

ENERGY
SMART METERS
DRAFT MODIFICATIONS TO THE STANDARD CONDITIONS OF ELECTRICITY AND
GAS SUPPLY LICENCES (SMART METERS No. 1 of 2022)

Presented to Parliament pursuant to section 89 of the Energy Act 2008

Draft modifications to the Electricity and Gas Supply Licences laid before Parliament under section 89(3) of the Energy Act 2008; draft to lie for forty days pursuant to section 89(4) of that Act, during which period either House of Parliament may resolve that the modifications not be made.

ENERGY

SMART METERS

DRAFT MODIFICATIONS TO THE STANDARD CONDITIONS OF ELECTRICITY AND GAS SUPPLY LICENCES (SMART METERS No. 1 of 2022)

The Secretary of State makes the following licence modifications in exercise of the powers conferred by section 88(1) of the Energy Act 2008 ("the Act").

The Secretary of State has consulted the holders of any licence being modified, the Gas and Electricity Markets Authority and such other persons as the Secretary of State considered appropriate in accordance with section 89(1) of the Act.

A draft of these modifications has been laid before Parliament in accordance with section 89(3) of the Act. Neither House of Parliament resolved, within the 40-day period referred to in section 89(4) of the Act, that the Secretary of State should not make the modifications.

Modifications to the standard conditions of electricity supply licences

- 1 The standard conditions of electricity supply licences granted or treated as granted under section 6(1)(d) of the Electricity Act 1989 are modified, in accordance with paragraphs 2 to 5 below, with effect from the day after the day on which this instrument is made.
- 2 In standard condition 12 –
 - (a) after existing paragraph 12.20, insert a new paragraph 12.20A as follows –

"12.20A The requirements of paragraph 12.20 cease to apply in respect of any relevant premises from the date that Part C2 of standard condition 51 (Smart Metering – Customer Access to Consumption Data) applies in respect of such premises."; and
 - (b) after existing paragraph 12.28, insert a new paragraph 12.28A as follows –

"12.28A The requirements of paragraph 12.28 cease to apply in respect of any Designated Premises from the date that Part C2 of standard condition 51 (Smart Metering – Customer Access to Consumption Data) applies in respect of such premises.".
- 3 In standard condition 39A –
 - (a) after the heading "**The Target**", delete existing paragraph 39A.5 and insert new paragraph 39A.5 as follows –

"39A.5 For the purposes of this condition, the target number referred to in paragraph 39A.2 shall in relation to:

 - (a) each of the First, Third and Fourth Rollout Years be calculated in accordance with the following formula:

$$N_y = \left(\frac{1}{a_y} RSMS_y \right) - T_y$$

where:

N_y	means the target number for Rollout Year y ;
a_y	means a number which is used to calculate a proportion, and shall be equal for Rollout Year y to the number specified for that Rollout Year in the table at paragraph 39A.6;
$RSMS_y$	means, in relation to Rollout Year y , the number of Qualifying Relevant Premises at which a Qualifying Metering System had not been installed by the date which immediately precedes the start date of Rollout Year y ;
T_y	means a number representing a tolerance level, which shall have the value that is determined in accordance with paragraph 39A.7; and
y	means the Rollout Year specified in the table at paragraph 39A.6.

- (b) the Second Rollout Year be the lower of the numbers resulting from the calculation of the following formulas:

$$(i) \quad N_y = \left(\frac{1}{3} (TMS_y - (S_1 + NQ_1)) \right) - T_y ; \text{ and}$$

$$(ii) \quad N_y = \left(\frac{1}{3} RSMS_y \right) - T_y$$

where:

