

Direction made by the Secretary of State for Business, Energy and Industrial Strategy pursuant to section 22 of the Energy Prices Act 2022

1 Title, commencement and cessation

- (a) This direction is made by the Secretary of State pursuant to section 22 of the 2022 Act and may be referred to as "the EBSS AFP NI Direction 23 December 2022", or is referred to herein as "this direction".
- (b) This direction has effect from 23 December 2022 to 30 June 2023 (both dates inclusive).
- (c) No person shall be under any obligation under this direction before the direction has been given to them.
- (d) For the purposes of paragraph 1(c), this direction is given to a person as soon as:
 - (i) it is provided to them by email, or
 - (ii) it is published on gov.uk.

2 Definitions and interpretation,

3 In this direction:

"2022 Act" means the Energy Prices Act 2022;

"2022 Regulations" means the Energy Prices (Domestic Supply) (Northern Ireland) Regulations 2022;

"the Authority" means the Northern Ireland Authority for Utility Regulation;

"contract" means a contract for the supply of electricity made between a Domestic Electricity Supplier and an Eligible Customer but does not include a Deemed Contract;

"CPP data-set" has the meaning given in paragraph 7(e)

"credit customer" means an Eligible Customer supplied pursuant to a Supply Contract who is neither a prepayment customer nor a direct debit customer;

"deemed contract" means, as between a relevant Supplier and an Eligible Customer, a contract for NI Domestic Electricity Supply deemed to have been made under Paragraph 3 of Schedule 6 to the Order;

"direct debit customer" means a Fixed Direct Debit Customer or a Variable Direct Debit Customer;

"DNO" means Northern Ireland Electricity Networks Limited;

"domestic electricity supplier" means a Supplier providing an NI Domestic Electricity Supply to Eligible Customers, and (to the extent applicable) is party to the Single Electricity Market Trading and Settlement Code, the Capacity Market Code, a PSO agreement with the DNO and the Market Registration Framework Agreement with the DNO (and remains Certified within the meaning of the Market Registration Code published by the DNO);

"domestic premises" means premises to which an NI Domestic Electricity Supply is or is to be delivered to Eligible Customers in connection with this direction;

"dry-run data" means the number of customers per Domestic Electricity Supplier who are part of the T01 DUoS Group as determined under two test runs of the DNO's systems;

"dry-run date" means 08:00 on 11 December 2022;

"EBSS" means a support payment of £600.00 the purpose of which is to support the eligible customer's charges in respect of energy which each Domestic Electricity Supplier is required to provide to its Eligible Customers pursuant to this direction¹;

"the EBSS NI guidance" means the guidance relating to this direction issued by the Secretary of State on or around the date of this Direction and available from the Department for Business, Energy and Industrial Strategy, 1 Victoria Street, London SW1H 0ET and online at www.gov.uk, as amended from time to time;

"eligible customer" means a customer who takes a supply of electricity by way of NI Domestic Electricity Supply at 08:00 hours on the qualifying date and where the meter through which the supply is taken falls within the T01 DUoS Group (for clarity all such customers must have been, at that date, properly validated and registered by the relevant Domestic Electricity Supplier and the DNO, in accordance with the Market Registration Code and all relevant operating or agreed procedures pursuant to the Market Registration Code);

"end of scheme report" means the report mentioned in paragraph 14(b)(ii);

"exception case" is any case where the Domestic Electricity Supplier, having taken all reasonable steps to do so, cannot provide the EBSS to a person which it has determined to be an Eligible Customer and notified as such to the Secretary of State (and on request the Authority) pursuant to paragraph 7, in any of the following

¹ This delivers a combined £400 Energy Bill Support Scheme (EBSS) and £200 Alternative Fuel Payment (AFP) payment.

categories: (i) where the Eligible Customer is deceased; (ii) where the Domestic Electricity Supplier has no forwarding address for the person in circumstances where such person no longer has a Supply Contract with the Domestic Electricity Supplier; (iii) where the Domestic Electricity Supplier does not have the correct name of the Eligible Customer; (iv) where, on the qualifying date, the Domestic Premises were vacant and the Domestic Electricity Supplier is not able to establish who the resident account holder is in respect of the Domestic Premises; (v) where there is no Domestic Premises on the qualifying date; (vi) where a person other than the person notified as an Eligible Customer was the Eligible Customer in the Domestic Premises on the qualifying date; (vii) where there was an erroneous switching of the Eligible Customer to the Domestic Electricity Supplier and the Domestic Electricity Supplier cannot subsequently contact that Eligible Customer; (viii) where the Eligible Customer has not redeemed its Secure Voucher during the Voucher Validity Period; (ix) where a Domestic Electricity Supplier either directly or via a Voucher Delivery Subcontractor (if relevant), has been unable to provide a Secure Voucher to any Eligible Customer in accordance with this Direction and the EBSS NI guidance and (x) where the Eligible Customer is unable to cash any cheque issued pursuant this Direction;

"external audit" means the auditing process in respect of the Scheme undertaken by or on behalf of the Secretary of State;

"final date" means 23:59 hours on 31 March 2023;

"fixed direct debit customer" means an Eligible Customer who pays the charges which are payable under their Supply Contract by way of regular direct debit payments of a fixed amount (which amount may be varied from time to time in accordance with the relevant Supply Contract);

