that the licensee seeks to recover from Customers in relation to:

- (a) the provision, configuration, installation or operation of the Smart Metering System at Domestic Premises;
- (b) the replacement, modification or reconfiguration of the Smart Metering System at Domestic Premises in accordance with the duty at paragraph 33.12 of standard condition 33 (Smart Metering System - Roll-out, Installation and Maintenance); or

- (c) the provision of a replacement In-Home Display at Domestic Premises in accordance with the duty at paragraph 34.7 or paragraph 34.9 of standard condition 34 (Provision of an In-Home Display),

may be recovered from a Domestic Customer only in the circumstances described in either paragraph 35.8 or 35.9.

35.8 The circumstances described in this paragraph are that costs are borne by the licensee's Domestic Customers generally as an increment of charges for gas supplied to them.

35.9 The circumstances described in this paragraph are that:

- (a) the Smart Metering System installed at Domestic Premises exceeds the minimum requirements of each version of the SME or IHD Technical Specification which is Valid at the date of installation ('enhanced equipment');
- (b) the Domestic Customer at the premises has first been given the option of having installed at his premises a Smart Metering System which does not exceed such minimum requirements; and
- (c) the Domestic Customer has, prior to the Smart Metering System being installed, expressly requested the installation of enhanced equipment.

35.10 The Domestic Installation Code must include provisions which will ensure that the licensee and its Representatives will:

- (a) not make any Sales Transaction during a visit to install a Smart Metering System at any Domestic Premises;
- (b) not undertake any Marketing during a visit to install a Smart Metering System unless the Domestic Customer has, in advance of the date of the installation visit, given his explicit consent to Marketing being undertaken during the installation visit; and
- (c) cease any Marketing being undertaken in compliance with sub-paragraph (b) immediately upon a request to do so made by the Domestic Customer or any member of his household.

35.11 The Domestic Installation Code must make provisions relating to the establishment and implementation of practices, procedures and arrangements by which the licensee and its Representatives will:

- (a) take all reasonable steps to ensure that no undue inconvenience is caused to Domestic Customers or other occupants of Domestic Premises as result of any visit made to Domestic Premises for the purposes of installing a Smart Metering System;
- (b) provide for Domestic Customers to be given complete and accurate information and advice, which is in plain and intelligible language and which does not mislead them, about:
  - (i) the installation, purpose, features and advantages of Smart Metering Systems;
  - (ii) the use of Smart Metering Systems, including such information as will assist Domestic Customers to make informed judgments about the way in which they can improve the efficiency with which they use the electricity and/or gas supplied to them; and
  - (iii) sources from which Domestic Customers may obtain additional and impartial information or assistance about improving the efficiency with which they use the electricity and/or gas supplied to them;
- (c) identify and meet the needs of specific Domestic Customer groups –including in particular Domestic Customers (or occupants of the Domestic Premises) who are of Pensionable Age, disabled or chronically sick – in relation to the installation (and provision of information relating to the installation) of Smart Metering Systems;
- (d) notify Domestic Customers of the Domestic Installation Code, of the provisions set out in it and of the licensee's obligations under it; and
- (e) retain, and produce to the Authority when requested to do so, documentary evidence sufficient to demonstrate (where given) a Domestic Customer's consent to Marketing being undertaken during the installation visit.

35.12 The Domestic Installation Code may make further provision in relation to any matters that are designed to secure the achievement of the Objectives.

35.13 The Domestic Installation Code may provide for particular provisions, as specified in it, not to apply in such cases or circumstances as are specified or described in the Domestic Installation Code.

35.14 The Domestic Installation Code must set out procedures for its review and revision which shall, as a minimum, provide for:

- (a) the making of proposals by:

- (i) the licensee and any other licensed electricity or gas supplier of Domestic Premises; and
  - (ii) the National Consumer Council,  
  
for revisions to the Domestic Installation Code;
- (b) a requirement to obtain the approval of the Authority to proposed revisions to the Domestic Installation Code; and
- (c) the Authority:
- (i) at any time to require the licensee, together with all other licensed electricity and gas suppliers of Domestic Premises, to review such features of the Domestic Installation Code as it may specify (the specified features');
  - (ii) following such a review, to issue a direction requiring the licensee and all other licensed electricity and gas suppliers of Domestic Premises to make such modifications to any of the specified features as it may direct.

#### **Consultation on the Domestic Installation Code**

35.15 The licensee must:

- (a) before submitting the Domestic Installation Code or any proposed revisions to it to the Authority for its approval; and
- (b) in carrying out any review of the Domestic Installation Code,  
  
consult with, and consider any representations made by, the National Consumer Council and any other person or body likely to be affected.

#### **Compliance with the Domestic Installation Code**

35.16 The licensee must take such steps and do such things as are within its power to comply with the Domestic Installation Code approved or designated (as the case may be) by the Authority.

35.17 The licensee must maintain a record of its performance against and compliance with the requirements of the Domestic Installation Code.

#### **Review of the Domestic Installation Code**

35.18 The licensee must from time to time:

- (a) take steps to obtain the views of Domestic Customers about the licensee's and its Representatives' activities and conduct relating to the installation of Smart Metering Systems; and
- (b) together with all other licensed electricity and gas suppliers of Domestic Premises, review the Domestic Installation Code and the manner in which it has been operated with a view to determining, taking into account views received, whether any revisions should be made to it.

35.19 Where, within 30 working days of the licensee submitting to the Authority the proposed revisions to the Domestic Installation Code, the Authority has not given:

- (a) its approval in Writing to the proposed revisions;
- (b) Notice to the licensee that it is withholding approval; or
- (c) Notice to the licensee that it is unable to reach a decision on whether to approve or withhold approval within the 30 working day period but that it will aim to do so within the timescale set out in the Notice,

the proposed revisions submitted to the Authority shall be treated as having been approved by the Authority and incorporated into the Domestic Installation Code.

35.20 As soon as practicable following the Authority's approval or designation of the Domestic Installation Code (including following any revision to it), the licensee must take steps to ensure that an up-to-date copy of the approved or designated (as the case may be) Domestic Installation Code is:

- (a) sent to the Authority and the National Consumer Council; and
- (b) made readily accessible, including by being published on and made readily accessible from its Website (if it has one).

35.21 The licensee shall give, free of charge and as soon as practicable following the request, a copy of the most up-to-date approved or designated (as the case may be) Domestic Installation Code to any person that requests it.

### **Interpretation and Definitions**

35.22 In this Condition, any reference to Smart Metering System shall be read as incorporating a reference to:

- (a) any part of that system; and
- (b) an In-Home Display.

35.23 In this condition any reference to 'installation' shall be read, in the context of an In-Home Display, as incorporating a reference to the provision of that In-Home Display, and the words 'install' and 'installed' shall be construed accordingly.

35.24 For the purposes of this Condition:

**Marketing** means any activities of the licensee or any of its Representatives that:

- (a) take place with the simultaneous physical presence of:
  - (i) the licensee or the Representative; and
  - (ii) a Domestic Customer or any member of his household; and
- (b) entail verbal communication with the Domestic Customer or any member of his household with the intention or effect of:
  - (i) promoting the provision by the licensee or any other named person of any goods and services; or
  - (ii) promoting the availability to the Domestic Customer or member of his household of any goods or services specifically designed for or tailored to his requirements,

but for these purposes:

- (a) 'promoting' shall be taken to exclude the activity of agreeing or arranging, at the request of the Domestic Customer or a member of his household, any further communication with that person, at a date later than the date of the installation visit, in relation to the provision by the licensee or any other named person

of any goods or services; and

- (b) 'goods or services' shall be taken to exclude any goods or services which are to be provided free of charge.

