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STATUTORY INSTRUMENTS

2013 No. 519

ELECTRICITY

The Warm Home Discount (Reconciliation) (Amendment) Regulations 2013

<i>Made</i>	- - - -	<i>7th March 2013</i>
<i>Laid before Parliament</i>		<i>8th March 2013</i>
<i>Coming into force</i>	- -	<i>6th April 2013</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 11 and 31(5) and (6) of the Energy Act 2010⁽¹⁾.

The Secretary of State has consulted the Gas and Electricity Markets Authority, licensed electricity suppliers and such other persons as the Secretary of State thinks appropriate.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Warm Home Discount (Reconciliation) (Amendment) Regulations 2013.

(2) These Regulations come into force on 6th April 2013.

(3) In these Regulations, “the 2011 Regulations” means the Warm Home Discount (Reconciliation) Regulations 2011⁽²⁾.

Amendments to the 2011 Regulations

2.—(1) Regulation 9 (interim and final reconciliation: payments) of the 2011 Regulations is amended as follows.

(2) For paragraph (1)(b) substitute—

“(b) to each scheme electricity supplier which is liable to make a payment, of the date by which the payment is to be made, which must be not less than 3 working days from the date on which the notice is given;”.

(3) For paragraph (2) substitute—

(1) [2010 c.27](#).
(2) [S.I. 2011/1414](#).

“(2) A scheme electricity supplier which is given a notice that it is liable to make a payment must pay the specified amount to the Operator by the date specified in the notice.”.

3.—(1) Regulation 15 (make-right amounts) of the 2011 Regulations is amended as follows.

(2) In paragraph (3), after “amount is”, insert “, subject to the application of paragraph (3B),”.

(3) After paragraph (3) insert—

“(3A) Paragraph (3B) applies if, upon calculating each scheme electricity supplier’s make-right amount in accordance with paragraph (3), there is a difference between the total of the make-right amounts which suppliers are liable to pay and the total of the make-right amounts which suppliers are entitled to receive (an “imbalance”).

(3B) Where this paragraph applies, the Operator must adjust each scheme electricity supplier’s make-right amount by a percentage of the amount of the imbalance equal to that supplier’s market share, so that the total of the make-right amounts which suppliers are liable to pay is equal to the total of the make-right amounts which suppliers are entitled to receive.”.

7th March 2013

Gregory Barker
Minister of State
Department of Energy and Climate Change

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Warm Home Discount (Reconciliation) Regulations 2011 (“the 2011 Regulations”) to correct a drafting error in regulation 9 and to make a minor amendment to regulation 15. The 2011 Regulations provide for the operation of a reconciliation mechanism in relation to spending by electricity suppliers under the Warm Home Discount scheme.

Regulation 15 provides for reconciliation payments to be adjusted by the operator of the reconciliation mechanism in certain circumstances; for example, to correct an error in calculation. Regulation 3 of this instrument amends regulation 15 to ensure that, where this is done, the total of the adjustment payments (“make-right amounts”) which the operator must make to scheme electricity suppliers and the total of the payments which other scheme electricity suppliers must make to the operator are equal.

An impact assessment has not been prepared for these Regulations as no impact on the private or voluntary sectors is foreseen. An impact assessment for the Warm Home Discount scheme was published alongside the Warm Home Discount Regulations 2011 and is available from the Fuel Poverty Team, Department of Energy and Climate Change, 3 Whitehall Place, London SW1A 2AW. An Explanatory Memorandum is available alongside these Regulations on www.legislation.gov.uk.