N_y	means the target number for the Second Rollout Year (but where when calculated in accordance with either of the above formulas N_y would be a negative number, it shall be deemed to be zero for the purposes of this condition);
$RSMS_y$	means the number of Qualifying Relevant Premises at which a Qualifying Metering System had not been installed by the date which immediately precedes the start date of the Second Rollout Year;
TMS_y	means the number of Domestic Premises and Designated Premises in respect of which the licensee is the Relevant Electricity Supplier at the start date of the Second Rollout Year,
S_1	means: <ul style="list-style-type: none"> (i) the number of Domestic Premises and Designated Premises in respect of which the licensee was the Relevant Electricity Supplier on, and at which a Qualifying Metering System was installed by, the date which immediately precedes the start date of the First Rollout Year; plus (ii) where applicable, the number of Last Resort Supply Premises;
NQ_1	means the number of Qualifying Relevant Premises at which the licensee installed a Qualifying Metering System during the First Rollout Year;

T_y means a number representing a tolerance level for the Second Rollout Year, which shall have the value that is determined in accordance with paragraph 39A.7; and

y means the Second Rollout Year,

save that with regard to the terms S_1 and NQ_1 the number of Domestic Premises and Designated Premises in respect of which the licensee ceased to be the Relevant Electricity Supplier during the First Rollout Year by virtue of a Supplier-Led Transfer shall not be counted for the purposes of the calculation.";

(b) in paragraph 39A.6 –

(i) after "the purposes of paragraph" delete "39A.5" and insert "39A.5(a)"; and

(ii) delete the existing table and insert new table as follows –

Rollout Year (y)	Value of a_y
First Rollout Year	4
Second Rollout Year	N/A
Third Rollout Year	2
Fourth Rollout Year	1

; and

(c) in paragraph 39A.9, insert in alphabetical order the following new definitions –

"Last Resort Supply Premises means any Domestic Premises or Designated Premises at which:

(a) the licensee became the Relevant Electricity Supplier during the First Rollout Year by virtue of a Last Resort Supply Direction issued by the Authority to the licensee pursuant to standard condition 8 (Obligations under Last Resort Supply Direction); and

(b) there was installed a Qualifying Metering System by the date immediately prior to the date on which the Last Resort Supply Direction had effect.

Supplier-Led Transfer means, in relation to the supply of electricity to a Domestic Premises or a Designated Premises, the transfer of responsibility for that supply from the licensee to an Affiliate Electricity Licensee where the transfer was not initiated by or at the request of the Customer at the premises.)."

4 In standard condition 47 –

(a) in paragraph 47.6(d), after "and for the purposes of complying with the requirement of, paragraph" delete "51.4(b)" and insert "51.9(b)";

(b) in paragraph 47.17, after "requirements of paragraphs delete "47.17A or 47.17B" and insert "47.17A, 47.17B or 47.17C";

- (c) in paragraph 47.17B –
 - (i) in paragraph 47.17B(c), after "the supply of electricity by the licensee to the micro business premises;" insert "or";
 - (ii) delete existing paragraph 47.17B(d); and
 - (iii) renumber existing paragraph 47.17B(e) as paragraph 47.17B(d); and
- (d) after existing paragraph 47.17B, insert a new paragraph 47.17C as follows –

"47.17C The requirements of this paragraph are that the licensee obtains Electricity Consumption Data which relates to any one or more periods of less than one month following receipt of a request of the type referred to in, and for the purposes of complying with the requirements of, paragraph 51.21 of standard condition 51 (Smart Metering – Customer Access to Consumption Data).".

5 In standard condition 51 –

- (a) in paragraph 51.3, after "Parts" delete "C" and insert "C1";
- (b) after existing paragraph 51.3, insert new paragraphs 51.4 to 51.8 as follows –

"51.4 Parts C2 and D of this Condition apply to the licensee in respect of any Non-Domestic Premises at which:

 - (a) it is the Relevant Electricity Supplier;
 - (b) there is installed a Smart Metering System or an Advanced Meter,

(the **relevant non-domestic premises**).

51.5 Parts C3 and D of this Condition apply to the licensee in respect of any Designated Premises at which:

 - (a) it is the Relevant Electricity Supplier;
 - (b) there is installed a Smart Metering System or an Advanced Meter,

(the **relevant designated premises**).