"ineligible customer" means a Domestic Electricity Supplier's customer (who has been properly registered and validated with that Domestic Electricity Supplier by the relevant Domestic Electricity Supplier and the DNO, in accordance with the Market Registration Code and all relevant operating or agreed procedures pursuant to the Market Registration Code) who on the qualifying date takes a supply of electricity through a meter that falls within the T01 DUoS Group but who does not take supply by way of NI Domestic Electricity Supply (and for the avoidance of doubt any person with a meter in a group other than the T01 DUoS Group is also ineligible under the scheme);

"insolvency event" means in relation to a Domestic Electricity Supplier that:

- (a) the Domestic Electricity Supplier is:
 - (i) unable or admits inability to pay its debts as they fall due;

- (ii) suspends making payments on any of its debts; or
 - (iii) by reason of actual or anticipated financial difficulties, commences negotiations with one or more of its creditors with a view to rescheduling any of its indebtedness;
- (b) the value of the assets of the Domestic Electricity Supplier is less than its liabilities (taking into account contingent and prospective liabilities);
- (c) a moratorium has been declared in respect of any indebtedness of the supplier; or
- (d) any action, legal proceedings or other procedure or step has been taken in relation to the Domestic Electricity Supplier with respect to:
 - (i) the suspension of payment of debts, a moratorium of any indebtedness, winding-up (whether voluntary or compulsory), dissolution, receivership, an energy supply company administration, an administration, reorganisation (by way of voluntary arrangement, scheme of arrangement or otherwise) of, or a restructuring plan relating to, the Domestic Electricity Supplier;
 - (ii) a composition, compromise, assignment or arrangement with any creditor of the Domestic Electricity Supplier;
 - (iii) the appointment of a SOLR in relation to the Domestic Electricity Supplier;
 - (iv) the appointment of a liquidator, receiver, administrative receiver, administrator, compulsory manager or other similar officer in respect of the Domestic Electricity Supplier or any of its assets; or
 - (v) enforcement of any security over any assets of the Domestic Electricity Supplier,

or any analogous procedure or step is taken in any jurisdiction.

"internal audit report" means the report mentioned in paragraph 14(b)(iii);

"Last Resort Supply Direction" means a direction of that name given by the Authority to a Supplier that specifies or describes premises or customers to be supplied with electricity in accordance with a relevant Supply Licence, where circumstances have arisen that would entitle the Authority to revoke the relevant Supply Licence of a Domestic Electricity Supplier;

"monthly report" means the report mentioned in paragraph 14(b)(i);

"NI domestic electricity supply" has the meaning given in the 2022 Regulations;

"outstanding customer" is to be construed in accordance with paragraph 12(a);

"the Order" means the Electricity (Northern Ireland) Order 1992;

"paragraph" means a paragraph of this direction;

"prepayment customer" means an Eligible Customer to whom electricity is supplied pursuant to a Supply Contract through a Prepayment Meter;

"prepayment meter" includes any electricity meter operating in a mode which requires an Eligible Customer to pay the Domestic Electricity Supplier's charges for supplying electricity in advance;

"qualifying bank account" means a bank account established and maintained by a Domestic Electricity Supplier for the Scheme Period with a bank in the United Kingdom of Great Britain and Northern Ireland independent of any of its other bank accounts and which will be subject to a bare trust created for the benefit of the Secretary of State pursuant to the terms of the Trust Deed;

"qualifying date" means 08:00 hours on 2 January 2023 being the date and time for determining a Domestic Electricity Supplier's Eligible Customers;

"responsible person" means:

- (a) in respect of a relevant Domestic Electricity Supplier, a board director responsible for the finances of that Domestic Electricity Supplier at the relevant time or (in each case provided that the Secretary of State has given prior written approval in respect of such person) either: (i) another board director, or (ii) a senior manager in the relevant Domestic Electricity Supplier's finance department; and
- (b) in respect of the DNO, a board director;

"scheme" or "EBSS NI" means the EBSS scheme established by this direction;

"scheme end date" means 23:59 on 30 June 2023;

"scheme month" means a calendar month during the scheme period;

"scheme period" means the period commencing at Qualifying Date and ending at 23:59 on 31 March 2023 (both dates inclusive);

"the Secretary of State" means the Secretary of State for Business, Energy and Industrial Strategy;

"the Secretary of State's EBSS payment" means an amount equivalent to £600 multiplied by the number of a Domestic Electricity Supplier's Eligible Customers as notified to the Secretary of State by the relevant Domestic Electricity Supplier pursuant to paragraph 8 of this direction or as otherwise required pursuant to paragraph 10(b);

"secure voucher" means a voucher redeemable for cash or a non-transferable bank transfer addressed to an Eligible Customer by a Domestic Electricity Supplier (or its Voucher Delivery Subcontractor), as further described in the EBSS NI guidance, which voucher may be validly redeemed for the Voucher Validity Period;

"SoLR" means a supplier acting pursuant to a Last Resort Supply Direction;

"subcontractor" means any person with whom a Domestic Electricity Supplier contracts for the provision of any of its obligations under this Direction, and includes a Voucher Delivery Subcontractor;

"supplier" means an electricity supplier (including an SoLR) holding the benefit of a Supply Licence;

"supply contract" means a contract (including a Deemed Contract) between a Supplier and an Eligible Customer for NI domestic electricity supply;

