

## **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.

### **DCC User – Large Energy Suppliers**

**42.5 Paragraph 42.6 applies where the licensee:**

- (a) is a party to the Smart Energy Code in accordance with paragraph 42.1;**
- (b) supplies gas to Domestic Premises; and**

(c) supplied, or together with its Affiliate Licensees jointly supplied, (whether with gas, or electricity, or both) at least 250,000 Domestic Energy Premises on 15 February 2015.

42.6 Where this paragraph applies, the licensee must become a DCC User by no later than 16 February 2017 (or such later date as may be specified in a direction issued by the Secretary of State under this paragraph).

### **DCC User – Other Energy Suppliers**

42.7 Paragraph 42.8 applies where the licensee:

(a) is a party to the Smart Energy Code in accordance with paragraph 42.1;

(b) supplies gas to Domestic Premises; and

(c) is not subject to the requirements of paragraph 42.6.

42.8 Where:

(a) this paragraph applies; and

(b) the licensee supplies gas to any premises on or after 17 August 2017 (or such later date as may be specified in a direction issued by the Secretary of State under this paragraph).

the licensee must be a DCC User.

### **Interpretation**

42.542.9 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**

42.642.10 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.

**DCC User**

means a User in the User Role of Gas Supplier (where 'User', 'User Role' and 'Gas Supplier' all have the meanings given to them from time to time in the Smart Energy Code).

**Domestic Energy Premises**

means premises which:

(a) with respect to the supply of gas, are Domestic Premises; or

(b) with respect to the supply of electricity, satisfy the definition of 'Domestic Premises' at standard condition 6 of the Electricity Supply 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 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

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

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

### **Retention of Consumption Data**

45.5 Paragraph 45.6 applies where:

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

45.6 Where this paragraph applies:

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

### **Exception**

45.7 The requirements in paragraph 45.3 do not apply where:

- (a) 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 System has not at any time been established (whether directly to the licensee's Communications System or indirectly through the 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.

45.9 In the case of Smart Metering Systems at Non-Domestic Premises which are enrolled under the Smart Energy Code, the requirements of paragraph 45.8 shall only apply from the date (if any) on which the licensee becomes a DCC User (as defined in standard condition 48 (Enrolment of Smart Metering Systems)).

45.10 Paragraph 45.11 shall apply until the licensee becomes a DCC User (as defined in standard condition 48 (Enrolment of Smart Metering Systems)).

45.11 Before the licensee enters into a Non-Domestic Supply Contract, the licensee must take (and ensure that any Representative takes) all reasonable steps to:

(a) ascertain whether a Smart Metering System enrolled under the Smart Energy Code is installed at the Non-Domestic Premises; and

(b) where such a Smart Metering System is installed at the premises, communicate to the Customer in plain and intelligible language an explanation of the nature and effect of any potential variations to the services related to the functionality of such a Smart Metering System that might be to the disadvantage of the Customer and which would arise if the Customer enters into the contract.

## **PART C - DEFINITIONS**

### **Definitions**

45.945.12 In this Condition:

- Consumer Device** means any device located at the relevant premises which:
- (a) is capable of providing the Domestic Customer with access (whether directly or indirectly) to Relevant Consumption Data; and
  - (b) is capable of connecting through the HAN to a device

forming part of the Smart Metering System at the relevant premises.

**DCC Communications System** has the meaning given to it in standard condition 43 (Smart Metering Systems and In-Home Displays — Operational Requirements).

**Effective Date** means:

- (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;
- (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.

**Relevant Consumption Data** 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:

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

whichever is the shorter period on the date on which the

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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 48. ~~Not Used~~ Enrolment of Smart Metering Systems**

**Application**

48.1 This condition takes effect from the date on which Gas Meters are first capable of being Commissioned under the Smart Energy Code.

48.2 Where on the date this condition takes effect:

(a) the licensee is a DCC User, the condition applies to the licensee from the date the condition takes effect;

(b) the licensee is not a DCC User, the condition applies to the licensee from the date the licensee becomes a DCC User.

**Part A: Enrolment Duty - General**

48.3 Paragraph 48.4 applies in respect of any Domestic Premises at which:

(a) the licensee is the Relevant Gas Supplier; and

(b) there is a Smart Metering System that includes a Communications Hub.

