



Energy Prices Act 2022

2022 CHAPTER 44

Passing on the benefits of reductions and other support

19 Requirement to pass on energy price support to end users

- (1) The Secretary of State may by regulations impose pass-through requirements on persons to whom energy price support is provided (“intermediaries”).
- (2) A “pass-through requirement” is a requirement to secure that the benefit of energy price support provided to an intermediary is passed on to end users of the intermediary by a specified time.
- (3) An end user of an intermediary is a person—
 - (a) to whom energy is made available by the intermediary, where energy price support has been provided to the intermediary in respect of that energy,
 - (b) to whom heating, cooling, hot water or electricity is made available by the intermediary using energy in respect of which energy price support has been provided to the intermediary, or
 - (c) who makes a qualifying payment to the intermediary.
- (4) “Energy price support” means financial assistance provided—
 - (a) by way of a payment to a person in connection with energy costs (whether of that person or of others),
 - (b) by way of a reduction in the amount to be paid by a person for energy, or
 - (c) otherwise than as mentioned in paragraph (a) or (b), to or in respect of a person under this Act or any scheme established under it,where the assistance is provided in response to the energy crisis.
- (5) For the purposes of subsection (3)(c), “qualifying payment” means a payment in respect of—
 - (a) energy, heating, cooling or hot water made available to the person by another person, or by the intermediary to another person, where (as the case may be)—
 - (i) the energy is energy in respect of which energy price support has been provided to the intermediary, or

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- (ii) the heating, cooling or hot water is produced using energy in respect of which energy price support has been provided to the intermediary,
 - (b) electricity made available to the person by another person, or by the intermediary to another person, using energy in respect of which energy price support has been provided to the intermediary, or
 - (c) the provision by the intermediary of a service, a product or accommodation, where an identified component of the amount paid relates directly to the use of—
 - (i) energy in respect of which energy price support has been provided to the intermediary, or
 - (ii) heating, cooling, hot water or electricity produced using energy in respect of which energy price support has been provided to the intermediary.
- (6) Regulations under subsection (1) must—
 - (a) specify the benefit to be passed on in accordance with a pass-through requirement, or
 - (b) provide for the benefit to be determined in accordance with the regulations.
- (7) Regulations under subsection (1) may also, in particular, make provision—
 - (a) about how the benefit is to be passed on;
 - (b) about the allocation of the benefit between two or more persons;
 - (c) for the purpose of determining who is an end user of an intermediary.
- (8) A pass-through requirement may apply to intermediaries generally, to intermediaries of a specified description, or to specified intermediaries.
- (9) Regulations under subsection (1) may require intermediaries to provide specified information to end users, to the Secretary of State or to other specified persons.
- (10) Regulations under subsection (1) may make provision—
 - (a) for a specified amount, or an amount determined in accordance with the regulations, to be recoverable as a civil debt by a person who does not receive the benefit specified or determined by virtue of subsection (6) by the specified time;
 - (b) for the payment of a specified amount, on an application made in accordance with the regulations by a person who is an end user of an intermediary, where the intermediary fails to comply with a requirement by virtue of subsection (9) to provide information to the person;
 - (c) about the payment of interest on any amount referred to in paragraph (a) or (b);
 - (d) for the making of complaints by end users to a specified person;
 - (e) applying the Heat Network (Metering and Billing) Regulations 2014 (S.I. 2014/3120), with or without modifications, in relation to any requirement by virtue of subsection (9) to provide information to a person within regulation 10 of those Regulations.
- (11) Provision made by virtue of subsection (10)(d)—
 - (a) must set out the grounds on which a complaint may be made (which must relate to a failure to comply with a requirement imposed by the regulations);
 - (b) may include provision for—
 - (i) Part 2 of the Consumers, Estate Agents and Redress Act 2007 (complaints handling and redress schemes) to apply in relation to end

users in England, Wales or Scotland as it applies in relation gas or electricity consumers, or

- (ii) Article 22 of the Energy (Northern Ireland) Order 2003 (S.I. 2003/419 (N.I. 6)) and such other provisions of that Order as relate to it to apply in relation to end users in Northern Ireland as they apply in relation to a customer of, or user of electricity or gas supplied by, an authorised supplier,

with such modifications as the Secretary of State considers appropriate.

(12) The Secretary of State may by regulations amend this section so as to add to the cases in which a person is an end user of an intermediary.

(13) Regulations under this section are subject to the affirmative procedure.

(14) In this section—

- (a) “specified” means specified in regulations under subsection (1);
- (b) references to energy being made available are to its being made available otherwise than in accordance with a licence under—
 - (i) section 7A(1) of the Gas Act 1986 or Article 8(1)(c) of the Gas (Northern Ireland) Order 1996 (S.I. 1996/275 (N.I. 2)) (gas supply licence), or
 - (ii) section 6(1)(d) of the Electricity Act 1989 or Article 10(1)(c) of the Electricity (Northern Ireland) Order 1992 (S.I. 1992/231 (N.I. 1)) (electricity supply licence);
- (c) references to the provision of energy price support are to its provision before, or on or after, the day on which this Act is passed;
- (d) references to a person to whom energy price support is provided include references to a person to whom the benefit of energy price support is provided indirectly (whether in consequence of a pass-through requirement or otherwise).