



Domestic Gas and Electricity (Tariff Cap) Act 2018

2018 CHAPTER 21

The cap

3 Exemptions from the cap

- (1) Tariff cap conditions do not apply in relation to domestic customers who—
 - (a) benefit from the cap on rates or amounts charged for, or in relation to, the supply of gas or electricity provided for by the Energy Market Investigation (Prepayment Charge Restriction) Order 2016, made by the Competition and Markets Authority, or
 - (b) benefit from a cap on such rates or amounts that is a replacement for the cap provided for by that Order.
- (2) Tariff cap conditions may provide for the conditions not to apply in relation to—
 - (a) domestic customers who benefit from a cap imposed by the Authority on rates or amounts charged for, or in relation to, the supply of gas or electricity to customers who appear to the Authority to be vulnerable by reason of their financial or other circumstances;
 - (b) standard variable rates which apply only if chosen by domestic customers if, or to the extent that, the rates in question appear to the Authority to support the production of gas, or the generation of electricity, from renewable sources.
- (3) The Authority must consult such persons as it considers appropriate about whether and, if so, how to exercise the power conferred by subsection (2)(b).
- (4) The Authority may carry out the consultation either before, or in the course of, taking the steps described in section 4 in relation to proposed modifications which consist of or include provision to be made in the exercise of the power conferred by subsection (2)(b).
- (5) The Authority must secure that the consultation is carried out at a time that will enable it, if it decides to exercise the power conferred by subsection (2)(b), to do so—
 - (a) when making the first modifications under section 1, or

Status: This is the original version (as it was originally enacted).

- (b) if that is not practicable, as soon as practicable after it has made the first modifications under that section.
- (6) Consultation undertaken before this Act is passed is as effective for the purposes of subsection (3) as consultation undertaken after it is passed.