
STATUTORY INSTRUMENTS

2009 No. 1905

**The Electricity and Gas (Community
Energy Saving Programme) Order 2009**

PART 2

Overall carbon emissions reduction target and carbon emissions reduction obligations

Review of obligations by the Authority in relation to suppliers

13.—(1) When the Authority has all suppliers' domestic customer numbers, either notified under article 7(2) or determined under article 7(3), the Authority must—

- (a) review a supplier's carbon emissions reduction obligation; and
- (b) notify a supplier of any amendment to that supplier's obligation by 14th March immediately following the review.

(2) The review must be carried out by reference to—

- (a) the overall carbon emissions reduction target for suppliers in article 3(2)(b);
- (b) the effect of any trading under article 21 between—
 - (i) suppliers; or
 - (ii) suppliers and generators;
- (c) the mean of the total number of domestic customers supplied by suppliers on 31st December 2009 and on each anniversary of that date; and
- (d) supplier customer numbers.

(3) Except for a new supplier, supplier customer numbers are the mean of the number of domestic customers supplied by a supplier on—

- (a) 31st December prior to the commencement of the obligation period; and
- (b) each 31st December subsequent to the commencement of the obligation period.

(4) For a new supplier for whom the obligation period commences on 1st April 2010, supplier customer numbers are the mean of—

- (a) the number of domestic customers supplied by that supplier on 31st December 2010;
- (b) the number of domestic customers supplied by that supplier on 31st December 2009;
- (c) zero for 31st December 2008; and
- (d) where applicable, the number of domestic customers supplied by that supplier on 31st December 2011.

(5) For a new supplier for whom the obligation period commences on 1st April 2011, supplier customer numbers are the mean of—

- (a) the number of domestic customers supplied by that supplier on 31st December 2010;
- (b) zero for each 31st December in the years 2008 and 2009; and

(c) the number of domestic customers supplied by that supplier on 31st December 2011.

[^{F1}(6) The number of domestic customers under paragraph (3)(b) on each 31st December subsequent to the commencement of the obligation period is deemed to be zero where—

- (a) in respect of any 31st December other than 31st December 2011—
 - (i) a supplier belongs to a group of companies and that group has fewer than 50,000 domestic customers on that date; or
 - (ii) for any other supplier, that supplier has fewer than 50,000 domestic customers on that date;
- (b) in respect of 31st December 2011—
 - (i) a supplier belongs to a group of companies and that group has fewer than 250,000 domestic customers on that date; or
 - (ii) for any other supplier, that supplier has fewer than 250,000 domestic customers on that date.]

[^{F2}(6A) The number of domestic customers under paragraph (4)(a) is deemed to be zero where—

- (a) a supplier belongs to a group of companies and that group has fewer than 50,000 domestic customers on 31st December 2010; or
- (b) for any other supplier, that supplier has fewer than 50,000 domestic customers on 31st December 2010.

(6B) The number of domestic customers under paragraph (4)(d) or (5)(c) is deemed to be zero where—

- (a) a supplier belongs to a group of companies and that group has fewer than 250,000 domestic customers on 31st December 2011; or
- (b) for any other supplier, that supplier has fewer than 250,000 customers on 31st December 2011.]

(7) When the Authority has determined a supplier's carbon emissions reduction obligation following a review it must further adjust, if necessary, the obligation to take into account any trading by a supplier under article 21.

Textual Amendments

- F1** Art. 13(6) substituted (22.12.2011) by [The Electricity and Gas \(Carbon Emissions and Community Energy Saving\) \(Amendment\) Order 2011 \(S.I. 2011/3062\)](#), arts. 1, **8(2)**
- F2** Art. 13(6A)(6B) inserted (22.12.2011) by [The Electricity and Gas \(Carbon Emissions and Community Energy Saving\) \(Amendment\) Order 2011 \(S.I. 2011/3062\)](#), arts. 1, **8(3)**

Changes to legislation:

There are currently no known outstanding effects for the The Electricity and Gas (Community Energy Saving Programme) Order 2009, Section 13.