



Department for
Business, Energy
& Industrial Strategy

Smart Meter Policy Framework Post 2020:

Government response to a consultation
on minimum annual targets and reporting
thresholds for energy suppliers

ANNEX D: Amendments to Electricity Supply Standard
Licence Condition 43 and Gas Supply Standard Licence
Condition 37



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Electricity Supply Standard Licence

Condition 43: Roll-out Reporting and Provision of Information to the Secretary of State

Introductions

43.1 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

43.2 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

- 43.3 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**).
- 43.4 An Information Request (or any part of it) may be addressed to the licensee alone, to all Electricity Suppliers or to a category of Electricity Suppliers.
- 43.5 An Information Request may in particular, where the licensee ~~supplies electricity to at least 250,000 Domestic Customers~~ **is a Relevant Supplier**, 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**).

43.6 An Information Request may in particular, where the licensee ~~supplies electricity to fewer than 250,000 Domestic Customers or supplies electricity only to Non-Domestic Customers~~ **is not a Relevant Supplier**, 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**).

43.7 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 roll-out 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 date as specified or until the Secretary of State issues a subsequent Information Request to the licensee or the category of Electricity 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.

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

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

43.10 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

43.11 This condition shall cease to apply to the licensee from the date which is five years after the ARS Specified Date.

Interpretations and Definitions

43.12 In this condition:

Consumer Engagement Plan	has the meaning given to it in standard condition 45 (Smart Metering Consumer Engagement). ¹
Energy Consumer	means a consumer of gas or electricity (or both).
Energy Supplier	has the meaning given to it in standard condition 39 (Smart Metering System – Roll-out, Installation and Maintenance).
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,

¹ Please note on 23 November 2020, the Secretary of State laid changes before Parliament to amend this definition. These changes will take effect in 2021, subject to the completion of the Parliamentary process. See: <https://www.gov.uk/government/consultations/smart-meter-coordinated-consumer-engagement>

maintenance, or use of a Smart Metering System or an In-Home Display.

Relevant Supplier

means an Energy Supplier which supplies either electricity or gas (or both) to at least 150,000 Energy Consumers.

Gas Supply Standard Licence Condition 37: Roll-out Reporting and Provision of Information to the Secretary of State

Introductions

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~~ **is a Relevant Supplier**, 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~~

is not a Relevant Supplier, 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 roll-out 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 date 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 five years after the ARS Specified Date.

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). ²
Energy Consumer	means a consumer of gas or electricity (or both).
Energy Supplier	has the meaning given to it in standard condition 33 (Smart Metering System – Roll-out, Installation and Maintenance).
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.
Relevant Supplier	means an Energy Supplier which supplies either gas or electricity (or both) to at least 150,000 Energy Consumers.

² Please note on 23 November 2020, the Secretary of State laid changes before Parliament to amend this definition. These changes will take effect in 2021, subject to the completion of the Parliamentary process. See: <https://www.gov.uk/government/consultations/smart-meter-coordinated-consumer-engagement>

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