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STATUTORY INSTRUMENTS

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**2023 No. 464**

**The Energy Bills Discount Scheme  
(Non-Standard Cases) Regulations 2023**

**PART 1**

**Introductory**

**Citation, commencement and extent**

**1.**—(1) These Regulations may be cited as the Energy Bills Discount Scheme (Non-Standard Cases) Regulations 2023.

(2) They come into force on 26th April 2023.

(3) They extend to England and Wales, Scotland and Northern Ireland.

**Interpretation**

**2.** In these Regulations—

“the Act” means the Energy Prices Act 2022;

“eligible energy” means, in relation to a non-standard customer, relevant energy in respect of which all the conditions applicable to that energy under section 5 of the Scheme Terms are met;

“end user” means an end user as defined in section 19(3) of the Act other than an excluded end user;

“energy products” means heating or hot water (or both) provided through a heat network;

“excluded end user” means a person to whom a relevant intermediary located in Northern Ireland supplies or makes available energy<sup>(1)</sup> or energy products (or both) at premises located outside England, Wales, Scotland or Northern Ireland;

“excluded person” means a person engaged in the provision of either or both of—

(a) accommodation within the meaning of standard industrial classification divisions 55.1, 55.2, 55.3 (except relevant accommodation providers) and 55.9 (except persons providing student residences, school dormitories, workers hostels and rooming and boarding houses), and

(b) energy or energy products (or both) to such accommodation;

“heat network” means a network that, by distributing a liquid or a gas, enables the transfer of thermal energy for the purpose of supplying heating or hot water to a building or persons in that building (and a network is not excluded from being a heat network only by reason of its being designed to rely wholly or in part on heat pumps particular to the buildings or premises served by the network);

“licensed electricity supplier”—

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(1) Defined in section 28(4) of the Energy Prices Act 2022.

- (a) in England and Wales and Scotland, has the meaning given in section 10(2) of the Act;
- (b) in Northern Ireland, has the meaning given in section 12(2) of the Act;
- “licensed gas supplier”—
- (a) in England and Wales and Scotland, has the meaning given in section 10(6) of the Act;
- (b) in Northern Ireland, has the meaning given in section 12(5) of the Act;
- “main scheme GB Regulations” means the Energy Bills Discount Scheme Regulations 2023(2);
- “main scheme NI Regulations” means the Energy Bills Discount Scheme (Northern Ireland) Regulations 2023(3);
- “non-domestic supply” means—
- (a) the provision of relevant energy in England and Wales or Scotland that—
- (i) if the relevant energy is electricity, would be GB non-domestic electricity supply within the meaning of section 10(4) of the Act if the electricity were provided by a licensed electricity supplier;
- (ii) if the relevant energy is gas, would be GB non-domestic gas supply within the meaning of section 10(8) of the Act if the gas were provided by a licensed gas supplier;
- (b) the supply, in Northern Ireland, of—
- (i) electricity—
- (aa) to premises at which the supply is not taken wholly or mainly for a domestic purpose, or
- (bb) for which the tariff is not one that the supplier applies to supply taken wholly or mainly for a domestic purpose, or
- (ii) gas to premises where that supply is not NI domestic gas supply (as defined in the Energy Prices (Domestic Supply) (Northern Ireland) Regulations 2022(4), as the case may be;
- “non-standard customer” means a person that receives a non-domestic supply of eligible energy at its premises;
- “pass-through” means the act of a relevant intermediary of passing through all or part of a scheme benefit to an end user;
- “pass-through amount” means an amount, being all or part of a scheme benefit, which is passed through to an end user by a relevant intermediary under these Regulations;
- “relevant accommodation providers” means—
- (a) in England, Wales or Scotland, persons providing mobile homes on protected sites as defined in the Mobile Homes Act 1983(5), or
- (b) in Northern Ireland, persons providing caravans on protected sites as defined in the Caravans Act (Northern Ireland) 2011(6);
- “relevant energy” means—

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(2) S.I. 2023/453.

(3) S.I. 2023/454.

(4) S.I. 2022/1105.

(5) 1983 c. 34. Section 5 was amended by sections 318 and 321(1) of, and Schedule 16 to the Housing and Regeneration Act 2008 (c. 17).

(6) 2011 c. 12 (N.I.).

- (a) electricity conveyed by electric lines, within the meaning of section 64(1) of the Electricity Act 1989(7), that—
  - (i) is provided, otherwise than by a licensed electricity supplier, to a person that consumes it, and
  - (ii) before being provided to the person that consumes it, is not provided to another person by a licensed electricity supplier;
- (b) gas, consisting wholly or mainly of methane, conveyed by pipes, that—
  - (i) is provided, otherwise than by a licensed gas supplier, to a person that consumes it, and
  - (ii) before being provided to the person that consumes it, is not provided to another person by a licensed gas supplier,

and, for the purposes of paragraphs (a)(i) and (b)(i), the provision of electricity or gas to a person includes its provision to itself of electricity or gas that it acquires as a Trading Party or a Shipper User;