51.6 Part C1 of this Condition ceases to apply from the date Part C2 applies.

51.7 Part C2 of this Condition applies from 1 December 2022 or such later date as may be specified in a direction given to the licensee by the Secretary of State pursuant to this paragraph 51.7.

51.8 Part C3 of this Condition applies from 1 October 2024 or such later date as may be specified in a direction given to the licensee by the Secretary of State pursuant to this paragraph 51.8.";
- (c) renumber existing paragraphs 51.4 to 51.15 as paragraphs 51.9 to 51.20 respectively;
- (d) in renumbered paragraph 51.10 –
 - (i) after "requirements of paragraph" delete "51.4" and insert "51.9"; and
 - (ii) after "subject to paragraph" delete "51.8" and insert "51.13";
- (e) in renumbered paragraph 51.11 –
 - (i) before "applies where:" delete "51.7" and insert "51.12"; and
 - (ii) in sub-paragraph (a), after "in accordance with paragraph" delete "51.4(b)" and insert "51.9(b)";

- (f) in renumbered paragraph 51.13, after "requirements in paragraph" delete "51.4" and insert "51.9";
- (g) in renumbered paragraph 51.15 –
 - (i) after "requirements of paragraph" delete "51.9" and insert "51.14"; and
 - (ii) after "subject to paragraph" delete "51.11" and insert "51.16";
- (h) in renumbered paragraph 51.16, after "requirements in paragraph" delete "51.9" and insert "51.14";
- (i) in the heading immediately after renumbered paragraph 51.16 –
 - (i) after "Part", delete "C" and insert "C1"; and
 - (ii) after "Micro Business", insert "Premises";
- (j) in renumbered paragraph 51.18, after "the requirements of paragraph" delete "51.12" and insert "51.17";
- (k) in renumbered paragraph 51.19, before "shall apply until" delete "51.15" and insert "51.20";
- (l) after renumbered paragraph 51.20, insert a new heading and new paragraphs 51.21 to 51.25 as follows –

"PART C2 – OBLIGATIONS IN RESPECT OF RELEVANT NON-DOMESTIC PREMISES"

Access to Consumption Data on Request

- 51.21 In respect of each relevant non-domestic premises, the licensee must where requested by:
- (a) the Non-Domestic Customer at those premises;
 - (b) a Nominated Agent of the Non-Domestic Customer,
- make available in a machine readable format Relevant Non-Domestic Consumption Data such that it can be accessed, free of charge and via the internet, by the person making the request.

Exception

- 51.22 The requirement in paragraph 51.21 does not apply where:
- (a) in respect of a request made before Part C3 of this Condition applies for data provided by an Advanced Meter, the licensee is unable to obtain the Relevant Non-Domestic Consumption Data except at a cost which is manifestly excessive, and the licensee has taken all such steps as were reasonable to prevent this circumstance from occurring; or
 - (b) the licensee, having taken all reasonable steps, is unable to obtain the Relevant Non-Domestic Consumption Data due to material technical reasons.

Licensee's Procedures

- 51.23 The licensee must:
- (a) establish, maintain and give effect to clear and transparent procedures and processes by which a Non-Domestic Customer or a Nominated Agent may make a request for Relevant Non-Domestic Consumption Data;

- (b) as a minimum, set out in its procedures and processes:
 - (i) the information to be provided by the Non-Domestic Customer or the Nominated Agent (as the case may be) for the purposes of enabling the licensee to accede to the request; and
 - (ii) the methods, including contact details, by which the Non-Domestic Customer or the Nominated Agent (as the case may be) can contact the licensee in respect of any request made by it to the licensee; and
- (c) publish its processes and procedures on and make them readily available from its Website.