"supply licence" means an electricity supply licence granted or treated as granted pursuant to Article 10(1)(c) of the Order (including to a supplier acting as a SoLR);

"T01 DUoS Group" means the codes relating to the type of Customer meter as set out in the Appendix to this direction;

"trust deed" means the deed to be entered into by a Domestic Electricity Supplier under which the Domestic Electricity Supplier will create a bare trust over the qualifying bank account in favour of the Secretary of State;

"variable direct debit customer" means an Eligible Customer who pays the charges which are payable under their Supply Contract by of regular direct debit payments of a variable amount;

"voucher delivery subcontractor" means a person with whom a Domestic Electricity Supplier contracts for the provision of its obligations under this Direction which relate to provision of EBSS to credit customers or prepayment customers by issue of a Secure Voucher by that person;

"voucher validity period" means the period starting on the date on which the voucher is issued and ending at 23:59 hours on 31 March 2023 unless agreed with the Secretary of State pursuant to the NI EBSS Guidance and paragraph 12(b) of this Direction; and

"working day" means any day other than a Saturday or Sunday, Christmas Day, Good Friday or a day which is a bank holiday within the meaning of the Banking and Financial Dealings Act 1971.

4 Notifications and submissions

A notification or submission under this direction—

- (a) must be in writing; and
- (b) must be made in the form and manner prescribed from time to time by the Secretary of State or the Authority.

5 Scope and Purpose of the Direction

- (a) This direction applies to every domestic electricity supplier and the DNO in Northern Ireland.
- (b) The purpose of this direction is to—
 - (i) require that the DNO as the relevant distribution network operator for Northern Ireland and the holder of eligible customers' metering information, must provide to the Secretary of State and domestic electricity suppliers certain metering information in order that domestic electricity suppliers can comply with their obligations under this direction and the Secretary of State discharge his/her functions;
 - (ii) require that a domestic electricity supplier must—
 - 1) provide and deliver an EBSS to each of its eligible customers in accordance with this direction;
 - 2) submit to reporting, assurance and auditing requirements demonstrating compliance with this direction; and
 - 3) refund any overpayments to the Secretary of State in accordance with paragraph 17; and
 - (iii) establish terms on which the Secretary of State shall pay to each domestic electricity supplier the total sum of EBSS that such a domestic electricity supplier is required to provide and deliver to its eligible customers.

6 Obligations of the DNO

- (a) The Secretary of State directs that the DNO must comply with the obligations under this direction.
- (b) Having carried out a dry-run on the dry-run date the DNO shall be deemed to have provided the dry run data to the relevant domestic electricity supplier by no later than 13 December 2022 and shall provide the same to the Secretary of State (and on request the Authority) no later than the date of this direction.
- (c) Within two (2) business days of the qualifying date, the DNO must provide to the relevant domestic electricity supplier and the Secretary of State (and on request the Authority) a statement of the total number of each domestic electricity supplier's eligible customers who on the qualifying date take a supply of electricity through a meter that falls within a T01 DUoS Group together with the meter point reference numbers and postal addresses of those customers.
- (d) The DNO must have satisfied the notification requirements under this paragraph 6, and must submit to the Secretary of State declarations signed by the responsible person that, to the best of the DNO's knowledge and belief—
 - (i) the information notified pursuant to paragraph 6(b) is a true and accurate reflection of the number of eligible customers who on the date of the dry run take a supply of electricity through a meter that falls within the T01 DUoS Group; and
 - (ii) the information notified pursuant to paragraph 6(c) is a true and accurate reflection of the number of eligible customers who on the qualifying date take a supply of electricity through a meter that falls within the T01 DUoS Group, and of their details (as held by the DNO) at the qualifying date.
- (e) The declarations under—
 - (i) paragraph 6(b) by the DNO must be signed by the relevant responsible person on the date of this direction; and
 - (ii) paragraph 6(c) by the DNO must be signed by the relevant responsible person within two (2) working days of the qualifying date.
- (f) The DNO shall permit the Authority and/or the Secretary of State, or any person performing such audit on either of their behalf, a right of audit in respect of its compliance with this direction.

7 Obligations of Domestic Electricity Suppliers

- (a) The Secretary of State directs that every domestic electricity supplier must comply with the obligations under this direction.
- (b) Subject to paragraph 11 and for the purpose of this direction, a domestic electricity supplier—
- (i) has provided an EBSS to an eligible customer (including an outstanding customer) on the date on which the domestic electricity supplier has complied with paragraph 11(a) in relation to that eligible customer;
 - (ii) has delivered an EBSS to each category of eligible customer specified in the first column of the table below (including an outstanding customer) on the date specified in the corresponding row of the second column of the table below—

Category of eligible customer	Date of delivery of EBSS
direct debit customer	the date confirmed by the external audit as the date on which the domestic electricity supplier has complied with paragraph 11(a)(i) in relation to the eligible customer
credit customer	the date confirmed by the external audit as the date on which the eligible customer has received cash or a non-transferable bank transfer in response to the production of a secure voucher issued to that eligible customer pursuant to paragraph 11(a)(ii)
prepayment customer	the date confirmed by the external audit as the date on which the eligible customer has received cash or a non-transferable bank transfer in response to the production of a secure voucher issued to that eligible customer pursuant to paragraph 11(a)(ii)
customer to whom a domestic electricity supplier has tendered payment under paragraph 11(a)(iii)	the date confirmed by the external audit as the date on which the eligible customer has received a payment under paragraph 11(a)(iii)