**Sales Transaction**

means any transaction, whether in writing or otherwise, which involves a Domestic Customer or any member of his household:

- (a) paying a sum of money to any person in respect of the provision of goods or services; or
- (b) entering into a contract to pay a sum of money to any person in respect of the provision of goods or services.

**Condition 36: Smart Metering Installation and Installation Code of Practice – Micro Business Consumers**

**The Objectives and the duty to achieve them**

36.1 The objectives of this Condition (the **Objectives**) are to ensure that:

- (a) the licensee and any Representative provides and maintains a standard of service which helps to ensure that Micro Business Consumers' experience of the installation of Smart Metering Systems at their premises meets their reasonable expectations;
- (b) all activities undertaken by the licensee and any Representative in relation to the installation of Smart Metering Systems are conducted in a fair, transparent, appropriate and professional manner; and
- (c) Micro Business Consumers are provided with information about, or during, the installation of Smart Metering Systems which:
  - (i) is complete and accurate;
  - (ii) does not mislead them; and
  - (iii) informs them about the benefits of the Smart Metering Systems and about what to expect in relation to the installation process.

36.2 The licensee shall take all reasonable steps:

- (a) to secure the achievement of the Objectives; and
- (b) to avoid doing anything which jeopardises its ability to achieve the Objectives.

**The Installation Code**

36.3 The steps that the licensee must take to secure the achievement of the Objectives include, without limitation, taking such steps and doing such things as are within its power to:

- (a) together with all other licensed electricity and gas suppliers; and
- (b) by no later than one month after this Condition takes effect (or such later date as the Authority may direct) (the **relevant period**),

prepare and submit for approval to the Authority a document to be known as the Installation Code of Practice (**Installation Code**).

36.4 If:

- (a) the licensee, together with all other licensed electricity and gas suppliers, does not submit an Installation Code to the Authority within the relevant period; or
- (b) the Authority does not approve the Installation Code submitted to it,

the Authority may:

- (i) designate an Installation Code which shall apply for the purposes of this Condition; or
- (ii) in the case of sub-paragraph (b), issue a direction requiring the licensee and all other licensed electricity and gas suppliers to make such modifications to the Installation Code which has been submitted to it as are specified in the direction.

#### **Content of the Installation Code**

36.5 The Installation Code must make provision relating to the establishment and implementation of practices, procedures and arrangements by which the licensee and its Representatives will:

- (a) take all reasonable steps to ensure that no undue inconvenience is caused to Micro Business Consumers as a result of any visit made to their premises for the purposes of installing Smart Metering Systems; and
- (b) provide for Micro Business Consumers to be given complete and accurate information and advice, which is in plain and intelligible language and which does not mislead them, about:
  - (i) the installation, purpose, features and advantages of Smart Metering Systems;
  - (ii) the use of Smart Metering Systems, including such information as will assist Micro Business Consumers to make informed judgments about the way in which they can improve the efficiency with which they use the electricity and/or gas supplied to them; and
  - (iii) sources from which Micro Business Consumers may obtain additional information or assistance about improving the efficiency with which they use the electricity and/or gas supplied to them.

- 36.6 The Installation Code may make further provision in relation to any matters that are designed to secure the achievement of the Objectives.
- 36.7 The Installation Code may provide for particular provisions, as specified in it, not to apply in such cases or circumstances as are specified or described in the Installation Code.
- 36.8 The Installation Code must set out procedures for its review and revision which shall, as a minimum, provide for:
- (a) the making of proposals by:
    - (i) the licensee and any other licensed electricity or gas supplier; and
    - (ii) the National Consumer Council,for revisions to the Installation Code;
  - (b) a requirement to obtain the approval of the Authority to proposed revisions to the Installation Code; and
  - (c) the Authority:
    - (i) at any time to require the licensee, together with all other licensed electricity and gas suppliers, to review such features of the Installation Code as it may specify ('the specified features');
    - (ii) following such a review, to issue a direction requiring the licensee and all other licensed electricity and gas suppliers to make such modifications to any of the specified features as it may direct.

#### **Consultation on the Installation Code**

- 36.9 The licensee must:
- (a) before submitting the Installation Code or any proposed revisions to it to the Authority for its approval; and
  - (b) in carrying out any review of the Installation Code,
- consult with, and consider any representations made by, the National Consumer Council and any other person or body likely to be affected.

#### **Compliance with the Installation Code**

- 36.10 The licensee must take such steps and do such things as are within its power to comply with the Installation Code approved or designated (as the case may be) by the Authority.
- 36.11 The licensee must maintain a record of its performance against and compliance with the requirements of the Installation Code.

#### **Review of the Installation Code**

- 36.12 The licensee must from time to time:
- (a) take steps to obtain the views of Micro Business Consumers about the licensee's and its Representatives' activities and conduct relating to the installation of Smart Metering Systems; and
  - (b) together with all other licensed electricity and gas suppliers, review the Installation Code and the manner in which it has been operated with a view to determining, taking into account views received, whether any revisions should be made to it.
- 36.13 Where, within 30 working days of the licensee submitting to the Authority the proposed revisions to the Installation Code, the Authority has not given:
- (a) its approval in Writing to the proposed revisions;
  - (b) Notice to the licensee that it is withholding approval; or
  - (c) Notice to the licensee that it is unable to reach a decision on whether to approve or withhold approval within the 30 working day period but that it will aim to do so within the timescales specified in the Notice,
- the proposed revisions submitted to the Authority shall be treated as having been approved by the Authority and incorporated into the Installation Code.
- 36.14 As soon as practicable following the Authority's approval or designation of the Installation Code (including following any revision to it), the licensee must take steps to ensure that an up-to-date copy of the approved or designated (as the case may be) Installation Code is:
- (a) sent to the Authority and the National Consumer Council; and
  - (b) made readily accessible, including by being published on and made readily accessible from its Website (if it has one).

36.15 The licensee shall give, free of charge and as soon as practicable following the request, a copy of the most up-to-date approved or designated (as the case may be) Installation Code to any person that requests it.

#### **Interpretation and Definitions**

36.16 In this Condition, any reference to Smart Metering System shall be read as incorporating a reference to any part of that system.

36.17 For the purposes of this Condition:

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

## **Condition 37: Roll-out Reporting and Provision of Information to the Secretary of State**

### **Introduction**

37.1 This condition provides for the Secretary of State to be able to obtain from the licensee information in respect of matters relating to the provision, installation, operation, maintenance, and use of meters.

### **Purposes**

37.2 The purposes of this condition are to ensure that the Secretary of State may obtain such information as he may reasonably require to enable him, from time to time, to:

- (a) examine and assess the readiness of the licensee to comply with any Relevant SMS Condition;
- (b) monitor and review the steps taken, or to be taken, by the licensee to:
  - (i) install, arrange for the installation of, or provide (as the case may be) Smart Metering Systems and In-Home Displays in accordance with the requirements of any Relevant SMS Condition;
  - (ii) promote awareness and understanding by Energy Consumers of the use of Smart Metering Systems and In-Home Displays (and information that may be obtained through them);
- (c) evaluate:
  - (i) the scope and effectiveness of the licensee's consumer engagement activities; and
  - (ii) the implementation of the Consumer Engagement Plan;
- (d) identify and evaluate the costs associated with, and benefits attributable to, the provision, installation, operation, maintenance, and use of Smart Metering Systems and In-Home Displays, including in particular:
  - (i) energy savings made as a result of Energy Consumers being able to better manage their energy consumption and expenditure;
  - (ii) cost savings and improvements in services resulting from changes made to energy industry activities and procedures;
- (e) decide whether or when there may be a need for him to exercise any of his powers under any Relevant SMS Condition or section 88 of the Energy Act 2008; and

- (f) publish information in respect of the matters set out in paragraphs (a) –(e).