51.24 The licensee must, within 10 working days of receiving a request for access to Relevant Non-Domestic Consumption Data from a Non-Domestic Customer or a Nominated Agent, respond to that request by:

- (a) making available the requested Relevant Non-Domestic Consumption Data in accordance with paragraph 51.21; or
- (b) informing the Non-Domestic Customer or the Nominated Agent (as the case may be) that the licensee is unable to accede to the request, together with reasons why that is the case and the further steps the Non-Domestic Customer or the Nominated Agent (as the case may be) may wish to take for the purposes of the licensee being able to accede to the request.

Customer Updates

51.25 The licensee must, at such intervals as are determined appropriate by the licensee for the purposes of ensuring that the Non-Domestic Customer is regularly updated of such matters, notify the Non-Domestic Customer at a relevant non-domestic premises of:

- (a) their right to make, or authorise a Nominated Agent to make, a request to the licensee for access to Relevant Non-Domestic Consumption Data in accordance with paragraph 51.21;
- (b) where appropriate, the benefits of being able to have access to Relevant Non-Domestic Consumption Data.";

(m) after new paragraph 51.25, insert a new heading and new paragraphs 51.26 to 51.29 as follows –

"PART C3 – OBLIGATIONS IN RESPECT OF RELEVANT DESIGNATED PREMISES

Provision of information relating to electricity consumption

51.26 In respect of each relevant designated premises, the licensee must provide or otherwise make available (in either case free of charge and in a user-accessible format) consumption information to the Non-Domestic Customer at the relevant designated premises.

51.27 The consumption information provided or made available pursuant to the requirement in paragraph 51.26 must:

- (a) relate to and/or be based on Non-Domestic Consumption Data;

- (b) be provided or made available to the Non-Domestic Customer at a level of detail and in a Form and frequency that is sufficient to enable the Non-Domestic Customer to:
 - (i) understand, assess, evaluate, and gain insights into the patterns and trends emerging over time in relation to how much electricity the Non-Domestic Customer consumes at the relevant designated premises; and
 - (ii) make informed judgments and choices as to when, and how much, electricity the Non-Domestic Customer consumes, enabling them to consider ways to be more efficient and/or flexible in how and when they consume electricity.

Exception

51.28 The requirement in paragraph 51.26 does not apply where the licensee, having taken all reasonable steps, is unable to obtain the Non-Domestic Consumption Data due to material technical reasons.

Customer Updates

51.29 The licensee must, at such intervals as are determined appropriate by the licensee for the purposes of ensuring that the Non-Domestic Customer is regularly updated of such matters, notify the Non-Domestic Customer at a relevant designated premises of:

- (a) the means by which the licensee provides or makes available (pursuant to the requirement in paragraph 51.26), and the Non-Domestic Customer can access, the consumption information;
 - (b) where appropriate, the benefits of being able to have access to the consumption information; and
 - (c) where the relevant designated premises are Relevant Micro Business Premises, the steps the Non-Domestic Customer can take in order for the licensee to provide or make available consumption information which is based on the quantity of electricity supplied to the premises in each half-hour (or shorter) period."; and
- (n) renumber existing paragraph 51.16 as paragraph 51.30 and insert, in alphabetical order, the following new definitions in renumbered paragraph 51.30 –

"Advanced Meter has the meaning given to it in standard condition 39 (Smart Metering System – Roll-out, Installation and Maintenance).

Applicable Date means the date on which the licensee grants the request made by the Non-Domestic Customer or the Nominated Agent (as the case may be) for the purposes of paragraph 51.21.

Nominated Agent means any person acting within the scope of a valid Written consent of the Non-Domestic Customer at a relevant non-domestic premises to make a request to the licensee for access to Relevant Non-Domestic Consumption Data.