- (c) For the purposes of the first and fourth rows of the table above and of paragraphs 14(a)(i)(A) and 14(a)(i)(D), an eligible customer has received a payment under paragraphs 11(a)(i) or 11(a)(iii) (as the case may be) when the record of the transaction in the domestic electricity supplier's bank account indicates that the payment is available in the eligible customer's bank account or, in the case of a cheque, that cheque has been cleared.
- (d) A domestic electricity supplier must maintain a qualifying bank account into which will be credited only the payments referred to in paragraphs 9 and 16 and any interest accruing thereon.
- (e) Each domestic electricity supplier shall, in respect of those eligible customers who are credit customers or prepayment customers as identified under paragraph 8.2(a)(ii) prepare a data set (the "CPP data-set") containing the relevant details for each eligible customer including:
 - (i) in respect of credit customers their name and address; and
 - (ii) in respect of prepayment customers their address and keypad number, and the domestic electricity supplier shall arrange for an EBSS to be made to such eligible customers as soon as reasonably practicable in accordance with paragraph 7(b) and for the avoidance of doubt, any correspondence relating to an eligible customer where no name is available may be addressed to "the occupier".
- (f) The domestic electricity supplier shall ensure, in respect of any eligible customer producing a secure voucher, that such eligible customer's identity (if known) and specified address on such secure voucher, be verified by—
 - (i) proof of their keypad registration number (KPRNs) (on their keypad card or app) (in respect of prepayment customers); and
 - (ii) reference to appropriate identification; andany other identification as may be further detailed in the EBSS NI guidance.

8 Domestic Electricity Supplier notifications to the Secretary of State

8.1 Pre-disbursement notifications

- (a) Every domestic electricity supplier must notify to the Secretary of State (and on request the Authority) in accordance with the EBSS NI guidance the following—
 - (i) confirmation that it has opened a qualifying bank account which remains open and active;

- (ii) confirmation that it has delivered an executed copy of the trust deed to the Secretary of State in a form satisfactory to the Secretary of State;
 - (iii) the details of the qualifying bank account;
 - (iv) the name, position and contact details of its responsible person;
 - (v) an estimate of the number of the domestic electricity supplier's eligible customers on the dry-run date who are—
 - 1) direct debit customers;
 - 2) credit customers; and
 - 3) prepayment customers.
- (b) The notification under paragraph 8.1(a) by each domestic electricity supplier must be signed by the relevant responsible person no later than the date of this direction.

8.2 Notifications post Qualifying Date

- (a) Every domestic electricity supplier must notify to the Secretary of State (and on request the Authority) in accordance with the EBSS NI guidance the following—
- (i) confirmation that it has opened a qualifying bank account which remains open and active;
 - (ii) a statement of the number of the domestic electricity supplier's eligible customers on the qualifying date who are—
 - 1) direct debit customers;
 - 2) credit customers; and
 - 3) prepayment customers;
 - (iii) a description of how the domestic electricity supplier has validated that its systems confirm that the domestic electricity supplier provides a domestic supply to those customers identified pursuant to the information in respect of eligible customers provided to it under paragraph 6(c);
 - (iv) a statement of the number of the domestic electricity supplier's ineligible customers;

- (v) a description of how the domestic electricity supplier has identified its ineligible customers;
 - (vi) a description (including a payment schedule for direct debit customers and a schedule for issue of eligible customer data for the provision of secure vouchers) of how the domestic electricity supplier intends to provide payment of EBSS to its eligible customers who are prepayment customers, direct debit customers and credit customers including a full description of any arrangements with any voucher delivery subcontractors (or any other subcontractor so notified by the Secretary of State);
 - (vii) a description of how the Domestic Electricity Supplier intends to identify and record the number of its Eligible Customers to whom it has not provided payment of EBSS before or on the last day or each scheme month, or before the final date;
 - (viii) a description of how the domestic electricity supplier intends to comply with its obligation to notify its eligible customers who are prepayment customers, direct debit customers and credit customers in relation to the provision of EBSS;
 - (ix) a description of any systems or other testing the domestic electricity supplier intends to use or carry out before the qualifying date in relation to its performance of its obligations under this direction;
 - (x) a description of any management processes put in place by the domestic electricity supplier to oversee compliance by the domestic electricity supplier with its obligations under this direction;
 - (xi) a description of the measures taken by the domestic electricity supplier to prevent fraud, misuse or abuse in relation to its provision of EBSS to its eligible customers; and
 - (xii) a description of how the domestic electricity supplier intends to carry out the internal audit for the purpose of compiling the internal audit report including a description of the form of evidence it intends to provide under the internal audit report to demonstrate compliance with paragraph 11.
- (b) The notification under paragraph (a) by each domestic electricity supplier must be signed by the relevant responsible person within two (2) working days of the date on which the domestic electricity supplier receives the data from the DNO under paragraph 6(e)(ii).

9 Secretary of State Payment to Qualifying Bank Account

The Secretary of State shall make the Secretary of State's EBSS payment to the relevant domestic electricity supplier's qualifying bank account no later than six (6) working days after a domestic electricity supplier has satisfied its obligations under paragraphs 8.1 and 15.

