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STATUTORY INSTRUMENTS

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**2015 No. 721**

**The Electricity Supplier Obligations (Amendment  
& Excluded Electricity) Regulations 2015**

**PART 2**

Excluded electricity

**CHAPTER 2**

EII excluded electricity

**Proportion to be specified in a certificate**

**11.**—(1) An EII certificate issued in respect of an electricity meter must specify the proportion of electricity measured by that meter which will constitute EII excluded electricity, that proportion to be determined in accordance with paragraph (2) and rounded to the nearest hundredth with 0.005 being rounded upwards.

(2) The proportion to be specified in an EII certificate by virtue of paragraph (1) is 0.85 multiplied by either—

- (a) the proportion of electricity measured by that meter which was used for a specified activity in the calendar year which immediately preceded the calendar year in which the EII application is made; or
- (b) where that proportion is not known, the Secretary of State's estimate under regulation 10(4).

(3) Where, after issuing an EII certificate, the Secretary of State subsequently concludes that a proportion specified in that certificate is incorrect, the Secretary of State must give a notice, which specifies the correct proportion, to—

- (a) except where the Secretary of State does not hold a proper address for the holder of the certificate, the holder of that certificate;
- (b) the BSCCo; and
- (c) the CFD counterparty.

(4) For the purposes of paragraph (3), reference to a proportion specified in a certificate being “incorrect” includes where the Secretary of State concludes that the estimate made under regulation 10(4) should be revised.

(5) A notice under paragraph (3) has effect from the 6th working day after it is given and ceases to have effect if a subsequent notice is given and has effect.