
STATUTORY INSTRUMENTS

2018 No. 1183

The Electricity and Gas (Energy
Company Obligation) Order 2018

PART 8

Transfers

Transfers of qualifying actions

34.—(1) A relevant supplier may apply to the Administrator with another relevant supplier for one or more qualifying actions promoted by the relevant supplier (“A”) to be treated as promoted by the other relevant supplier (“B”) (“a proposed transfer”).

(2) An application under paragraph (1) must—

- (a) be made by A and B, in writing, on or before 30th June 2022; and
- (b) include such information relating to the proposed transfer as the Administrator may require.

(3) The Administrator must not approve the application if—

- (a) the application is made in respect of an in-fill measure or a primary action with which an in-fill measure is linked, unless the application is made in respect of the in-fill measure and all of the primary actions with which the in-fill measure is linked; or
- (b) the application is made in respect of a secondary heating measure or a measure that is a related primary measure for a secondary heating measure, unless the application is made in respect of the secondary heating measure and its related primary measure.

(4) In paragraph (3)—

- (a) “in-fill measure” and “primary actions” have the same meaning as in article 14(4); and
- (b) “related primary measure” has the meaning given in the definition of “secondary heating measure” in article 2.

(5) If the Administrator decides not to approve the application it must notify A and B in writing of the reasons for that decision.

(6) If the Administrator approves the application—

- (a) the qualifying actions in respect of which the application was made are treated as promoted by B and not A; and
- (b) the Administrator must notify A and B in writing of the date on which the application was approved.

Transfer of obligations

35.—(1) A participant may apply to the Administrator with another participant for all or part of its total home-heating cost reduction obligation or total solid wall minimum requirement to be transferred from the participant (“A”) to the other participant (“B”) (“a proposed transfer”).

- (2) An application under paragraph (1) must—
 - (a) be made by A and B, in writing, on or before 30th September 2021;
 - (b) state in respect of which one of the following the application is being made (“the relevant obligation”)—
 - (i) a total home-heating cost reduction obligation; or
 - (ii) a total solid wall minimum requirement;
 - (c) state the amount of its relevant obligation that A intends to transfer to B (“the proposed transfer amount”); and
 - (d) include such other information relating to the proposed transfer as the Administrator may require.
- (3) The Administrator must not approve the application if—
 - (a) the proposed transfer amount exceeds A’s relevant obligation;
 - (b) approval of the application would result in A or B’s total solid wall minimum requirement being greater than its total home-heating cost reduction obligation;
 - (c) having regard to section 30O of the Gas Act 1986⁽¹⁾ and section 27O of the Electricity Act 1989⁽²⁾ (maximum amount of penalty or compensation), the Administrator considers that, if the application were approved, there is a significant risk that it would adversely affect the Administrator’s ability to enforce the requirements placed on B under this Order; or
 - (d) where A and B are not members of the same group, the Administrator considers that, if the application were approved, there is a significant risk that B will be unable to achieve its total home-heating cost reduction obligation or total solid wall minimum requirement.
- (4) If the Administrator decides not to approve the application it must in writing—
 - (a) notify A of any reasons for that decision relating to A; and
 - (b) notify B of any reasons for that decision relating to B.
- (5) If the Administrator approves the application—
 - (a) A’s relevant obligation is treated as reduced by the proposed transfer amount, and the Administrator must notify A in writing of its reduced relevant obligation; and
 - (b) B’s relevant obligation is treated as increased by the proposed transfer amount, and the Administrator must notify B in writing of its increased relevant obligation.

(1) 1986 c.44. Section 30O was inserted by paragraph 1 of Schedule 14 to the Energy Act 2013 (c.32).

(2) 1989 c.29. Section 27O was inserted by paragraph 2 of Schedule 14 to the Energy Act 2013.