10 Reconciliation

- (a) Where, based on the statement provided by a domestic electricity supplier pursuant to paragraph 8.2(a)(ii) above the amount of a domestic electricity supplier's eligible customers at the qualifying date is lower than the estimate provided by that domestic electricity supplier pursuant to paragraph 8.1(a)(v) above, the domestic electricity supplier shall, as soon as reasonably practicable, return to the Secretary of State a sum equal to £600 per customer based on the delta between the estimate and the statement.
- (b) Where, based on the statement provided by a domestic electricity supplier pursuant to paragraph 8.2(a)(ii) above the amount of a domestic electricity supplier's eligible customers at the qualifying date is higher than the estimate provided by that domestic electricity supplier pursuant to paragraph 8.1(a)(v) above and such that the amount standing to the credit of the qualifying bank account will not meet the domestic electricity supplier's payment obligations to its eligible customers, the Secretary of State shall, as soon as reasonably practicable, pay to the qualifying bank account a sum equal to the delta between the amount standing to the credit of the qualifying bank account and the sums required by the domestic electricity supplier to meet its payment obligations hereunder.

11 Providing EBSS

- (a) Every domestic electricity supplier must provide the relevant EBSS as soon as reasonably practicable—
 - (i) in relation to a direct debit customer, by making a payment of an amount equal to EBSS by non-transferable bank transfer to the eligible customer's bank account for which the domestic electricity supplier holds details per its direct debit mandate; or
 - (ii) in relation to credit customers and prepayment customers, by the issue of a secure voucher to the eligible customer; or
 - (iii) in relation to any eligible customer, tendering payment to the eligible customer of an amount equal to the EBSS.
- (b) A domestic electricity supplier may provide an EBSS to an eligible customer under paragraph 11(a)(iii) only if having exercised all reasonable endeavours to comply with its obligations under paragraph 11(a)(i) or 11(a)(ii), the

domestic electricity supplier has determined that it would not be practical to provide an EBSS to that eligible customer under paragraphs 11(a)(i) or 11(a)(ii).

- (c) For the purposes of paragraph 11(a)(iii), "tender payment" means making payment by means of non-transferable cheque (in the case of direct debit customers) or by means of a non-transferable bank transfer or non-transferable cheque (in the case of credit customers and prepayment customers).
- (d) A domestic electricity supplier must take all reasonable steps to comply with the obligations under this paragraph 11 as soon as reasonably practicable.
- (e) Each domestic electricity supplier shall act in good faith in complying with this direction, having regard to the purpose of the scheme as per paragraph 5(b), and not act in any way which knowingly or intentionally frustrates the purpose of the scheme.

12 Outstanding customers

- (a) In respect of each scheme month, if a domestic electricity supplier does not provide an EBSS before the end of the day on the last day of that month to one or more eligible customers ("the outstanding customers"), the domestic electricity supplier must before the end of a period of five (5) working days after the end of that month notify to the Secretary of State (and on request the Authority)—
 - (i) the number of outstanding customers;
 - (ii) the reason why the domestic electricity supplier has not provided an EBSS in full to the outstanding customers, including the number of exception cases of each category set out within the definition of "exception cases" above (as applicable);
 - (iii) steps for providing the EBSS to the outstanding customers by no later than the final date, provided that the domestic electricity supplier shall continue to use all reasonable endeavours to provide the relevant EBSS to the outstanding customers which are not exception cases for the remainder of the scheme period up to the final date.
- (b) In relation to any outstanding customer notified under paragraph 12(a), a domestic electricity supplier must comply with the obligations in paragraph 11 by no later than the final date, and no EBSS shall be provided by a domestic electricity supplier after this time unless the domestic electricity supplier has re-issued a secure voucher or cheque which may be redeemable beyond the final date (but in all cases not beyond the scheme end date) in accordance with the NI EBSS Guidance.

- (c) A domestic electricity supplier shall not be required to provide an EBSS in respect of an eligible customer notified pursuant to paragraph 8.2(a)(ii) and validated in accordance with paragraph 8.2(a)(iii) above where such eligible customer is an applicable exception case; and
- (d) Where a domestic electricity supplier has issued a cheque to an eligible customer pursuant to paragraph 11(a)(iii) and such cheque has not been cashed five (5) working days before the scheme end date, the domestic electricity supplier shall take steps to ensure such cheque is cancelled prior to the scheme end date.

13 Information for Customers

In respect of each scheme month a domestic electricity supplier which provides an EBSS to an eligible customer in that scheme month must—

- (i) in respect of direct debit customers or those customers to whom a payment is made in accordance with paragraph 11(a)(iii), notify the eligible customer in writing of the date on which the EBSS payment was transferred or the cheque in respect of which EBSS was issued (within one (1) month of such date), and that it is a payment by His Majesty's Government the purpose of which is to support the eligible customer's charges in respect of energy by an amount equal to the EBSS payment made; and
- (ii) in respect of prepayment customers and credit customers include within secure voucher or supporting information sent therewith, notification to the eligible customer in writing that they have received such secure voucher to be redeemed in exchange for payment by His Majesty's Government the purpose of which is to support the eligible customer's charges in respect of energy by an amount equal to the EBSS payment made.

