Draft Regulations laid before Parliament under section 143(4) and (5) of the Pensions Act 2008, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2011 No. 0000

SOCIAL SECURITY

The Disclosure of State Pension Credit Information (Warm Home Discount) Regulations 2011

Made - - - -	***
Coming into force - -	*20th July 2011*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 142 and 144(2) and (4) of the Pensions Act 2008(**1**).

A draft of these Regulations was laid before Parliament in accordance with section 143(4) and (5) of that Act, and approved by resolution of each House of Parliament.

Citation and commencement

1.—(1) These Regulations may be cited as the Disclosure of State Pension Credit Information (Warm Home Discount) Regulations 2011.

(2) These Regulations come into force on 20th July 2011 and cease to have effect on 1st April 2015.

Interpretation

2.—(1) In these Regulations—

"couple" means—

(a) a man and woman who are married to each other and are members of the same household;

(b) a man and woman who are not married to each other but are living together as husband and wife;

(c) two people of the same sex who are civil partners of each other and are members of the same household; or

(d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners,

(**1**) 2008 c.30.

and for the purposes of paragraph (d), two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex;

"domestic customer" means an owner or occupier of domestic premises in Great Britain who is supplied with electricity at those premises wholly or mainly for domestic purposes;

"electricity supplier" means a person who holds a licence under section 6(1)(d) of the Electricity Act 1989(**2**);

"guarantee credit" is to be construed in accordance with sections 1 and 2 of the State Pension Credit Act 2002(**3**);

"information direction" means a direction given by the Secretary of State to an electricity supplier under regulation 9(1) of the WHD Regulations requiring that supplier to provide information to the Secretary of State about its domestic customers;

"microgeneration" has the meaning given by section 26 of the Climate Change and Sustainable Energy Act 2006(**4**);

"partner" means a member of a couple;

"priority services register", in relation to an electricity supplier, means the register of the supplier's domestic customers who are of pensionable age, disabled or chronically sick which the supplier is required to keep by condition 26 of the standard conditions of electricity supply licences(**5**) as at 1st May 2011;

"qualifying customer" is to be construed in accordance with regulation 3;

"savings credit" is to be construed in accordance with sections 1 and 3 of the State Pension Credit Act 2002;

"scheme year" means a period of 12 months commencing on 1st April in any of the years 2011 to 2014;

"the WHD Regulations" means the Warm Home Discount Regulations 2011(**6**).

(2) In these Regulations references to the Secretary of State, other than the reference in paragraph (1), include a person providing services to the Secretary of State.

Meaning of qualifying customer

3.—(1) "Qualifying customer", in relation to an electricity supplier, means a domestic customer of the supplier in respect of whom—

(a) the supplier has provided information to the Secretary of State under an information direction by virtue of regulation 4(1);

(b) the information so provided is information about that customer on the date specified in the information direction ("the relevant date"); and

(c) the condition in paragraph (2) is met.

(2) The condition in this paragraph is met if the domestic customer or the customer's partner is in receipt of a guarantee credit on the relevant date and—

(a) neither the customer nor the customer's partner is in receipt of a savings credit on that date;

(**2**) 1989 c.29. Section 6 was substituted by section 30 of the Utilities Act 2000.
(**3**) 2002 c.16.
(**4**) 2006 c.19. Section 26 was amended by the Climate Change and Sustainable Energy Act 2006 (Sources of Energy and Technologies) Order 2008 (SI 2008/1767).
(**5**) The standard conditions of electricity supply licences are available at http://epr.ofgem.gov.uk.
(**6**) S.I. 2011/1033.

(b) the relevant date falls within the scheme year beginning on 1st April 2012 and the customer or the customer's partner is aged 80 or over on that date;

(c) the relevant date falls within the scheme year beginning on 1st April 2013 and the customer or that customer's partner is aged 75 or over on that date; or

(d) the relevant date falls within the scheme year beginning on 1st April 2014.

Disclosure of customer information by electricity suppliers

4.—(1) Subject to paragraph (3), in a scheme year an electricity supplier is authorised to supply the Secretary of State with the information mentioned in paragraph (4) for the purpose of enabling the Secretary of State to determine what information is to be supplied to the supplier by virtue of regulation 5(1) in that scheme year.

(2) Subject to paragraph (3), in a scheme year an electricity supplier is also authorised to supply the Secretary of State with the information mentioned in paragraph (4) for the purpose of enabling the Secretary of State to compare, and test arrangements for comparing, that information with information about persons in receipt of state pension credit held by the Secretary of State so as to enable the Secretary of State to determine what information is to be supplied to the supplier by virtue of regulation 5(1) in that or any subsequent scheme year.

(3) An electricity supplier is only authorised to supply information in a scheme year by virtue of paragraph (1) or (2) where—

(a) the supplier is required to provide information to the Secretary of State under an information direction given to the supplier in that scheme year;

(b) the direction requires the information to be provided for a purpose mentioned in one of those paragraphs;

(c) the information required to be provided—

(i) is specified in the direction, and

(ii) is information about the supplier's domestic customers on the date specified in the direction ("the relevant date"); and

(d) where the direction requires the information to be supplied in a particular form, the information is supplied in that form.

(4) The information referred to in paragraphs (1) and (2) is—

(a) the names and addresses of persons who are domestic customers of the supplier on the relevant date and the meter point administration numbers associated with those domestic customers' electricity accounts;

(b) the names and addresses of any persons appointed to administer the electricity accounts of persons who are domestic customers of the supplier on the relevant date.

Disclosure of social security information by the Secretary of State

5.—(1) In a scheme year the Secretary of State is authorised to supply an electricity supplier with relevant information in relation to a person whom the Secretary of State believes to be a qualifying customer of that supplier in that scheme year for the purpose of—

(a) enabling the Secretary of State to give the supplier a notice under regulation 6(1) of the WHD Regulations specifying the persons to whom the supplier must provide the prescribed rebate in accordance with those Regulations;

(b) enabling the supplier to so provide that rebate; and

(c) enabling the supplier to offer relevant assistance to that customer.