
DRAFT STATUTORY INSTRUMENTS

2023 No.

The Electricity and Gas (Energy
Company Obligation) Order 2023

PART 9

Information and Enforcement

Final determination and reporting

- 35.**—(1) The Administrator must determine whether a participant has—
- (a) achieved its total home-heating cost reduction obligation; and
 - (b) achieved its total home-heating cost reduction obligation in a manner that complies with article 9(3) to (7).
- (2) The Administrator must notify the participant in writing of its determination under paragraph (1) before 1st December 2026.
- (3) The Administrator must submit to the Secretary of State a report each month setting out the progress which participants have made towards achieving their total home-heating cost reduction obligations.
- (4) The Administrator must submit—
- (a) its first report under paragraph (3) in February 2024; and
 - (b) its final report under paragraph (3) in April 2026.
- (5) Before 1st December 2026, the Administrator must submit to the Secretary of State a report setting out whether participants achieved the overall home-heating cost reduction target.

Information from participants

- 36.** The Administrator may require a participant—
- (a) to provide it with such information, or information of such nature, as it may specify—
 - (i) about the participant’s proposals for complying with any requirement under this Order; or
 - (ii) relating to the cost to the participant of achieving its total home-heating cost reduction obligation; and
 - (b) to produce to it evidence, of such kind as it may specify, demonstrating that the participant is complying with, or has complied with, any requirement under this Order.

Declaration verification service

- 37.**—(1) The Administrator must—

- (a) provide a means by which a relevant authority may provide the Administrator with information about a declaration the relevant authority has made under any one of articles 16 to 18; and
 - (b) maintain a record of that information.
- (2) A participant may apply to the Administrator for a determination by the Administrator as to whether a copy of a declaration purporting to be made by a relevant authority under any one of articles 16 to 18 (“the purported declaration”) matches any declaration about which a record is maintained by the Administrator under paragraph (1)(b).
- (3) An application under paragraph (2) must—
- (a) be in writing;
 - (b) be made before 1st July 2026; and
 - (c) include a copy of the purported declaration.
- (4) Following receipt of an application under paragraph (2), the Administrator must—
- (a) if the requirements in paragraph (3) are met—
 - (i) determine whether the purported declaration matches any declaration about which a record is maintained by the Administrator under paragraph (1)(b); and
 - (ii) notify the participant of the outcome of that determination;
 - (b) if the requirements in paragraph (3) are not met—
 - (i) reject the application; and
 - (ii) notify the participant of the reasons for the rejection.

Enforcement

38. A requirement placed on a participant under this Order is a relevant requirement for the purpose of Part 1 of the Electricity Act 1989 and Part 1 of the Gas Act 1986(1).

(1) Sections 25 to 28 of the Electricity Act 1989 and sections 28 to 30O of the Gas Act 1986 provide for the enforcement of relevant requirements by the Gas and Electricity Markets Authority.