### Information Request

- 37.3 The Secretary of State may, for the purposes of this condition, from time to time issue a request for Information to be provided to him (an **Information Request**).
- 37.4 An Information Request (or any part of it) may be addressed to the licensee alone, to all Gas Suppliers or to a category of Gas Suppliers.
- 37.5 An Information Request may in particular, where the licensee supplies gas to at least 250,000 Domestic Customers, require the licensee to provide:
  - (a) on an annual basis (and at such other times as may be specified in the Information Request) Information in respect of:
    - (i) its proposals, plans and projections for meeting its duties in relation to the provision, installation, operation, and maintenance of Smart Metering Systems and In-Home Displays; and
    - (ii) its progress against the proposals, plans and projections included in the previous year's roll-out report,  
  
(together the **roll-out report**); and
  - (b) for such periods and at such frequency as may be specified in the Information Request, Information which sets out the licensee's progress against the proposals, plans and projections included in its latest roll-out report (the **monitoring report**).
- 37.6 An Information Request may in particular, where the licensee supplies gas to fewer than 250,000 Domestic Customers or supplies gas only to Non-Domestic Customers, require it to provide on an annual basis (and at such other times as may be specified in the Information Request) Information in respect of its proposals for and progress towards meeting its duties in relation to the provision, installation, operation, and maintenance of Smart Metering Systems and In-Home Displays (the **progress report**).
- 37.7 An Information Request may in particular specify:
  - (a) the type and nature of Information to be provided, including in particular the type and nature of Information to be provided in a rollout report, monitoring report, and progress report;
  - (b) that the Information is to be accompanied by such supporting documents or data as may be described;

- (c) that all or some of the specified Information must continue to be provided at the intervals specified until such data as specified or until the Secretary of State issues a subsequent Information Request to the licensee or the category of Gas Suppliers of which it is a member; and
- (d) the form and manner in which, and the date by which, the specified Information is to be provided.

37.8 The licensee must comply with an Information Request addressed to it or to a category of Gas Suppliers of which it is a member.

37.9 The licensee must ensure that the Information it provides in response to an Information Request is complete and accurate.

37.10 The licensee is not required under this condition to provide any Information which it could not be compelled to produce or give in evidence in civil proceedings before a court.

**Cessation**

37.11 This condition shall cease to apply to the licensee from the date which is 12 months after the date specified in paragraph 33.1 of standard condition 33 (Smart Metering System - Roll-out, Installation and Maintenance).

**Interpretation and Definitions**

37.12 In this condition:

**Consumer Engagement Plan** has the meaning given to it in standard condition 39 (Smart Metering Consumer Engagement).

**Energy Consumer** means a consumer of gas or electricity.

**Information** includes information in any form or medium and of any description specified by the Secretary of State and includes any documents, accounts, estimates, returns, records or reports and data of any kind, whether or not prepared specifically at the request of the Secretary of State.

**Relevant SMS Condition** means any condition of this licence which imposes obligations or contains provisions in respect of any

matter relating to the provision, installation, operation, maintenance, or use of a Smart Metering System or an In-Home Display.

## **Condition 38: Roll-out Reporting, Setting and Achieving Annual Milestones, and Provision of Information to the Authority**

### **Introduction**

38.1 This condition provides for:

- (a) the licensee to be required to prepare and provide to the Authority a Roll-out Plan, to report against the Roll-out Plan, and to set and achieve Annual Milestones, and
- (b) the Authority to be able to obtain from the licensee information in respect of matters relating to the provision, installation, operation, maintenance and use of Smart Metering Systems, In-Home Displays and Relevant Gas Meters and the licensee's achievement of the Annual Milestones.

### **Purposes**

38.2 The purposes of this condition are to:

- (a) provide that the Authority may require the licensee to prepare a Rollout Plan which includes Annual Milestones;
- (b) require the licensee to achieve the Annual Milestones set out in the Roll-out Plan; and
- (c) ensure that the Authority may obtain such information as it may reasonably require to enable it, from time to time, to:
  - (i) examine and assess the readiness of the licensee to comply with any Relevant SMS Condition;
  - (ii) monitor and review the steps taken or to be taken by the licensee to install, arrange for the installation of, or provide (as the case may be) Smart Metering Systems, In-Home Displays and Relevant Gas Meters in accordance with the requirements of any Relevant SMS Condition; and
  - (iii) monitor the licensee's achievement of the Annual Milestones set out in the Roll-out Plan.

### **Roll-out Plan and Progress Reports**

- 38.3 Where directed by the Authority, the licensee must prepare and submit to the Authority, by a date specified in a direction issued by the Authority, a document (the **Roll-out Plan**) which contains:
- (a) where the licensee is required to provide a roll-out report to the Secretary of State under standard condition 37 (Roll-out Reporting and Provision of Information to the Secretary of State), such parts of the rollout report as are specified in the direction;
  - (b) Annual Milestones, set by the licensee for such period as may be specified in the direction, for the purposes of the licensee complying with its duties in relation to the provision, installation, operation, maintenance and use of Smart Metering Systems, In-Home Displays and Relevant Gas Meters;
  - (c) a detailed explanation of the licensee's reasons, which reasons must be duly justified, for the Annual Milestones set by it; and
  - (d) such other Information as may be specified in the direction.
- 38.4 The licensee must achieve the Annual Milestones set out in its Roll-out Plan.
- 38.5 For the purposes of paragraph 38.4, the licensee shall be considered to have achieved an Annual Milestone set out in its Roll-out Plan where, by the end of the calendar year to which that Annual Milestone relates, it has reached at least 95% (or such lower percentage as may be specified in any direction issued to the licensee by the Authority) of that Annual Milestone.
- 38.6 The licensee may submit a revised Roll-out Plan to the Authority only:
- (a) on, or in the seven days immediately following, each anniversary, occurring prior to 31 March 2018, of the date specified in the direction issued by the Authority in accordance with paragraph 38.3; or
  - (b) where in response to a request from the licensee, the Authority has agreed that it may submit a revised Roll-out Plan.
- 38.7 Where, in accordance with paragraph 38.6, the licensee submits a revised Rollout Plan, it must also set out its reasons, which reasons must be duly justified, for making the revisions together with such supporting Information as may be required by the Authority.
- 38.8 The licensee must prepare and submit to the Authority, in accordance with any direction issued to the licensee by the Authority and for such periods and at such frequency as may

be specified in the direction, a report (the **Progress Report**) which sets out the licensee's progress and performance against the Roll-out Plan.

- 38.9 The licensee must publish its Roll-out Plan and any Progress Report, or such Information contained in the Roll-out Plan and any Progress Report, where it is directed to do so by the Authority.

#### **Directions**

- 38.10 The licensee must comply with any directions the Authority may issue for the purposes of this condition and which are addressed to it or to a category of Gas Suppliers of which it is a member.

- 38.11 A direction issued by the Authority may, in particular, specify:

- (a) the format of the Roll-out Plan and the Progress Report;
- (b) the form and manner in which the Annual Milestones need to be included in the Roll-out Plan;
- (c) the Information the licensee must include in the Progress Report, which may, where the licensee is required to provide a roll-out report to the Secretary of State under standard condition 37 (Roll-out Reporting and Provision of Information to the Secretary of State), include such parts of the roll-out report as are specified in the direction;
- (d) requirements in relation to the submission of the Roll-out Plan and Progress Reports to the Authority; and
- (e) the manner and method by which any specified Information from the Roll-out Plan and any Progress Report must be published by the licensee.

#### **Information Request**

- 38.12 Where the licensee receives a request for Information from the Authority for the purposes of this condition (an **Information Request**), it must provide that Information to the Authority within the time and in the form requested.

- 38.13 An Information Request issued by the Authority may in particular specify the type and nature of Information to be provided by the licensee, including in particular in respect of:

- (a) the readiness of the licensee to comply with any Relevant SMS Condition; and

- (b) the steps taken or to be taken by the licensee to install, arrange for the installation of, or provide (as the case may be) Smart Metering Systems, In-Home Displays and Relevant Gas Meters in accordance with the requirements of any Relevant SMS Condition.

