

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 17 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 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 48: Enrolment of Smart Metering Systems

Comment [WLG1]: This condition is not yet included in the supply licence but the text with no mark-up has previously been concluded.

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 Where in accordance with paragraph 48.42 this condition applies to the licensee, it~~ 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**).

Enrolment Duty

- 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) ~~f~~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

48.548.8 In this Condition:

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

DCC User means ~~a person that has become~~ a User ~~infor~~ 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 means premises which:

<u>Premises</u>	<p>(a) <u>with respect to the supply of gas, are Designated Premises; or</u></p> <p>(b) <u>with respect to the supply of electricity, satisfy the definition of 'Designated Premises' in standard condition 1 of the Electricity Supply Licence.</u></p>
<u>Energy Smart Metering System</u>	<p>means a system which:</p> <p>(a) <u>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</u></p> <p>(b) <u>with respect to the supply of electricity, is a system that:</u></p> <p>(i) <u>satisfies the definition of 'Smart Metering System' in standard condition 1 of the Electricity Supply Licence; and</u></p> <p>(ii) <u>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.</u></p>
Enrolled	means <u>E</u> nrolled under and as described in the Smart Energy Code.
Gas Proxy Function	has the meaning given to that expression in the CH Technical Specification.
<u>Licensee's Relevant Energy Premises</u>	<p>means <u>Domestic Energy Premises and Designated Energy Premises in respect of which the licensee is the Relevant Energy Supplier on the Relevant Date, but shall not include any such premises in respect of which the licensee is:</u></p> <p>(a) <u>in respect of the supply of gas, subject to an exception set out in Part A of standard condition 33 (Smart</u></p>

Metering System – Roll-out, Installation and Maintenance); or

(b) 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 Energy Supplier means

(a) in respect of the supply of gas, the Relevant Gas Supplier; and

(b) in respect of the supply of electricity, the Relevant Electricity Supplier.

Relevant Electricity Supplier

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