Draft Order laid before Parliament under section 33BC(12) of the Gas Act 1986, section 41A(12) of the Electricity Act 1989 and section 103(5) of the Utilities Act 2000 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2011 No. 0000

ELECTRICITY
GAS

The Electricity and Gas (Carbon Emissions and Community Energy Saving) (Amendment) Order 2011

Made - - - - xx December 2011

Coming into force in accordance with article 1

The Secretary of State makes this Order in exercise of the powers conferred by section 33BC of the Gas Act 1986(**1**), section 41A of the Electricity Act 1989(**2**) and section 103 of the Utilities Act 2000(**3**).

The Secretary of State has consulted the Gas and Electricity Markets Authority, the National Consumer Council(**4**), electricity generators, electricity distributors, electricity suppliers, gas transporters, gas suppliers and such other persons as the Secretary of State considers appropriate.

A draft of this instrument has been approved by a resolution of each House of Parliament pursuant to section 33BC(12) of the Gas Act 1986, section 41A(12) of the Electricity Act 1989 and section 103(5) of the Utilities Act 2000.

(**1**) 1986 c.44. Section 33BC was inserted (as section 33BB) by section 10(1) of, and Schedule 3, paragraph 36 to the Gas Act 1995 (c.45). Section 33BB was substituted for (and renumbered as) section 33BC by section 99 of the Utilities Act 2000 (c.27). This section was also amended by sections 15 and 17 of , and paragraphs 1 and 2 of the Schedule to, the Climate Change and Sustainable Energy Act 2006 (c.19) and section 79 of, and Schedule 8 to, the Climate Change Act 2008 (c.27).

(**2**) 1989 c.29. Section 41A was substituted for section 41 by section 70 of the Utilities Act 2000 (c.27) and amended by sections 16 and 17 of, and paragraphs 4 and 5 of the Schedule to, the Climate Change and Sustainable Energy Act 2006 (c.19) and section 79 of, and Schedule 8 to, the Climate Change Act 2008 (c.27).

(**3**) 2000 c.27. This section has also been amended by section 79 of, and Schedule 8 to, the Climate Change Act 2008 (c.27).

(**4**) The National Consumer Council replaced the Gas and Electricity Consumer Council, see section 30 of the Consumer, Estate Agents and Redress Act 2007 (c.17).

PART 1

Introduction

Citation and commencement

1. This Order may be cited as the Electricity and Gas (Carbon Emissions and Community Energy Saving) (Amendment) Order 2011 and comes into force on the day after the day on which this Order is made.

PART 2

Amendment of the Electricity and Gas (Carbon Emissions Reduction) Order 2008

Amendment of the Electricity and Gas (Carbon Emissions Reduction) Order 2008

2. The Electricity and Gas (Carbon Emissions Reduction) Order 2008(**5**) is amended in accordance with the following provisions of this Part.

Amendment of article 4 (definition of supplier)

3.—(1) Article 4 (definition of supplier) is amended as follows.

(2) For paragraph (2) substitute—

"(2) A person must supply—

(a) at least 50,000 domestic customers on 31st December of the year 2007, 2008, 2009 or 2010; or

(b) at least 250,000 domestic customers on 31st December 2011.".

(3) For paragraph (3) substitute—

"(3) A company that belongs to a group of companies must supply domestic customers and—

(a) on 31st December of the year 2007, 2008, 2009 or 2010 the number of domestic customers of that company and of other companies in the group must be at least 50,000; or

(b) on 31st December 2011 the number of domestic customers of that company and of other companies in the group must be at least 250,000.".

Amendment of article 8 (review of obligations by the Authority)

4.—(1) Article 8 (review of obligations by the Authority) is amended as follows.

(2) For paragraph (5) substitute—

"(5) The number of domestic customers under paragraph (3)(b) on each 31st December subsequent to the commencement of the obligation period, or under paragraph (4)(c), is deemed to be zero where—

(a) in respect of any 31st December other than 31st December 2011—

(i) a supplier belongs to a group of companies and that group has fewer than 50,000 domestic customers on that date; or

(**5**) S.I. 2008/188 as amended by the Electricity and Gas (Carbon Emissions Reduction) (Amendment) Order 2009 (S.I. 2009/1904) and the Electricity and Gas (Carbon Emissions Reduction) (Amendment) Order 2010 (S.I. 2010/1958).