38.14 The licensee must ensure that the Information it provides in response to an Information Request is complete and accurate.

38.15 The licensee is not required under this condition to provide any Information which it could not be compelled to produce or give in evidence in civil proceedings before a court.

### Cessation

38.16 This condition shall cease to apply to the licensee from the date which is 12 months after the date specified in paragraph 33.1 of standard condition 33 (Smart Metering System - Roll-out, Installation and Maintenance).

### Interpretation

38.17 In this condition:

**Annual Milestone** means a percentage of the total number of Domestic Premises and Designated Premises:

- (a) in respect of which the licensee is the Relevant Gas Supplier; and
- (b) at which a Smart Metering System or Relevant Gas Meter is to be installed by the end of each calendar year falling within the period specified in a direction issued by the Authority under paragraph 38.3.

**Progress Report** means a report submitted in accordance with paragraph 38.8.

**Relevant Gas Meter** means any Gas Meter installed or arranged to be installed by the licensee pursuant to paragraphs 33.8, 33.9 or 33.10 of standard condition 33 (Smart Metering System - Roll-out, Installation and Maintenance).

**Relevant SMS** means any condition of this licence which imposes

**Condition** obligations or contains provisions in respect of any matter relating to the provision, installation, operation maintenance or use of a Smart Metering System or an In-Home Display.

**Roll-out Plan** means a plan submitted in accordance with paragraph 38.3, as it may be revised in accordance with paragraph 38.6.

## **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 if it is a Relevant Supplier, a Small Domestic Supplier or a Relevant Non-Domestic Supplier; and
- (b) cease to apply from such date as is specified in a direction issued by the Secretary of State.

39.3 Where this condition applies and:

- (a) the licensee is a Relevant Supplier, it is not required to comply with Parts B and C;
- (b) the licensee is a Small Domestic Supplier, it is not required to comply with Parts A and C;
- (c) the licensee is a Relevant Non-Domestic Supplier, it is not required to comply with Parts A and B.

## **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);
- (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 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 directions (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;
  - (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) two directors nominated by and representing Relevant Non-Domestic Suppliers;
- (e) two directors nominated by the National Consumer Council; and
- (f) two directors representing the interests of Energy Consumers.

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)-(f).

### **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**

39.9 The objectives of the Central Delivery Body set out in paragraph 39.10 are to apply:

- (a) in respect of Energy Consumers at Domestic Premises; and
- (b) 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.

39.10 The objectives of the Central Delivery Body are to:

- (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) assist consumers with low incomes or prepayment meters, or 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;
- (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 coordinated 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 paying by different payment methods, residing in different geographical areas and in occupation of different types of Domestic Premises; and
  - (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 make appropriate amendments to it from time to time so that it continues to be accurate, up to date, and fit for purpose.

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.

### **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**

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 the capital costs of establishing the Central Delivery Body and all costs, excluding Fixed Operating Costs, that are reasonably incurred by the Central Delivery Body in undertaking its activities 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 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.

39.25 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 Performance Management Framework**

39.27 The licensee must, together with all other Relevant Suppliers, produce and maintain a performance framework (the Performance Management Framework) which meets the requirements of paragraphs 39.28 to 39.30.

39.28 The 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 the performance of the Central Delivery Body in achieving its objectives will be measured; 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;
- (ii) the effectiveness of the steps taken by the Central Delivery Body for the purpose of achieving its 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.

39.29 The 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 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 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:

- (a) to meet the 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

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

39.34 The license 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 RELEVANT NON-DOMESTIC SUPPLIER**

39.35 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 D. INTERPRETATION AND DEFINITIONS**

39.36 In this condition:

- |                              |   |
|------------------------------|---|
| <b>Energy Consumer</b>       | means a consumer of gas or electricity.             |
| <b>Fixed Operating Costs</b> | means costs relating to (i) renting and maintaining |

premises, (ii) staff recruitment, salaries, and benefits, and (iii) purchasing and maintaining office equipment, including IT and telephony equipment.

<b>Micro Business Consumer</b>	has the meaning given to it in standard condition 7A (Supply to Micro Business Consumers).
<b>Network Operator</b>	means any person holding: <ul style="list-style-type: none"><li>(a) a licence granted under section 6(1)(b) or 6(1)(c) of the Electricity Act 1989; or</li><li>(b) a licence granted under section 7 of the Gas Act 1986.</li></ul>
<b>Relevant Designated Premises</b>	means: <ul style="list-style-type: none"><li>(a) Designated Premises at which the Customer is a Micro Business Consumer; and</li><li>(b) such additional categories of premises as may be specified in a direction issued by the Secretary of State.</li></ul>
<b>Relevant Non-Domestic Supplier</b>	means a gas or electricity supplier which is neither a Relevant Supplier nor a Small Domestic Supplier but supplies gas or electricity to any Relevant Designated Premises.
<b>Relevant Supplier</b>	means a gas or electricity supplier which: <ul style="list-style-type: none"><li>(a) is authorised by its licence to supply gas or electricity to Domestic Premises; and</li><li>(b) supplies either gas or electricity (or both) to more than 250,000 Domestic Customers.</li></ul>
<b>Small Domestic Supplier</b>	means a gas or electricity supplier which: <ul style="list-style-type: none"><li>(a) is authorised by its licence to supply gas or electricity to Domestic Premises; and</li><li>(b) supplies gas or electricity to, in each case, no more than 250,000 Domestic Customers.</li></ul>

## **Condition 40: Security Controls in Relation to Smart Metering Systems**

### **Co-operation**

40.1 This condition requires the licensee to maintain a high level of security in accordance with good industry practice in relation to all: Smart Metering Systems installed at premises which are from time to time supplied by it with gas; equipment used by it for the purpose of communicating with those Smart Metering Systems; associated software and ancillary devices; and related business processes.

### **PART A. APPLICATION**

40.2 This condition shall cease to have effect from any date specified by the Secretary of State in a direction issued to the licensee under this paragraph.

### **PART B. THE GENERAL DUTY TO ENSURE A SECURE SYSTEM**

40.3 The licensee must take such steps and do such things as are within its power to provide that the Supplier End-to-End System is at all times Secure.

40.4 For the purposes of this condition, the Supplier End-to-End System comprises all of the equipment (together with any associated software and ancillary devices) which falls into one or more of the following categories:

- (a) equipment operated by or on behalf of the licensee for the purpose of enabling information to be communicated to or from Smart Metering Systems;
- (b) equipment which is a part of any electronic communications network by means of which such communication takes place;
- (c) equipment comprised within a Smart Metering System located at each premises that is from time to time supplied with gas by the licensee.

40.5 For the purposes of this condition, the Supplier End-to-End System is Secure if both the System and each individual element of it is designed, installed, operated and supported so as to ensure, to the Appropriate Standard, that it is not subject to the occurrence of a Security Incident.

40.6 For the purposes of this condition, a Security Incident is any event of interference with or misuse of the Supplier End-to-End System, or with any individual element of it, that (whether directly or indirectly):

- (a) causes any loss, theft or corruption of data;

- (b) results in any other unauthorised access to data; or
- (c) gives rise to any loss or interruption of gas supply or to any other interference with the service provided to a Customer at any premises.

#### **PART C. SPECIFIC DUTIES IN RELATION TO A SECURE SYSTEM**

40.7 For the purpose of ensuring its compliance with the duty at Part B, the licensee must in particular:

- (a) comply with the following requirements of this Part C; and
- (b) retain, and produce to the Secretary of State or the Authority when requested to do so, documentary evidence sufficient to demonstrate its compliance with the duty at Part B and, in particular, the requirements of this Part C.