“relevant intermediary” means a relevant person (other than an excluded person) to whom a scheme benefit is provided in circumstances in which there is at least one end user other than the relevant person. In regulation 11, “relevant intermediary” includes a person who will have entitlement to have a scheme benefit provided to it but to whom it has not yet been so provided;

“relevant person” means a person—

- (a) that is provided with relevant energy,
- (b) that—
  - (i) provides relevant energy by way of non-domestic supply to a person within paragraph (a) that is not a Trading Party or a Shipper User, or
  - (ii) purchases relevant energy with a view to its being provided (by itself or another) to a person within paragraph (a), or
- (c) that provides a service to a person within paragraph (a) or (b) in respect of the provision of relevant energy or energy products (or both);

“scheme agreement” means an agreement between the Secretary of State and a relevant person, which incorporates—

- (a) the Scheme Terms, or
- (b) the Scheme Terms as amended by the Secretary of State in accordance with the Scheme Terms (or the Scheme Terms as amended by the Secretary of State) and published after the date of publication of the Scheme Terms;

“scheme benefit” means energy price support(8) in the form of—

- (a) financial assistance provided to a relevant intermediary (as a non-standard customer) under a scheme agreement, where—
  - (i) the amount of such financial assistance determined in respect of each category of eligible energy (as defined in section 6.1 of the Scheme Terms) is treated as a separate scheme benefit, and
  - (ii) the amount of the scheme benefit is the amount notified to that relevant intermediary in accordance with the terms of that agreement, or

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(7) 1989 c. 29. Section 64 has been amended, but the definition of “electric line” contained in it has not.

(8) “energy price support” is defined in s.19(4) of the Act.

(b) where the end user is also a relevant intermediary, a pass-through made by virtue of these Regulations where the amount of the scheme benefit is the pass-through amount provided to the end user concerned (as intermediary),

and the amount of the scheme benefit may be an amount in pounds sterling or in pounds sterling per kWh (as appropriate) of energy or energy products (or both) and a scheme benefit may have been provided in respect of a period before these Regulations came into force;

“the Scheme Terms” means the document entitled “Energy Bills Discount Scheme for Non-Standard Customers in Great Britain and Northern Ireland: Scheme Terms” dated 24th April 2023 and published by the Secretary of State on that date<sup>(9)</sup>;

“Shipper User” has the meaning given in the Uniform Network Code (being the code of that name whose preparation and modification is provided for in the conditions of transportation licences granted under section 7 of the Gas Act 1986<sup>(10)</sup> as it was in force on 1st April 2023<sup>(11)</sup>);

“standard industrial classification” means the Office for National Statistics’ “UK Standard Industrial Classification of Economic Activities 2007 (SIC 2007)”<sup>(12)</sup>;

“Trading Party” has the meaning given in the Balancing and Settlement Code (being the code for governance of electricity balancing and settlement in Great Britain that is maintained in accordance with the conditions of licences granted under section 6(1)(b) of the Electricity Act 1989<sup>(13)</sup>) as it was in force on 1st April 2023<sup>(14)</sup>.

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- (9) See <https://www.gov.uk/government/publications/energy-bills-discount-scheme-non-standard-cases> A hard copy may be obtained from the Department for Energy Security and Net Zero, 1 Victoria Street, London, SW1H 0ET.
- (10) 1986 c. 44. Section 7 was substituted by section 5 of the Gas Act 1995 (c. 45) and amended by sections 3(2) and 76 of the Utilities Act 2000 (c. 27); there are other amendments, but they are not relevant.
- (11) See paragraph 2.2.1 of Section B of the General Terms of the Uniform Network Code. The documents comprising the Uniform Network Code are accessible on the website of the Joint Office of Gas Transporters at <https://www.gasgovernance.co.uk/UNC> (their postal address is Radcliffe House, Blenheim Court, Warwick Road, Solihull, B91 2AA; their email address is [enquiries@gasgovernance.co.uk](mailto:enquiries@gasgovernance.co.uk)). The current version of General Terms, Section B is available at <https://www.gasgovernance.co.uk/index.php/general>; implemented modifications to the code may be accessed from <https://www.gasgovernance.co.uk/closedmods>.
- (12) Published by the Office for National Statistics. For information on how to obtain a hard copy, contact the Office for National Statistics, Classifications and Harmonisation Unit, Government Buildings, Cardiff Road, Newport, South Wales, NP10 8XG. For an electronic copy, see <https://www.ons.gov.uk/methodology/classificationsandstandards/ukstandardindustrialclassificationofeconomicactivities/uksic2007>.
- (13) 1989 c. 29. Section 6(1)(b) was substituted by section 136(1) of the Energy Act 2004 (c. 20).
- (14) See section X-1 of the Balancing and Settlement Code. The code is accessible on the website of Elexon Limited at <https://www.elexon.co.uk/bsc-and-codes/> (their postal address is 4th Floor, 350 Euston Road London NW1 3AW; their email address is [bscservicedesk@cgi.com](mailto:bscservicedesk@cgi.com)).