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

2010 No. 000

SOCIAL SECURITY

The State Pension Credit (Disclosure of Information) (Electricity Suppliers) Regulations 2010

Made - - - -	*2010*
Coming into force - -	*2010*

The Secretary of State for Work and Pensions 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 this instrument was laid before Parliament in accordance with section 143(4) and (5) of the Pensions Act 2008 and approved by a resolution of each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the State Pension Credit (Disclosure of Information) (Electricity Suppliers) Regulations 2010, and shall come into force on the day after the day on which they are made.

Interpretation

2. In these Regulations—

"automatic award" means a sum of money paid by an electricity supplier to its customer (whether by credit to the customer's electricity account or otherwise) pursuant to the energy rebate scheme;

"couple" means—

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

(b) a man and a 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

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

(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,

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;

"discounted tariff" means special terms on an electricity account offered by an electricity supplier to its domestic customers who are regarded by the supplier as being part of a vulnerable group;

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

"electricity supplier" has the meaning given by regulation 3;

"energy efficiency measures" means measures or schemes offered by electricity suppliers to their domestic customers with a view to improving energy efficiency or reducing energy consumption in the homes of those customers;

"energy rebate scheme" means a scheme(**2**) known by that name established pursuant to arrangements made between the Secretary of State and electricity suppliers under which those suppliers—

(a) make an automatic award to certain domestic customers who are relevant SPC claimants in respect of their electricity account, and

(b) contact those customers with a view to offering—

(i) energy efficiency measures to the customers in their homes, and

(ii) to place them on a register for priority services;

"partner" means a member of a couple;

"priority services" means services made available by electricity suppliers to their domestic customers who are regarded by the supplier as being part of a vulnerable group;

"relevant SPC claimant" has the meaning given by regulation 4.

Electricity supplier

3.—(1) An electricity supplier is a person ("S") who holds a supply licence under section 6(1)(d) of the Electricity Act 1989(**3**) and who satisfies paragraph (2) or (3) in respect of the supply of electricity.

(2) S must supply at least 50,000 domestic customers on 31st December 2009.

(3) Where S is a company that belongs to a group of companies, S must on 31st December 2009 supply domestic customers and the number of domestic customers of that company and of other companies in the group must be at least 50,000.

Relevant SPC claimants

4.—(1) A relevant SPC claimant is a person ("P") who satisfies the following conditions.

(2) The first condition is that on 26th March 2010 P or P's partner is aged 70 years or over.

(**2**) A copy of the scheme document can be obtained by writing to DWP State Pensions Division, Caxton House, Tothill Street, London SW1H 9NA.

(**3**) 1989 c.29. Section 6 was substituted by section 30 of the Utilities Act 2000 (c.27). Subsection (1) was amended by sections 136 and 145 of, and Schedule 23 to, the Energy Act 2004 (c.20).

(3) The second condition is that on 26th March 2010 P or P's partner is in receipt of state pension credit, by virtue of being entitled to a guarantee credit under sections 1(3)(a) and 2 of the State Pension Credit Act 2002(**4**).

(4) The third condition is that on 26th March 2010 neither P nor P's partner is entitled to a savings credit under section 1(3)(b) and 3 of that Act.

Disclosure of information by the Secretary of State

5.—(1) The Secretary of State (or a person providing services to the Secretary of State) may supply an electricity supplier with the information referred to in paragraph (2) about a relevant SPC claimant for use by that supplier in connection with the purposes referred to in paragraph (3).

(2) The information is—

(a) the name, any known alias and address of a relevant SPC claimant;

(b) the name, any known alias and address of the partner of a relevant SPC claimant;

(c) the name and any known alias of a person appointed to act on behalf of a relevant SPC claimant.

(3) The purposes are—

(a) to identify domestic customers who qualify or may qualify for an automatic award;

(b) to establish a domestic customer's entitlement to an automatic award;

(c) to provide domestic customers with an automatic award;

(d) to contact domestic customers who have received an automatic award with a view to—

(i) offering energy efficiency measures;

(ii) delivering or helping to deliver energy efficiency measures;

(iii) offering to place their names on a register of persons to be afforded priority services by the supplier.

Disclosure of customer information by electricity suppliers

6.—(1) An electricity supplier may supply the Secretary of State (or a person providing services to the Secretary of State) with the information referred to in paragraph (2) about its domestic customers for use in connection with the purposes referred to in paragraph (3).

(2) The information is—

(a) the names and addresses of its domestic customers;

(b) the name of a person appointed to administer the electricity account on behalf of a domestic customer;

(c) which of its domestic customers are in receipt of a discounted tariff.

(3) The purposes are to help the Secretary of State (or, in relation to sub-paragraphs (b) and (c), a person providing services to the Secretary of State)—

(a) to determine the number of customers who may be eligible for an automatic award;

(b) to identify which of the supplier's customers are relevant SPC claimants who qualify or may qualify for an automatic award;

(c) to compile and provide to the supplier—

(i) a list of those customers who are relevant SPC claimants and who qualify or may qualify for an automatic award, and

(**4**) 2002 c.16.