#### **Compliance with Standards**

40.8 The licensee must take all reasonable steps to ensure that, by no later than the Specified Date, it complies with the following standards of the International Organisation for Standards with respect to the resilience, reliability and security of the Supplier End-to-End System;

- (a) ISO 27001:2005 (entitled *Information Technology-Security Techniques- Information Security Management Systems*); and
- (b) any equivalent standard of the ISO that amends, replaces or supersedes that standard.

40.9 For the purposes of paragraph 40.8, the Specified Date is the date which falls 18 months after the date on which this condition comes into force.

#### **Information Security Policy**

40.10 The licensee must establish, maintain, and give effect to a policy (the Information Security Policy) which must:

- (a) be based on a risk assessment in relation to the security of the Supplier End-to-End System; and
- (b) set out the manner in which the licensee will operate the Supplier End-to-End System in order to ensure its compliance with the duty at Part B.

40.11 The Information Security Policy must in particular make appropriate provision for:

- (a) measures to mitigate the risk of the occurrence of any Security Incident;
- (b) restricting access to the Supplier End-to-End System, and to the data communicated over or stored on any element of it, to those who need it and are authorised to obtain it;
- (c) the effective management of any Security Incident; and
- (d) appropriate business continuity and disaster recovery procedures.

40.12 The licensee must keep the Information Security Policy under review so as to ensure that it remains appropriate and up to date.

40.13 The licensee must ensure that the Information Security Policy, and each amendment made to it, is brought to the attention of and considered by appropriate members of its senior management team.

40.14 The licensee must:

- (a) commit adequate levels of resource, including a sufficient number of appropriately qualified individuals; and
- (b) establish all appropriate physical and environmental security controls, to ensure that it at all times implements the Information Security Policy.

#### **Audit**

40.15 The licensee must:

- (a) by no later than six months after the date on which this condition comes into force; and
- (b) at least once in each subsequent period of 12 months,

ensure that a security audit of the Supplier End-to-End System is carried out, and has been completed, by a Competent Independent Organisation.

40.16 The licensee must ensure that any audit carried out for the purposes of paragraph 40.15:

- (a) includes an assessment of the licensee's compliance with the requirements of Part B and the other requirements of this Part C; and
- (b) is documented in a report which:
  - (i) is produced by the auditors and addressed to the licensee;

- (ii) is provided by the auditors to the licensee within one month of the completion of the audit; and
- (iii) shall include any recommendations that the auditors consider it appropriate to make as to actions that the licensee should take in order to ensure its compliance with those requirements.

40.17 The licensee must ensure that:

- (a) each report prepared in accordance with paragraph 40.16(b) is considered by appropriate members of its senior management team within four weeks of the report being provided by the auditors to the licensee; and
- (b) it keeps a documentary record of the decisions made and actions taken by it in response to that report.

#### **PART D. COMPLIANCE WITH DIRECTIONS**

40.18 The Secretary of State may from time to time issue a direction addressed to the licensee which may require it to:

- (a) take (or refrain from taking) such steps as may be set out in the direction for the purposes of:
  - (i) establishing and maintaining a Secure Supplier End-to-End System for the purposes of any testing and trialling related to the installation or operation of Smart Metering Systems;
  - (ii) establishing and maintaining a Secure Supplier End-to-End System at all other times;
  - (iii) mitigating any known or anticipated risk to the security of the Supplier End-to-End System;
  - (iv) preventing any potential failure of security in the Supplier End-to-End System;
  - (v) remedying any actual failure of security in the Supplier End-to-End System;
  - (vi) preparing to address the consequences of any potential failure, or addressing the consequences of any actual failure, in the security of the Supplier End-to-End System;
- (b) do so by such a date as may be set out in the direction;

- (c) report to the Secretary of State or the Authority on the steps that it has taken or will take to comply with the direction;
- (d) produce documentary evidence sufficient to demonstrate its compliance with the direction.

40.19 Any direction issued under this Part D may be addressed to the licensee alone or to the licensee together with any one or more other Gas or Electricity Suppliers.

40.20 The licensee must comply with any direction issued under this Part D and addressed to it.

## PART E. DEFINITIONS

40.21 For the purposes of this condition:

<b>Appropriate Standard</b>	means a high level of security that is in accordance with good industry practice within the energy industry in Great Britain, and is capable of verification as such by a Competent Independent Organisation.
<b>Information Security Policy</b>	has the meaning given in paragraph 40.10
<b>Competent Independent Organisation</b>	means a body which: <ul style="list-style-type: none"> <li>(a) is fully independent of the interests of the licensee;</li> <li>(b) is recognised as being qualified to conduct information security audits by virtue of:           <ul style="list-style-type: none"> <li>(i) employing one or more consultants who are members of the CESG Listed Adviser Scheme (CLAS), or any successor to that scheme;</li> <li>(ii) being accredited under the CESG CHECK (IT Health Check Service) Scheme, or any successor to that scheme;</li> <li>(iii) being approved as a provider of CTAS (CESG Tailored Assurance Service) assessments or any successor to those assessments; or</li> <li>(iv) any other membership, accreditation,</li> </ul> </li> </ul>

approval, or similar form of validation that is substantially equivalent in its status and effect to one or more of the arrangements referred to at sub-paragraphs (i) to (iii), and

- (c) has engaged as its lead auditor, for the purposes of the security audit carried out in accordance with paragraph 40.15, an individual who is a member of CLAS or of any successor to or equivalent of that scheme.

For the purposes of this definition, CESG is the National Technical Authority for Information Assurance.

<b>Secure</b>	has the meaning given in paragraph 40.5.
<b>Security Incident</b>	has the meaning given in paragraph 40.6.
<b>Supplier End-to-End System</b>	has the meaning given in paragraph 40.4.

## **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; and
  - (b) 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; and
  - (b) 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:
- (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;
- (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 45.3(b) of standard condition 45 (Smart Metering - Customer Access to Consumption Data); or
- (e) the Gas Meter forming part of the Smart Metering System at the relevant premises is a Prepayment Meter, and the Gas Consumption Data:
  - (i) is obtained only by virtue of the 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;
  - (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) the Secretary of State has approved proposals submitted by the licensee for obtaining Gas Consumption Data which relates to any one or more periods of less than one day, in respect of a particular category of relevant premises and for a particular purpose (in each case as specified in the proposal), on a trial basis (the **Trial**);
- (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);
- (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;
- (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 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.

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) the Micro Business Consumer has not objected to the licensee obtaining that Gas Consumption Data for the purposes set out in the Notice.

41.17A The requirements of this paragraph are that the 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).

#### **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:

- (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 41.17 are satisfied, the purpose set out in the Notice given to the Micro Business Consumer under paragraph 41.17(a).

#### **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 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).

## **Condition 42 The Smart Energy Code**

### **Party to the Code**

42.1 The licensee must:

- (a) by no later than the Commencement Date, be a party to the Smart Energy Code;  
and
- (b) thereafter remain a party to and comply with the Smart Energy Code.

### **Derogation**

42.2 The Authority, following consultation with the licensee and where appropriate any other person likely to be materially affected and after having regard to any guidance issued by it in accordance with paragraph 42.3, may give a direction ('a derogation') to the licensee that relieves it of its obligations under the Smart Energy Code in respect of such parts of the Smart Energy Code, to such extent, for such period of time and subject to such conditions as may be specified in the direction.

42.3 The Authority may issue, and may from time to time revise, guidance regarding the manner in which it will exercise its powers under paragraph 42.2.

42.4 The guidance issued in accordance with paragraph 42.3 may, in particular, set out:

- (a) the process for requesting the Authority to grant a derogation under paragraph 42.2;
- (b) the type of information that is likely to be required by the Authority as part of that process; and
- (c) the criteria the Authority would have regard to in considering whether and to what extent to exercise its power to give a direction under paragraph 42.2.