14 Reporting on compliance

- (a) No later than five (5) working days after the last day of a scheme month (and for the avoidance of doubt commencing at the end of the first scheme month), every domestic electricity supplier must notify to the Secretary of State (and on request the Authority)—
 - (i) the number of—
 - (A) direct debit customers to whom the domestic electricity supplier has provided an EBSS by way of bank transfer; and

(B) credit customers to whom the domestic electricity supplier has—

- 1) provided an EBSS by way of provision of a secure voucher (either directly, or via its voucher delivery subcontractor); and
- 2) provided an EBSS by way of provision of a secure voucher (either directly, or via its voucher delivery subcontractor) and such customer has redeemed the secure voucher;

(C) prepayment customers to whom the domestic electricity supplier has—

- 1) provided an EBSS by way of provision of a secure voucher (either directly, or via its voucher delivery subcontractor); and
- 2) provided an EBSS by way of provision of a secure voucher (either directly, or via its voucher delivery subcontractor) and such customer has redeemed the secure voucher;

(D) eligible customers who have received a payment under paragraph 11(a)(iii) (and, separately, in respect of eligible customers to whom payment has been tendered by way of a cheque, who have cashed such cheque);

in the period—

- 1) in respect of the first scheme month only, beginning with the qualifying date (inclusive) and ending on the last day (inclusive) of that scheme month; and
- 2) in respect of each subsequent scheme month until the scheme expiry date, beginning with the first day of that scheme month (inclusive) and ending with the last day (inclusive) of that scheme month;

(ii) the number and category of outstanding customers notified under paragraph 12(a); and

(iii) the number and category of exception cases arising in respect of that scheme month.

- (b) Following the end of the scheme period, a domestic electricity supplier must submit to the Secretary of State (and on request the Authority) in respect of the scheme period—
 - (i) a report signed by the responsible person which includes the information specified in paragraph 14(a) and such information as is required under the EBSS NI guidance ("monthly report");
 - (ii) a report signed by the responsible person which includes the information specified in paragraph 14(a) and such information as is required under the EBSS NI guidance, aggregated in respect of all scheme months, together with the number of outstanding customers and the number and category of exception cases as at 1 April 2023 and thereafter any such additional reporting as is reasonably required by the Secretary of State ("end of scheme report"); and
 - (iii) a report compiled for or on behalf of the domestic electricity supplier by a senior compliance officer not under the direction of the responsible person certifying the accuracy of any information notified under this direction or provided to the Authority or the Secretary of State pursuant to its supply licence in connection with this direction or its subject matter ("the internal audit report").
- (c) A domestic electricity supplier must submit the end of scheme report and the internal audit report before or on 30 April 2023 whether or not the domestic electricity supplier has separately notified under this direction some or all of the information specified in paragraph 14(a).
- (d) A domestic electricity supplier must provide the entity conducting the external audit with access to the domestic electricity supplier's premises, personnel, payment records, information and documents required for the purposes of the external audit conducted following the final date.
- (e) A domestic electricity supplier must submit to the Secretary of State, payment records, information and documents in relation to the relevant eligible customer's meter number to satisfy the sample-based assurance process described in the EBSS NI guidance.
- (f) A domestic electricity supplier must procure that any voucher delivery subcontractor provides the entity conducting the external audit with access to the voucher delivery subcontractor's premises, personnel, payment records, information and documents required for the purposes of the external audit conducted following the final date.

- (g) The DNO must also provide the entity conducting the external audit with access to the DNO's premises, personnel, records, information and documents relating to the information provided by the DNO under paragraph 6 for the purposes of the external audit conducted following the final date.

15 Conditions for Secretary of State EBSS payment and release of funds from qualifying bank account

- (a) A domestic electricity supplier must comply with the conditions in this paragraph 15 to—
 - (i) receive the Secretary of State's EBSS payments into the relevant qualifying bank account;
 - (ii) be eligible for a release of funds from the qualifying bank account—
 - (A) in respect of those direct debit customers to whom the domestic electricity supplier will provide an EBSS; and
 - (B) in respect of those credit customers and prepayment customers and whose data it will be providing to a voucher delivery subcontractor for the purpose of provision of EBSS to such eligible customers; and
 - (C) in respect of those eligible customers to whom the domestic electricity provider will provide an EBSS in pursuant to paragraph 11(a)(iii),

and for the avoidance of doubt no payment will be made under paragraph 15(a) above unless a domestic electricity supplier has complied with its relevant obligations under this paragraph 15 and—

- (D) in respect of a release of funds pursuant to paragraph 14(a)(i)(A) above, unless such release is made in accordance with paragraph 16(a); or
 - (E) in respect of a release of funds pursuant to paragraph (B) above, unless such release is made in accordance with paragraph (b)16(b); or
 - (F) in respect of a release of funds pursuant to paragraph (C) above, unless such release is made in accordance with paragraph 16(b)16(c).
- (b) The domestic electricity supplier—

- (i) in respect of paragraph 15(a)(i), must have satisfied the notification requirements under paragraph 8.1; or
- (ii) in respect of paragraph 15(a)(ii), must be in compliance with the reporting requirements under paragraph 14(a) (which for the avoidance of doubt commence at the end of the first scheme month),

and must have submitted to the Secretary of State a declaration signed by the responsible person that, to the best of domestic electricity supplier's knowledge and belief, the information—

