
STATUTORY INSTRUMENTS

2023 No. 464

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

PART 2

Relevant agreements

Duty of relevant persons to provide information to the Secretary of State

4.—(1) In this regulation, “relevant information” means information or documents that are specified, or of a description specified, in a notice given under paragraph (2).

(2) The Secretary of State may give to a relevant person, or a person that the Secretary of State has reasonable grounds to believe is a relevant person, a notice requesting specified information or documents, or information or documents of a specified description, relating to—

- (a) the existence, contents or effect of a relevant agreement, or
- (b) any matter connected with its operation (including information about any plant, equipment or apparatus used to implement it).

(3) A notice under paragraph (2) may specify the form in which relevant information is to be provided and must—

- (a) be in writing;
- (b) specify the period within which the recipient of the notice is required to respond to it;
- (c) identify, so far as practicable—
 - (i) the relevant agreement about which the relevant information is requested;
 - (ii) the relevant energy or energy products (or both) to which the Secretary of State believes that the relevant agreement relates.

(4) A notice under paragraph (2) may only be given for the purposes of—

- (a) facilitating—
 - (i) the entry of a relevant person into a scheme agreement, or
 - (ii) the implementation of a scheme agreement;
- (b) enabling or assisting the Secretary of State—
 - (i) to determine whether a scheme agreement has been entered into or implemented (including as regards any payments made under it) in accordance with any terms incorporated or otherwise included in it;
 - (ii) to reach a decision about whether, or how, to exercise any function or discretion of the Secretary of State set out in those terms (including as regards their amendment);
 - (iii) to ensure the proper accounting for, tracing and control of public money in connection with scheme agreements;

- (iv) to determine, or to assist a relevant person to determine, whether a relevant person has complied with its obligations under these Regulations in relation to relevant energy or energy products (or both) that is or are provided to another relevant person that is its counterparty under a relevant agreement, or to which it is linked by a chain of relevant agreements.
- (5) A person that receives a notice under paragraph (2) must respond to it—
 - (a) in writing, within the period specified in the notice for responding to it, and
 - (b) by providing the Secretary of State—
 - (i) with the relevant information, if it has it or can readily obtain it,
 - (ii) if it does not have, and cannot readily obtain, the relevant information, but is able to provide other information or documents that may enable the Secretary of State to obtain it, with that other information or those other documents, or
 - (iii) with an explanation of why it is unable to comply with either paragraph (i) or paragraph (ii) (which may include that it is not a relevant person).
- (6) A person's duty under paragraph (5)—
 - (a) is owed to the Secretary of State, and enforceable in civil proceedings—
 - (i) for an injunction,
 - (ii) for specific performance of a statutory duty under section 45 of the Court of Session Act 1988(1), or
 - (iii) for any other appropriate remedy or relief;
 - (b) does not apply to so much of the relevant information as the person would in legal proceedings be entitled to refuse to provide on grounds of legal privilege.

(1) 1988 c.36.