### **Interpretation**

42.5 For the purposes of this Condition the licensee's obligation to comply with the Smart Energy Code is an obligation to comply with the provisions of the Smart Energy Code so far as they are applicable to the licensee.

### **Definitions**

42.6 In this Condition:

**Commencement Date**

means:

- (a) the date which is the SEC Designated Date; or
  - (b) the date on which the licensee first starts to supply gas to any Domestic Premises or Designated Premises under this licence,
- whichever is the later.

**Smart Energy Code**

means the document of that name, as designated by the Secretary of State under Condition 22 of the DCC Licence.

**SEC Designated Date**

means the date the Smart Energy Code is designated by the Secretary of State in a direction given for the purposes of Condition 22 of the DCC Licence.

## Condition 43: Smart Metering Systems and In-Home Displays – Operational Requirements<sup>3</sup>

### Application of Part A

43.1 Part A of this Condition applies to the licensee in respect of any Domestic Premises and any Designated Premises of Micro-Business Consumers at which:

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

43.2 Part A of this Condition applies from:

- (a) the Effective Date in respect of any relevant premises where:
  - (i) the Installation Date of the Smart Metering System is a date after the Effective Date; or
  - (ii) the Installation Date of the Smart Metering System is a date on or prior to the Effective Date and the Smart Metering System is enrolled in accordance with the Enrolment Service; and
- (b) the date specified in paragraph 33.1 of standard condition 33 (Smart Metering System - Roll-out, Installation and Maintenance) in respect of any relevant premises which are Domestic Premises and where:
  - (i) the Installation Date of the Smart Metering System is a date on or prior to the Effective Date; and
  - (ii) the Smart Metering System is not enrolled in accordance with the Enrolment Service.

### Application of Part B

43.3 Part B of this Condition applies to the licensee from the Effective Date in respect of any Domestic Premises at which:

- (a) it is the Relevant Gas Supplier;

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<sup>3</sup>~~Changes to this condition (particularly to paragraph 43.4) formed part of the consultation issued on 10 April 2014 on Home Area Network (HAN) Installations. That consultation has not yet concluded and therefore the text of this condition should be considered as draft. The finalised drafting will be included as part of the Government's Response to the Consultation on Home Area Network (HAN) Installations.~~

- (b) there is installed a Smart Metering System; and
- (c) the Installation Date of the Smart Metering System is a date on or after the Effective Date,

(a relevant IHD premises).

## PART A: SMART METERING SYSTEMS

### Smart Metering System – Operational Requirement

43.4 In respect of each relevant premises, the licensee must take all reasonable steps to ensure that:

(a) a ~~Communications Linkconnection~~ is established that enables the exchange of information between the Smart Metering System at those premises and the licensee's Communications System (either directly, ~~or~~ to the licensee's Communications System or indirectly through the DCC's Communications System or another Communications System) ~~between the Smart Metering System and the licensee's Communications System;~~;

(b) where the ~~Communications Linkconnection~~ established in accordance with paragraph (a):

(i) is not through the DCC's Communications System, it maintains that ~~Communications Linkconnection~~;

(ii) is through the DCC's Communications System, it does not act in a manner that compromises the maintenance of that ~~Communications Linkconnection~~;

(c) the Smart Metering System is configured so that:

~~(iii)~~(i) the HAN extends into at least one part of the relevant premises which:

(A) if the relevant premises is a Domestic Premises, is a part located within the main dwelling area of the premises;

(B) if the relevant premises is a Designated Premises of a Micro Business Consumer, is a part located within the main business area of the premises; and

(ii) where a connection is established in accordance with paragraph (d), the Smart Metering System enables the Customer Information referred to in

paragraph (e) to be sent to the Relevant Consumer Device for the purposes referred to in paragraph (e);

~~(e)~~(d) on being requested to do so by the Customer at the relevant premises, it both establishes and thereafter maintains a connection ~~to~~through the HAN between the Smart Metering System and each Relevant Consumer Device that is located within a part of the premises to which the HAN extends and is the subject of the request; and

~~(d)~~(e) the connection established in accordance with paragraph (d) enables that Customer to access (at any time and, in the case of a Domestic Customer free of charge) by means of each such Relevant Consumer Device, the Customer Information that:

- (i) is capable of being stored in or held by the Smart Metering System (or any part of it); and
- (ii) the Smart Metering System (or any part of it) is capable of sending to the Consumer Device.

43.5 The obligations in paragraph 43.4 are subject to paragraphs 43.6 and 43.7.

**Exception to SMS Operational Requirement – Premises of Micro Business Consumers**

43.6 The obligations in paragraph 43.4 do not apply in respect of a Designated Premises of a Micro-Business Consumer where the Smart Metering System at the premises is not enrolled in accordance with the Enrolment Service.

**Exception to SMS Operational Requirement – Domestic Premises**

43.7 Subject to paragraph 43.8, the obligations in paragraph 43.4 do not apply in respect of a Domestic Premises where:

- (a) the Smart Metering System at the 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).

43.8 The exceptions in paragraph 43.7 applies only until the earlier of:

- (a) the date that the Smart Metering System installed at the premises is enrolled in accordance with the Enrolment Service; or

- (b) the date specified in paragraph 33.1 of standard condition 33 (Smart Metering System - Roll-out, Installation and Maintenance).

### **Customer Information**

43.9 In this Condition, 'Customer information' is information which provides details of or relates to:

- (a) the quantity of gas measured by the Gas Meter as having been supplied by the licensee to the customer at the relevant premises;
- (b) Charges for the Supply of Gas (including the standing charge (where applicable) and the unit rate (expressed where applicable in pence per kWh);
- (c) where the Gas Meter forming part of the Smart Metering System is a Prepayment Meter:
  - (i) the amount of credit (by reference to sums of money) that at any given time remains available for use by the customer;
  - (ii) the amount of Outstanding Charges (if any and by reference to sums of money being recovered through calibration of the Prepayment Meter), the level of such Outstanding Charges, and the period within which such Outstanding Charges are to be recovered.

### **PART B: IN-HOME DISPLAYS**

#### **In-Home Display – Operational Requirement**

43.10 The licensee must ensure that any In-Home Display provided by it, pursuant to its obligations in standard condition 34 (Provision of an In-Home Display), to a Domestic Customer at any relevant IHD premises is during the Relevant Period configured to operate in such a manner as to comply with the requirement of paragraph 43.12.

43.11 The obligation in paragraph 43.10 is subject to paragraph 43.14.

43.12 Subject to paragraph 43.13, the requirement of this paragraph is that the Domestic Customer can, at any time during the Relevant Period and free of charge, access by means of the In-Home Display all information:

- (a) which is communicated to it from the Smart Metering System across the HAN; and
- (b) which the In-Home Display is required to be capable of displaying in accordance with the requirements of the version of the IHD Technical Specification with which

the In-Home Display was compliant at the date on which that In-Home Display was provided to the Domestic Customer.

43.13 Except where the Gas Meter forming part of the Smart Metering System is a Prepayment Meter, the In-Home Display need not be configured to operate so as to enable the Domestic Customer to access information which provides details of or relates to:

- (a) the amount of credit (by reference to a sum of money) that may be, or is, available to the Domestic Customer; or
- (b) Outstanding Charges.

**Exception to IHD Operational Requirement**

43.14 Where the Smart Metering System at the relevant IHD premises was not installed or arranged to be installed by the licensee, the obligation in paragraph 43.10 applies only from such date as is specified in a direction issued by the Secretary of State under this paragraph.