- (A) notified pursuant to paragraph 8.2 is true and accurate as at the date such notice is given; or
 - (B) reported pursuant to paragraph 14(a) in respect of the relevant scheme month is a true and accurate reflection of the number of EBSS the domestic electricity supplier has provided in that scheme month.
- (c) Notwithstanding paragraph 15(b) above, the domestic electricity supplier—
- (i) shall as soon as reasonably practicable following the qualifying date, forward the CPP data-set it holds to any voucher delivery subcontractor it may be using in connection with the scheme;
 - (ii) thereafter at the end of each full week forward any additional data as part of the CPP data-set (not already forwarded) (the "updated CPP data set") which it then holds pursuant to paragraphs 7(e)(i) and 7(e)(ii) to the voucher delivery subcontractor (if applicable); and
 - (iii) shall as soon as reasonably practicable, pay any money released to the domestic electricity supplier in accordance with paragraph 16(b) below to the voucher delivery subcontractor (if applicable).
- (d) On—
- (i) the date on which a domestic electricity supplier provides notice pursuant to paragraph 8.1; and
 - (ii) thereafter, by no later than 23:59 hours on the last day of the calendar month immediately prior to the relevant scheme month, the domestic electricity supplier must have submitted to the Secretary of State a declaration signed by the finance director of the supplier, on behalf of the supplier confirming that no insolvency event has occurred in respect of the supplier and that, having made reasonable enquiries, the finance director is not aware of any circumstances that could

reasonably be expected to give rise to such an insolvency event during the calendar month in which the declaration is given or in the immediately following calendar month. Such declaration is to be dated as of the last day of the calendar month immediately prior to the relevant scheme month (or if such day is not a working day, the working day immediately prior to such day), and the final such declaration to be given in the month of the final date and to cover the immediately following calendar month. Where an energy administration order pursuant to Article 17(1) of the Energy Act (Northern Ireland) 2011 is in force in respect of the domestic electricity supplier, the domestic electricity supplier shall not be required to submit a declaration pursuant to this paragraph.

- (e) The domestic electricity supplier must agree to the following—
- (i) the domestic electricity supplier is responsible for ensuring that all payments received in connection with the scheme are used for the sole purpose of providing EBSS to eligible customers;
 - (ii) prior to a domestic electricity supplier having provided an EBSS to an eligible customer or to a voucher delivery subcontractor (for onwards payment to an eligible customer), such domestic electricity supplier must not use any monies relating to such EBSS which it has received from the Secretary of State under paragraph 16 for any purpose, or release or transfer such monies out of the qualifying account (save as set out in paragraph 16), and in any case must not use such monies: (A) to fund dividends or salary payments; or (B) for illegal purposes or fraudulently; or (C) to fund any and all administration costs of providing the EBSS to eligible customers and complying with this direction, the requirements of the trust deed (including administering the qualifying bank account) or complying with its supply licence conditions; or (D) to fund any of the domestic electricity supplier's other costs or to repay any debt;
 - (iii) the domestic electricity supplier will refund to the Secretary of State any overpayments in accordance with paragraph 17 and shall procure that on the final date, any overpayments held by a voucher delivery subcontractor in respect of the scheme are also refunded to the Secretary of State—
 - (A) via the domestic electricity supplier who shall not hold such funds for longer than absolutely necessary; or
 - (B) by transfer directly to the qualifying bank account.

- (iv) any use of subcontractors by the domestic electricity supplier for the purpose of providing and delivering EBSS does not relieve the domestic electricity supplier of any of its obligations under this direction, including the obligation to refund overpayments, and in particular the domestic energy supplier must procure that any voucher delivery subcontractor complies with all relevant obligations under this direction to provide and deliver EBSS to the relevant eligible customers;
 - (v) the Secretary of State may offset any overpayment made by the Secretary of State to a domestic electricity supplier that has not been refunded by the domestic electricity supplier against future payments (if any) by the Secretary of State to that domestic electricity supplier under this direction; and
 - (vi) the terms for receiving a payment which are listed in paragraph 16.
- (f) The agreement of the domestic electricity supplier—
- (i) to the terms in paragraph 15(e); and
 - (ii) to the terms of the trust deed,

which must each be executed as a deed in a form satisfactory to the Secretary of State by the date of this direction.

16 Release of funds from the relevant qualifying bank account

- (a) In respect of direct debit customers—
- (i) the domestic electricity supplier shall be entitled to treat monies held in the qualifying bank account as for its benefit immediately prior to the point in time at which the domestic electricity supplier would be able to demonstrate to the reasonable satisfaction of the Secretary of State (if requested) that an equivalent sum had left the domestic electricity supplier's account by way of a non-transferable bank transfer to the relevant direct debit customer for the purpose of making an EBSS;
 - (ii) following satisfaction of paragraph 16(a)(i) above (and subject to paragraph 16(a)(iii) below, a domestic electricity supplier may instruct the transfer of such monies to another of the domestic electricity supplier's accounts (that is not the qualifying bank account); and
 - (iii) should any monies that were transferred to a direct debt customer by a domestic electricity supplier pursuant to paragraph 16(a)(i) above be returned to the domestic electricity supplier, the domestic electricity

supplier shall use all reasonable endeavours to re-initiate such transfer failing which if after one (1) working day a domestic electricity supplier still holds funds returned to it shall as soon as reasonably practical return such funds to the qualifying bank account until such time as the domestic electricity supplier can again demonstrate compliance with its obligations under this paragraph 16. For the avoidance of doubt, any monies so returned under this paragraph 16(a)(iii) are to be for the benefit of the Secretary of State until such compliance can be demonstrated.

