

# Energy Bill Relief Scheme for Non-Domestic Customers in Northern Ireland

## Energy Bill Relief Scheme (No. 2) Rules

The Secretary of State makes the following rules under regulations 21 and 45 of the Energy Bill Relief Scheme (Northern Ireland) Regulations 2022 ("the Regulations") (S.I. 2022 / 1106).

### **1 Citation, commencement and revocation**

1.1.1 These rules may be cited as the Energy Bill Relief Scheme (Northern Ireland) (No. 2) Rules and come into force in accordance with this rule 1.

1.1.2 Part 1 comes into force on 2 November 2022.

1.1.3 These rules revoke the Energy Bill Relief Scheme for Non-Domestic Customers in Northern Ireland Energy Bill Relief Scheme Rules made on 28 October 2022.

### **Part 1 – Rules concerning the calculation of the discounted supply price**

### **2 Division of certain flexible price contracts into more than one contract**

#### **2.1 Customer as intermediary**

2.1.1 This rule applies if, and to the extent that:

- (a) a customer has a flexible price contract with a supplier,
- (b) the customer and one or more third parties are in the positions of "intermediary" and "end user" respectively (within the meaning of s.19(3) to (5) of the Energy Prices Act 2022) in relation to each other, and
- (c) under arrangements between the customer as intermediary and its end users, the customer makes certain elections under the supply contract to fix the contracted wholesale price or cancel such elections based on the instructions of those end users or based on the pricing adopted by those end users.

2.1.2 Where this rule applies:

- (a) there are as many flexible price contracts between the supplier and the customer as there are:
  - (i) groups of end users, where each end user is in the same position as regards elections made or cancelled under the supply contract, and
  - (ii) end users who do not fall within a group as described in paragraph (i),  
  
(with a separate contract in respect of each group within paragraph (i) or end user within paragraph (ii)) plus a further contract for any energy supplied to the customer in respect of which it has no arrangement as intermediary with an end user;
- (b) each such separate contract is defined so that a weighted volume average contracted wholesale price can be determined for it;

- (c) the reference wholesale price for each such contract is to be determined separately as a volume weighted average under regulation 11.

## **2.2 Customer with several sites**

2.2.1 This rule applies if:

- (a) a customer has a flexible price contract with a supplier,
- (b) the customer occupies:
  - (i) more than one premises, and has arranged to make or cancel elections under that contract (including as to quantities and prices) in respect of the energy demand at each of those premises together, or
  - (ii) more than one group of premises, and has arranged to make or cancel elections under that contract (including as to quantities and prices) in respect of the energy demand at each of those groups of premises together, and
  - (iii) at each premises or group of premises the customer takes a supply of energy from the supplier through a separate meter, and
- (c) the arrangements within sub-paragraph (b) existed before 21 September 2022.

2.2.2 Where this rule applies, for the purposes of the Regulations, the customer is a party to a separate flexible price in respect of each site, and each such separate contract is defined so that a volume weighted average contracted wholesale price can be determined for it.

## **2.3 Customer providing balancing services**

2.3.1 This rule applies where a customer provides balancing services.

2.3.2 Where this rule applies, the flexible price contract should be treated as comprising:

- (a) a flexible price contract between the supplier and the customer in respect of energy supplied that is used to provide balancing services (in relation to which Chapter 1 of Part 4 may apply), and
- (b) a flexible price contract between the supplier and the customer in respect of the other energy supplied to the customer.

## **3 Disapplication of Chapter 2 of Part 4 for certain Combined Heat and Power**

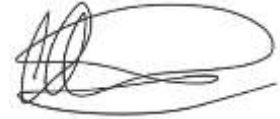
3.1 This rule applies where the facility referred to in regulation 42(2)(a) is a CHP-scheme.

3.2 Where this rule applies, if the CHP-scheme has an installed electricity generation capacity of 5 megawatts or less, Chapter 2 of Part 4 does not apply to the gas supplied to it or electricity generated by it and subsequently stored and grid-delivered.

3.3 In this rule:

- (a) a CHP means a system which involves the simultaneous generation of heat and power in a single process;

- (b) a CHP-scheme means all the equipment, operating systems and monitoring systems for the total system of the CHP.

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*The Rt Hon Graham Stuart MP*  
Minister of State for Climate  
Department for Business, Energy and Industrial Strategy

1 November 2022