**PART C: DEFINITIONS**

**Definitions and Interpretation**

43.15 In this Condition:

**Consumer Device**

means either:

- (a) an In-Home Display located at the relevant premises; or
- (b) any other device located at those premises which:
  - (i) is capable of providing the Customer with access (whether directly or indirectly) to Customer Information; and
  - (ii) is capable of connecting through the HAN to a device forming part of the Smart Metering System, and that capability has been so enabled.

**Consumer Information**

has the meaning given in paragraph 43.9.

<b>Communications System</b>	means a system (or part of it) that can generate, send, receive, store, or otherwise process electronic communications from and to the Smart Metering System.
<b>Effective Date</b>	means 14 July 2013.
<b>Enrolment Service</b>	means the service operated by the DCC pursuant to the requirements of paragraphs 17.14 and 17.15 of Part D of Condition 17 of the DCC Licence for the purposes of enrolling a Smart Metering System in accordance with the provisions of the Smart Energy Code.
<b>Micro Business Consumer</b>	has the meaning given to it in standard condition 7A (Supply to Micro Business Consumers).
<b>Relevant Consumer Device</b>	means a Consumer Device to which devices forming part of the Smart Metering System are capable of being connected by virtue of the technical capability and functionality of those devices.
<b>Relevant Period</b>	means the period which commences on the date on which the Smart Metering System is installed at the relevant IHD premises and ends 12 months after that date.

## **Condition 44. Smart Metering - Continuation of Arrangements on Change of Supplier**

### **Application**

44.1 This Condition applies in respect of any Domestic Premises at which there is, at the date of a Supplier Transfer in respect of that Domestic Premises, a Smart Metering System installed (relevant premises).

### **PART A: OBLIGATIONS ON OLD SUPPLIER NOTIFICATION OF METER ASSET PROVIDER**

44.2 This paragraph applies where:

- (a) the licensee is the Old Supplier in relation to a relevant premises; and
- (b) the New Supplier in relation to that relevant premises is not the Meter Asset Provider for all of the Relevant Apparatus at the relevant premises.

44.3 Where paragraph 44.2 applies the licensee must take all reasonable steps to send within 15 working days of the Supplier Transfer, or such other timescale agreed with the New Supplier or a Meter Asset Provider (as the case may be):

- (a) a Notice to the New Supplier giving:
  - (i) the name and contact details of each Relevant Meter Asset Provider; and
  - (ii) details of the Relevant Apparatus provided by each Relevant Meter Asset Provider,(a MAP Notice);
- (b) a Notice to each Relevant Meter Asset Provider (other than the licensee) giving, in respect of the relevant premises:
  - (i) the date of the most recent Supplier Transfer;
  - (ii) the name of the New Supplier;
  - (iii) the Meter Point Reference Number of each Gas Meter; and
  - (iv) the serial number of, or any other information which identifies, the Relevant Apparatus provided by that Relevant Meter Asset Provider.

### **PART B: OBLIGATIONS ON NEW SUPPLIER**

#### **Arrangements with the Meter Asset Provider**

44.4 This paragraph applies where the licensee is the New Supplier in relation to a relevant premises, and it:

- (a) receives a MAP Notice from the Old Supplier; or
- (b) is contacted by a Relevant Meter Asset Provider about the Relevant Apparatus at the relevant premises.

44.5 Where:

- (a) paragraph 44.4 applies; and
- (b) the licensee does not have an existing agreement with the Relevant Meter Asset Provider for the provision of apparatus of the type identified in the MAP Notice, or by the Relevant Meter Asset Provider, as Relevant Apparatus,

the licensee must take all reasonable steps to ensure that by no later than 6 months from the date of the MAP Notice or from first being contacted by the Relevant Meter Asset Provider about the Relevant Apparatus (whichever is the earlier):

- (i) it has entered into an agreement with the Relevant Meter Asset Provider for the provision of apparatus of the type identified in the MAP Notice, or by the Relevant Meter Asset Provider, as Relevant Apparatus; and
- (ii) the agreement includes terms in relation to the provision of the Relevant Apparatus at the relevant premises.

44.6 Where:

- (a) paragraph 44.4 applies; and
- (b) the licensee has an existing agreement with the Relevant Meter Asset Provider for the provision of apparatus of the type identified in the MAP Notice, or by the Relevant Meter Asset Provider, as Relevant Apparatus,

it must take all reasonable steps to ensure that by no later than one month from the date of the MAP Notice the existing agreement includes terms in relation to the provision of the Relevant Apparatus at the relevant premises.

### **Return of Apparatus**

44.7 Where pursuant to either paragraph 44.5 or 44.6 (as applicable) the licensee is not able to agree terms with the Relevant Meter Asset Provider within the Specified Period it must:

- (a) return the Relevant Apparatus to the Relevant Meter Asset Provider; and
- (b) take all reasonable steps to do so by no later than 1 month after the expiry of the Specified Period.

44.8 Where paragraph 44.7 applies, the licensee must take all reasonable steps to ensure that any apparatus returned in accordance with that paragraph is, at the time of its return, in the same condition as it was when it was last used as Relevant Apparatus.

#### **Replacement of SMS Apparatus**

44.9 This paragraph applies where the licensee:

- (a) supplies gas to at least 250,000 Domestic Customers;
- (b) is the New Supplier in relation to a relevant premises;
- (c) returns, or is taking steps to return, pursuant to the requirements of paragraph 44.7, any apparatus to a Meter Asset Provider; and
- (d) installs, or arranges the installation of, Replacement Apparatus.

44.10 Subject to paragraph 44.11, where paragraph 44.9 applies the licensee must take all reasonable steps to ensure that the Replacement Apparatus satisfies the requirements of a version of the SME Technical Specification which is Valid on the date the Replacement Apparatus is installed.

44.11 The requirement in paragraph 44.10 does not apply in respect of Replacement Apparatus which:

- (a) is a Gas Meter; and
- (b) is able to operate only as a Prepayment Meter.

44.12 Paragraphs 44.9, 44.10 and 44.11 of this Condition cease to apply from the date specified in the direction issued by the Secretary of State to the licensee in accordance with paragraph 33.8 of standard condition 33 (Smart Metering System - Roll-out, Installation and Maintenance).

#### **Definitions**

44.13 In this Condition:

**Meter Asset Provider** means any person who owns, and leases to other persons,

apparatus forming part of a Smart Metering System but shall not include the holder of the DCC Licence.

<b>New Supplier</b>	means, in relation to a relevant premises, the Gas Supplier that became the Relevant Gas Supplier for the relevant premises by virtue of the most recent Supplier Transfer.
<b>Old Supplier</b>	means, in relation to a relevant premises, the Gas Supplier that was, immediately prior to the most recent Supplier Transfer, the Relevant Gas Supplier for the relevant premises.
<b>Relevant Apparatus</b>	means any apparatus forming part of the Smart Metering System at the relevant premises but shall exclude any Communications Hub that forms part of that Smart Metering System.
<b>Relevant Meter Asset Provider</b>	means the Meter Asset Provider of Relevant Apparatus.
<b>Replacement Apparatus</b>	means apparatus which is to replace any apparatus returned, or to be returned, pursuant to the requirements of paragraph 44.7, to a Meter Asset Provider.
<b>Specified Period</b>	means the period specified in paragraph 44.5(b) or 44.6(b) (whichever is applicable).
<b>Supplier Transfer</b>	has the meaning given to it in standard condition 14A (Customer transfer).

## **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 at which:

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

(the relevant designated 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
  - (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) either:
  - (i) the Smart Metering System at the relevant premises was not installed or arranged to be installed by the licensee; or
  - (ii) 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
- (b) a connection that enables the exchange of information between the Smart Metering System and the licensee's Communications LinkSystem has not at any time been established (whether directly, to the licensee's Communications System or indirectly through the DCC's Communications System) ~~between the Smart Metering System and the licensee's DCC's Communications System~~).

