

## Energy Bills Discount Scheme for Non-Domestic Customers in Great Britain

### The Energy Bills Discount Scheme (Amendment No. 4) Rules 2023

The Secretary of State makes these Rules under regulation 27(9) of the Energy Bills Discount Scheme Regulations 2023 (SI 2023 / 453).

#### **1 Citation and commencement**

- 1.1 These Rules may be cited as the Energy Bills Discount Scheme (Amendment No. 4) Rules 2023.
- 1.2 They come into force when they are published.

#### **2 Amendments**

- 2.1 The Energy Bills Discount Scheme Rules 2023 are amended as follows.
- 2.2 After rule 28, insert rule 28A as set out in Schedule 1 to these Rules.
- 2.3 After Schedule 10, insert Schedule 11 as set out in Schedule 2 to these Rules.



*Paul McCloghrie*

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*Department for Energy Security and Net Zero*

*4 March 2024*

## **Schedule 1: text to be inserted as rule 28A**

### **28A Declaration concerning regulation 16(8)**

28A.1 If it appears to the Secretary of State that a certified ETII operator's receipt of discounts under the scheme may result in it being required to take measures under regulation 16(8) ("16(8) measures"), the Secretary of State must, subject to rule 28A.2, give a notice to the certified ETII operator requiring it to submit, by a date specified in the notice, a declaration as to:

(a) whether, at the time the declaration is submitted, the circumstances of the certified ETII operator are such that it is likely to be required to take measures under regulation 16(8); and

(b) if they are, whether it has taken 16(8) measures, and (if it has) the measures taken

(a "16(8) declaration").

28A.2 Before giving a notice under rule 28A.1, the Secretary of State must engage with the certified ETII operator with a view to:

(a) ascertaining material information about the certified ETII operator's circumstances that the Secretary of State does not have that may indicate that it is required to take 16(8) measures;

(b) providing the certified ETII operator with an opportunity to make representations about the applicability (or otherwise) of regulation 16(8) and (9)(c) in its case;

(c) discussing the suitability of any 16(8) measures the certified ETII operator has taken, or proposes to take, and the form of 16(8) declaration to be given.

28A.3 A 16(8) declaration must be:

(a) made on behalf of the certified ETII operator by:

(i) a named director of it, or

(ii) if it is not a company, a named qualifying representative (as defined in rule 24.5, with the reference to the relevant applicant read as a reference to the certified ETII operator);

(b) signed by that director or representative, and

(c) in the form set out in Schedule 11, or such other form as the Secretary of State may have agreed with certified ETII operator when engaging with it under rule 28A.2.

28A.3 Where the Secretary of State gives notice to a certified ETII operator under rule 28A.1, if the certified ETII operator does not submit the required 16(8) declaration by the date specified in the notice, the Secretary of State may determine that the certified ETII operator has not complied with the duty set out in regulation 16(8).

## **Schedule 2: text to be inserted as Schedule 11**

### **Schedule 11 - Form of declaration concerning regulation 16(8)**

[\*\* ] (the **Certified ETII Operator**) [ *Note: insert operator's registered company name and number, if applicable*]

EBDS DECLARATION

In connection with regulation 16(8) of the Energy Bills Discount Scheme Rules 2023 (**Regulation 16(8)**), and pursuant to notice given by the Secretary of State to the Certified ETII Operator under rule 28A.1 of the Energy Bills Discount Scheme Rules 2023 (the **Rules**), the Certified ETII Operator Applicant submits this Declaration.

To: The Secretary of State

I, [\*\* ], being a [director] [qualifying representative] of the Certified ETII Operator, refer to rule 28A of the Rules and make this Declaration on behalf of the Certified ETII Operator. [*Note: delete 'director' or 'qualifying representative' according to whether the Applicant is or is not a company. See rule 24.5 of the Rules for who is a qualifying representative*]

I hereby declare that, to the best of my knowledge:

[*Note: delete as appropriate*]

at the date of this declaration, the circumstances of the Certified ETII Operator are not such that it is likely to be required to take measures under Regulation 16(8).

Or

- (a) at the date of this declaration, the circumstances of the Certified ETII Operator are such that it is likely to be required to take measures under Regulation 16(8);
- (b) the Certified ETII Operator has taken those measures;
- (c) the measures taken are the following: [*insert a description of the measures taken*].

.....

Name: [\*\* ]

Position: [Director] [*In case of a qualifying representative, insert in place of "director" the position that representative holds in relation to the applicant*]

Dated: [\*\* ]

.....

Witness's name: [\*\* ]

Occupation: [\*\* ]

Address: [\*\* ]

Dated: [\*\* ]