STATUTORY INSTRUMENTS

2015 No. 652

ELECTRICITY
GAS

The Warm Home Discount (Miscellaneous Amendments) Regulations 2015

Made - - - - 10th March 2015

Coming into force in accordance with regulation 1

The Secretary of State for Energy and Climate Change makes the following Regulations in exercise of the powers conferred by sections 9, 10, 14(4), and 31(5) and (6), of the Energy Act 2010(**1**), and sections 142, and 144(2) and (4), of the Pensions Act 2008(**2**), with the consent of the Treasury(**3**).

The Secretary of State has consulted the Gas and Electricity Markets Authority, licensed electricity suppliers, licensed gas suppliers and such other persons as the Secretary of State considers appropriate, and has conducted a review in accordance with provision made under section 14(4)(b) of the Energy Act 2010.

In accordance with section 31(2) of the Energy Act 2010, and section 143(4) and (5) of the Pensions Act 2008, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Warm Home Discount (Miscellaneous Amendments) Regulations 2015 and come into force on the day after the day on which they are made.

Amendment of the Warm Home Discount Regulations 2011

2. The Warm Home Discount Regulations 2011(**4**) are amended as follows.

3. In regulation 2(1)—

(a) in the appropriate places insert—

""eligible occupier of a mobile home" means an occupier of a mobile home—

(**1**) 2010 c. 27.
(**2**) 2008 c. 30.
(**3**) The consent of the Treasury is required by section 14(3) of the Energy Act 2010 to make regulations under section 9 of that Act.
(**4**) S.I. 2011/1033, amended by S.I. 2014/695.

(a) who is, or whose partner is, in receipt of state pension credit, or

(b) who would be eligible to be a broader group customer if they were a domestic customer of a scheme supplier;",

""energy advice" means advice on reducing or preventing the wastage of energy in domestic premises;",

""mobile home" has the meaning given in section 5 of the Mobile Homes Act 1983(**5**);

""non-gas fuelled", in relation to a property, means a property where the main space heating system is not—

(a) fuelled by mains gas,

(b) a district heating system,

where "mains gas" is a supply of the kind mentioned in section 5(1)(b) of the Gas Act 1986(**6**), and a "district heating system" is a system that delivers heat through pipes or conduits to two or more domestic premises;,",

""occupier" in relation to a mobile home means the occupier of that mobile home within the meaning given in section 1 of the Mobile Homes Act 1983(**7**);",

""second commencement date" means the date on which the Warm Home Discount (Miscellaneous Amendments) Regulations 2015 come into force;",

(b) in the definition of "the prescribed rebate", in paragraph (d) for "year 4" substitute "years 4 and 5",

(c) in the definition of "scheme year"—

(i) for "2012 to 2014" substitute "2012 to 2015",

(ii) for "1 to 4" substitute "1 to 5",

(iii) for "or 2014" substitute ", 2014 or 2015".

4. In regulation 3(2) for "2015" substitute "2016".

5. In regulation 4—

(a) after paragraph (2)(a) omit "and",

(b) after paragraph (2)(b) insert—

"(c) 14 days after the second commencement date,",

(c) after paragraph (3) insert—

"(3A) If, before the second commencement date, a supplier has notified the Authority of the number of that supplier's domestic customers on 31st December 2014, the Authority shall treat that as the supplier's notification for the purposes of paragraph (2)(c).".

6. In regulation 5(4), after sub-paragraph (b) insert—

"(c) in relation to scheme year 5, by 14 days after the second commencement date,".

7. For regulation 6(4) substitute—

"(4) In scheme year 5, a notice may not be given after 1st March 2016.".

(**5**) 1983 c. 34.
(**6**) 1986 c. 44. Section 5(1)(b) was amended by S.I. 2012/2400.
(**7**) Section 1 was substituted for England and Wales by section 206(1) of the Housing Act 2004 (c. 34), and amended by section 9 of the Mobile Homes Act 2013 (c. 14), and by S.I.s 2011/1003, 2011/1004, 2011/1005, 2012/899, 2013/1722 and 2014/11. Section 1 was substituted for Scotland by section 167 of the Housing (Scotland) Act 2006 asp 1.

8.—(1) In regulation 12(1)—

(a) after sub-paragraph (a) omit "and",

(b) after sub-paragraph (b) insert—

"(c) for scheme year 5, by 7 days after the second commencement date,".

(2) In regulation 12 after paragraph (4) insert—

"(5) For scheme year 5 the Authority must, by 28 days after the second commencement date, calculate for each compulsory scheme electricity supplier, and notify to that supplier, the following amounts—

(a) the supplier's non-core spending obligation (subject to any later adjustment under regulation 14);

(b) the amount of spending which the supplier must aim to make under Chapter 2 (the broader group); and

(c) the maximum amount of spending which the supplier may count towards meeting its non-core spending obligation under Chapter 4 (subject to any determination by the Authority under regulation 15(3A)(b)(ii)).".

9. In regulation 13—

(a) in paragraph (1) after "subject to" insert "paragraphs (5) to (7) and",

(b) after paragraph (4) insert—

"(5) For scheme year 5, paragraph (6) applies if the Secretary of State has reduced or increased the overall spending target under paragraph 5, or paragraph 6 (as applicable), of Schedule 1.

(6) Where this paragraph applies, C's non-core spending obligation (subject to any adjustment under regulation 14) is—

(a) A – B, if the overall spending target has been reduced under paragraph 5 of Schedule 1;

(b) A + B, if the overall spending target has been increased under paragraph 6 of Schedule 1.

(7) In paragraph (6)—

(a) A is C's relevant percentage for scheme year 5 of the amount which would have been the aggregate non-core spending obligation for scheme year 5 if the overall spending target had not been reduced or increased under paragraph 5, or paragraph 6 (as applicable), of Schedule 1;

(b) B is C's relevant percentage, as determined under paragraph (2) for scheme year 4, of the amount by which the overall spending target has been reduced or increased under paragraph 5, or paragraph 6 (as applicable), of Schedule 1.".

10. In regulation 14—

(a) in paragraph (1) for "3 and 4" substitute "3, 4 and 5",

(b) after paragraph (3)(b)(i) omit "or",

(c) after paragraph (3)(b)(ii) insert—

"(iii) scheme year 5, 5% of S_{t-1}, if the amount determined under sub-paragraph (a) is greater than 5% of S_{t-1}.",

(d) in paragraph (4), for "and 4" substitute ", 4 and 5".

11. In regulation 15—