## PART B - OBLIGATIONS IN RESPECT OF RELEVANT DESIGNATED PREMISES

45.8 In respect of each relevant designated 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.

## PART C - DEFINITIONS

### Definitions

45.9 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.<sup>4</sup></li></ul>
<b>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>Relevant Consumption Data</b>	means, in respect of any relevant premises, detailed data as to the quantity of gas supplied to the premises in each day, week, month, and year for the period: <ul style="list-style-type: none"><li>(a) of 24 months prior to the date on which the Domestic</li></ul>

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<sup>4</sup> ~~The text of this definition formed part of the consultation issued on 10 April 2014 on Home Area Network (HAN) Installations. That consultation has not yet concluded and therefore the amended text shown should be considered as draft. The finalised drafting will be included as part of the Government's Response to the Consultation on Home Area Network (HAN) Installations.~~

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.

## **Condition 46: Smart Metering Systems - Requirements for Specified Optional Equipment**

### **Requirements on Installation**

46.1 Where the licensee installs or arranges the installation of a Prepayment Meter Interface Device at any Domestic Premises or Designated Premises in respect of which it is the Relevant Gas Supplier, it must ensure that the Prepayment Meter Interface Device complies with a version of the PPMID Technical Specification which is Valid at the date of installation.

### **Duties after installation**

46.2 Where the licensee is the Relevant Gas Supplier at any Domestic Premises or Designated Premises at which there is installed a Prepayment Meter Interface Device, it must take all reasonable steps to ensure that the Prepayment Meter Interface Device installed at the premises continues, where it is connected through the HAN to a device forming part of the Smart Metering System at the premises, to satisfy the requirements of that version of the PPMID Technical Specification which was applicable (in accordance with paragraph 47.12 of standard condition 47 (Technical Specifications)) at the date of its installation.

## Condition 47: Technical Specifications

### Introduction

- 47.1 This condition has effect for the purpose of establishing certain principles of interpretation for the purposes of standard condition 1 (Definitions for standard conditions) and in relation to any device or other apparatus which is required to be installed or maintained in accordance with standard conditions 33 to 46.
- 47.2 The licensee shall comply with the requirements of standard conditions 33 to 46 as interpreted in accordance with the provisions of this condition.

### The Technical Specifications

- 47.3 In this condition, the ‘**Technical Specifications**’ means:
- (a) the SME Technical Specification;
  - (b) the IHD Technical Specification;
  - (c) the CH Technical Specification; and
  - (d) the PPMID Technical Specification.

### The Installation Validity Period

- 47.4 Each version of a Technical Specification shall be ‘**Valid**’ for the purposes of the installation or provision of the device or apparatus to which it relates only during its Installation Validity Period.
- 47.5 The ‘**Installation Validity Period**’ of each version of a Technical Specification shall be the period which:
- (a) begins on the ‘**Installation Start Date**’, being the date which is:
    - (i) in the case of the first version of the SME Technical Specification and the first version of the IHD Technical Specification (in each case as designated by the Secretary of State), the Smart Metering Designated Date; and
    - (ii) in the case of all other versions of any Technical Specification, the date identified as such in, or in accordance with the provisions of, that version of the Technical Specification; and

- (b) ends on the 'Installation End Date', being the date which is identified as such in, or in accordance with the provisions of, an instrument which amends that version of the Technical Specification.

#### **Versions of the Technical Specifications**

47.6 In relation to each Technical Specification:

- (a) the first version of that Technical Specification may be designated by the Secretary of State; and
- (b) any version of that Technical Specification (including a version first designated by the Secretary of State) may be incorporated into the Smart Energy Code.

47.7 Where any version of a Technical Specification:

- (a) has been designated by the Secretary of State but not incorporated into the Smart Energy Code, it may be amended from time to time by a direction issued by the Secretary of State to all licensed gas and electricity suppliers;
- (b) is incorporated into the Smart Energy Code, it may be amended from time to time in accordance with the provisions of that Code.

47.8 Any version of a Technical Specification:

- (a) shall be treated as having been amended so as to establish a new version of that Technical Specification only where the amended version has an Installation Start Date which is different to that of the previous version;
- (b) may otherwise be amended without establishing a new version of that Technical Specification.

#### **Identification by Reference to Technical Specifications**

47.9 Paragraph 47.10 applies where, in accordance with standard condition 1 (Definitions for standard conditions), the meaning of 'HAN Interface' is identified by reference to the provisions of the SME Technical Specification which was applicable on a specified date.

47.10 Where this paragraph applies, the SME Technical Specification referred to at paragraph 47.9:

- (a) shall be read as being that version of the SME Technical Specification with which the device or apparatus was compliant on the specified date (but taking no account of

any amendments to that version made after that date, except in the circumstances described in paragraph (b)); and

- (b) where any instrument which amends that version of the SME Technical Specification after the specified date states that the amendment is to have effect in relation to any device or apparatus (or part of it) installed or provided prior to the amendment, shall be read as being that version of the SME Technical Specification with the incorporation of such amendments.

#### **Maintenance in Accordance with Technical Specifications**

47.11 Paragraph 47.12 applies where, in accordance with paragraph 33.12 of standard condition 33 (Smart Metering System - Roll-out, Installation and Maintenance), paragraph 34.7 of standard condition 34 (Provision of an In-Home Display) and paragraph 46.2 of standard condition 42 (Smart Metering Systems - Requirements for Specified Optional Equipment), the licensee is under a duty to take all reasonable steps to ensure that any device or other apparatus continues to satisfy the requirements of a Technical Specification which was applicable on a specified date.

47.12 Where this paragraph applies, the duty identified at paragraph 47.11:

- (a) shall be read as an obligation on the licensee to take all reasonable steps to ensure that the relevant device or apparatus continues to satisfy the requirements of that version of the Technical Specification with which it was compliant on the specified date (but taking no account of any amendments to that version made after that date, except in the circumstances described in paragraph (b)); and
- (b) where any instrument which amends that version of the Technical Specification after the specified date states that the amendment is to have effect in relation to any device or apparatus (or part of it) installed or provided prior to the amendment, shall be read as including an obligation to take all reasonable steps to ensure that the device or apparatus (or the relevant part of it) is replaced, modified or reconfigured so as to comply with the amended requirements of that version of the Technical Specification.

#### **Communications Hubs**

47.13 For the purposes of paragraphs 47.14 and 47.15, in relation to any Communications Hub which forms part of a Smart Metering System:

- (a) the relevant CH Technical Specification is the version of that Technical Specification identified by the DCC as being that with which the Communications Hub complied on the date on which it was provided by the DCC; and

- (b) the relevant SME Technical Specification is the version of that Technical Specification with which the other parts of the Smart Metering System complied on the Installation Date.

47.14 For the purposes of paragraph 47.15, in relation to any Communications Hub which forms part of a Smart Metering System, the Communications Hub is compatible with the other parts of the Smart Metering System where the Competent Authority has identified in a document issued by it that:

- (a) a device which complies with the relevant CH Technical Specification; and
- (b) devices and other apparatus which comply with the relevant SME Technical Specification,

are designed to operate together so as to permit the intended use of the functional capability of the Smart Metering System.

47.15 For the purposes of standard condition 1 (Definitions for standard conditions), a Communications Hub forming part of a Smart Metering System is a ‘**Relevant**’ Communications Hub where:

- (a) the relevant CH Technical Specification is Valid on the Installation Date of the Smart Metering System; and
- (b) the Communications Hub is compatible with the other parts of the Smart Metering System.

47.16 In this Condition:

**Competent Authority**

means:

- (a) in respect of any version of the CH Technical Specification or SME Technical Specification that has not been incorporated into the Smart Energy Code, the Secretary of State; and
- (b) in respect of any version of the CH Technical Specification or SME Technical Specification that has been incorporated into the Smart Energy Code, the SEC Panel.