- (b) In respect of credit customers and prepayment customers, either—
 - (i) where the domestic electricity supplier issues the secure voucher directly, immediately before the domestic electricity supplier would be able to demonstrate to the reasonable satisfaction of the Secretary of State (if requested) that such secure voucher had been redeemed; or
 - (ii) at the same time as a domestic electricity supplier forwards the CPP data-set (or updated CPP data-set) to the voucher delivery subcontractor under paragraph 15(c)(i) or (ii), the domestic electricity supplier shall be entitled to withdraw from the qualifying bank account and transfer to the voucher delivery subcontractor's account an amount equal to the number of eligible customers whose data is at that time (excluding any eligible customers previously notified) to be forwarded to the voucher delivery subcontractor (as part of the CPP data-set or updated CPP data-set) multiplied by EBSS;
- (c) In respect of any payments are made under paragraph 11(a)(iii)—
 - (i) where such payment is made by non-transferable cheque, immediately prior to the point in time the domestic electricity supplier would be able to demonstrate to the reasonable satisfaction of the Secretary of State that any cheque had been cashed and money taken from the domestic electricity suppliers account;
 - (ii) where such payment is made by non-transferable bank transfer at the same time as set out in paragraph 16(a) above.

17 **Overpayments**

- (a) A domestic electricity supplier which has received a payment from the Secretary of State under paragraph 16 by way of release from a qualifying

bank account or payment into a qualifying bank account under paragraph 9 and becomes aware of an overpayment (as defined in paragraph 17(b)) must—

- (i) notify to the Secretary of State any overpayment within five (5) working days of the domestic electricity supplier becoming aware of the overpayment;
 - (ii) where the Secretary of State issues a request in writing for a refund, refund to the Secretary of State any overpayment within five (5) working days of receipt of such request; and
 - (iii) account to the Secretary of State for any monies received within five (5) working days of a request in writing from the Secretary of State;
 - (iv) in any event, refund any overpayment to the Secretary of State immediately after the end of the scheme period.
- (b) An overpayment exists in the following circumstances—
- (i) where any monies released to a domestic electricity supplier exceed the total sum of all the EBSS payments the domestic electricity supplier has provided or delivered to its eligible customers during a scheme month or during the scheme period;
 - (ii) where any monies released to a domestic electricity supplier in relation to credit customers and/or prepayment customers exceed the total sum paid by the domestic electricity supplier to the secure voucher subcontractor during the scheme period;
 - (iii) where any monies released to a domestic electricity supplier in relation to credit customers and/or prepayment customers exceed the total sum redeemed by such customers by secure voucher during the scheme period;
 - (iv) where any monies released to a domestic electricity supplier are in respect of an exception case;
 - (v) where any monies released to a domestic electricity supplier in relation to eligible customers to whom the domestic electricity supplier has tendered payment under paragraph 11(a)(iii) exceed the total sum of all the payment received by eligible customers under that paragraph; or
 - (vi) at the end of the scheme period, where any monies held by a domestic electricity supplier in a qualifying bank account (or released to the supplier) exceed the total sum of all the EBSS payments the domestic

electricity supplier has delivered to its eligible customers during the scheme period.

- (c) Where monies are returned from a voucher delivery subcontractor to a domestic electricity supplier for any reason the domestic electricity supplier shall transfer those monies back to the relevant qualifying bank account as soon as reasonably practicable.

A handwritten signature in blue ink, reading "Grant Stapp". The signature is written in a cursive style with a large initial 'G' and 'S'.

Secretary of State for Business, Energy and Industrial Strategy

22 December 2022

APPENDIX – DuoS Group Data

Duos Group	Proposed Duos Group Name	Tariff Description	DUoS Tariff Code	In scope of EBSS
T01	Domestic	Standard Rate	T011	Yes
T01	Domestic	Economy 7 (Preserved)	T012	Yes
T01	Domestic	Economy 7 Rate	T014	Yes
T01	Domestic	Economy 7 Rate Automatic	T015	Yes
T01	Domestic	4 Rate Time-Banded	T016	Yes
T01	Domestic	8 Hr Off-Peak & UNR Res (Pres)	T045	Yes
T01	Domestic	11 Hr Off-Peak & UNR Res (Pres)	T046	Yes
T01	Domestic	15 Hr Off-Peak & UNR Res (Pres)	T047	Yes
T01	Domestic	16 Hr Off-Peak & UNR Res (Pres)	T048	Yes
T01	Domestic	4 Rate Time-Banded PPM	T050	Yes
T01	Domestic	4 Rate Time-Banded PPM (Preserved)	T052	Yes
T01	Domestic	Standard Rate PPM	T053	Yes
T01	Domestic	Domestic - Day / Night / Heat Rate PPM	T054	Yes
T01	Domestic	8 Hr Off-Peak & UNR Res PPM (Pres)	T056	Yes
T01	Domestic	11 Hr Off-Peak & UNR Res PPM (Pres)	T057	Yes
T01	Domestic	15 Hr Off-Peak & UNR Res PPM (Pres)	T058	Yes