(the relevant premises).

48.4 Where this paragraph applies:

(a) the licensee must take all reasonable steps to ensure that the Gas Meter and the Gas Proxy Function that form part of the Smart Metering System at the relevant premises are Commissioned; and

(b) following the time at which such Gas Meter and the Gas Proxy Function are first Commissioned and while there is a supply of gas to the premises, the licensee shall take all reasonable steps to ensure that the Smart Metering System of which the Gas Meter and Gas Proxy Function (or any replacement Gas Meter or Gas Proxy Function) form part are Enrolled.

**Part B: Enrolment Duty – Large Energy Supplier**

48.5 Paragraph 48.6 applies where, on 15 February 2015, the licensee supplied (whether with gas, or electricity, or both) at least 250,000 Domestic Energy Premises.

48.6 Where this paragraph applies the licensee must take all reasonable steps to ensure that the number of Energy Smart Metering Systems:

(a) installed by it at Domestic Energy Premises or Designated Energy Premises; and

(b) Enrolled.

is, by no later than by 17 February 2017 (or such later date as may be specified in a direction issued by the Secretary of State under this paragraph), at least equal to the Minimum Number.

### **Interpretation of Part B**

48.7 For the purposes of paragraphs 48.5 and 48.6 (and, where the context requires, the defined terms used in paragraphs 48.5 and 48.6), where there are any Affiliate Licensees, the licensee and all Affiliate Licensees are treated as one licensee.

### **Definitions**

48.8 In this Condition:

**Commissioned** has the meaning given to it from time to time in the Smart Energy Code.

**DCC User** means a User in the User Role of Gas Supplier (where 'User', 'User Role' and 'Gas Supplier' all have the meanings given to them from time to time in the Smart Energy Code).

**Domestic Energy Premises** means premises which:  
(a) with respect to the supply of gas, are Domestic Premises; or

(b) with respect to the supply of electricity, satisfy the definition of 'Domestic Premises' at standard condition 6 of the Electricity Supply Licence.

**Designated Energy Premises** means premises which:

(a) with respect to the supply of gas, are Designated Premises; or

(b) with respect to the supply of electricity, satisfy the

definition of 'Designated Premises' in standard condition 1 of the Electricity Supply Licence.

Energy Smart Metering means a system which:

System

(a) with respect to the supply of gas, is a Smart Metering System that meets the requirements of a version, other than the first version, of the SME Technical Specification; and

(b) with respect to the supply of electricity, is a system that:

(i) satisfies the definition of 'Smart Metering System' in standard condition 1 of the Electricity Supply Licence; and

(ii) meets the requirements of a version, other than the first version, of the document that satisfies the definition of 'SME Technical Specification' in standard condition 1 of the Electricity Supply Licence.

Enrolled means Enrolled under and as described in the Smart Energy Code.

Gas Proxy Function has the meaning given to that expression in the CH Technical Specification.

Licensee's Relevant Energy Premises means:

(a) each Domestic Energy Premises and Designated Energy Premises in respect of which the licensee is, in respect of the supply of gas, the Relevant Gas Supplier on the Relevant Date; and

(b) each Domestic Energy Premises and Designated Energy Premises in respect of which the licensee is, in respect of the supply of electricity, the Relevant

Electricity Supplier on the Relevant Date.

but shall not include any such premises in respect of which the licensee is:

(c) in respect of the supply of gas, subject to an exception set out in Part A of standard condition 33 (Smart Metering System – Roll-out, Installation and Maintenance); or

(d) in respect of the supply of electricity, subject to an exception set out in Part A of standard condition 39 of an Electricity Supply Licence held by the licensee.

Minimum Number

means:

(a) 1500; or

(b) 0.025% of the total number of the Licensee's Relevant Energy Premises.

whichever is the lower.

Relevant Date

means the date on which the licensee first becomes a User in the User Role of either Gas Supplier or Import Supplier (where 'User', 'User Role', 'Gas Supplier' and 'Import Supplier' all have the meanings given to them from time to time in the Smart Energy Code).

Relevant Electricity Supplier

has the meaning given to it in standard condition 1 of the Electricity Supply Licence.