Non-Domestic Consumption Data means, in respect of any relevant designated premises, the quantity of electricity supplied to the premises:

- (a) where the premises is not a Micro Business Premises, in each half-hour period (or such shorter period as the licensee may determine); or
- (b) where the premises is a Micro Business Premises, in each Relevant Period of a Length,

in respect of the period:

- (c) of 12 months prior to the Relevant Date;
- (d) starting from the date on which the Non-Domestic Customer became the Customer at the relevant designated premises and ending on the Relevant Date;
- (e) starting from the date on which the licensee became the Relevant Electricity Supplier at the relevant designated premises and ending on the Relevant Date; or
- (f) starting from the date the Smart Metering System or the Advanced Meter (as the case may be) was installed at the relevant designated premises and ending on the Relevant Date,

whichever is the shorter (the **relevant period**), save that:

- (g) where the Relevant Date is a date prior to 1 October 2025 or such later date as the Secretary of State may specify in a direction issued to the licensee under this paragraph, the relevant period need not be whichever is the shorter period calculated in accordance with paragraphs (c) to (f) but may be a period of up to 12 months calculated by reference to the period for which the data referred to in paragraphs (a) or (b) (as the case may be) could reasonably be considered to be available to the licensee.

Relevant Date

means:

- (a) where the licensee provides consumption information to the Non-Domestic Customer, the date on which the licensee provides that information; or
- (b) where the licensee makes available consumption information for the Non-Domestic Customer, the date on which the Non-Domestic Customer accesses that information.

Relevant Micro Business Premises

means Micro Business Premises in respect of which the licensee does not obtain electricity consumption data under paragraph 47.17A of standard condition 47 which relates to any one or more periods of a length which is half-hour or less.

Relevant Non-Domestic Consumption Data

means, in respect of any relevant non-domestic premises, detailed data as to the quantity of electricity supplied to the premises:

- (a) where the premises is not a Micro Business Premises, in each half-hour period (or such shorter period as the licensee may determine); or
- (b) where the premises is a Micro Business Premises, in each Relevant Period of a Length,

for the period:

- (c) of 12 months prior to the Applicable Date;
- (d) starting from the date on which the Non-Domestic Customer became the Customer at the relevant non-domestic premises and ending on the Applicable Date;
- (e) starting from the date on which the licensee became the Relevant Electricity Supplier at the relevant non-domestic premises and ending on the Applicable Date;
- (f) starting from the date the Smart Metering System or the Advanced Meter (as the case may be) was installed at the relevant non-domestic premises and ending on the Applicable Date, or
- (g) where the request is from a Nominated Agent that has previously made a request to the licensee for the data relating to the Non-Domestic Customer at the relevant non-domestic premises, starting from the date that the Nominated Agent last requested access to such data and ending on the Applicable Date,

whichever is the shorter.

Relevant Period of a Length

in respect of any Micro Business Premises, means:

- (a) where the licensee is not able to obtain and use electricity consumption data for a period of length which is half-hour (or shorter) in compliance with paragraphs 47.17A or 47.17C of standard condition 47 and with data protection legislation;
 - (i) a period which is not more than a month; or
 - (ii) the period of a length for which the licensee is able to obtain and use electricity consumption data in respect of the premises in compliance with paragraphs 47.17A or 47.17C of standard condition 47 and with data protection legislation,

whichever is the shorter;

- (b) where the licensee is able to obtain and use electricity consumption data for a period of length which is half-hour (or shorter) in compliance with paragraphs 47.17A or 47.17C of standard condition 47 and with data protection legislation, a half-hour period (or such shorter period as the licensee may determine)."

Modifications to the standard conditions of gas supply licences

6 The standard conditions of gas supply licences granted or treated as granted under section 7A(1) of the Gas Act 1986 are modified, in accordance with paragraphs 7 to 10 below, with effect from the day after the day on which this instrument is made.

7 In standard condition 12 –

(a) after existing paragraph 12.23, insert a new paragraph 12.23A as follows –

"12.23A The requirements of paragraph 12.23 cease to apply in respect of any relevant premises from the date that Part B2 of standard condition 45 (Smart Metering – Customer Access to Consumption Data) applies in respect of such premises.";

(b) in the heading immediately after paragraph 12.30, delete "Date" and insert "Data"; and

(c) after existing paragraph 12.31, insert a new paragraph 12.31A as follows –

"12.31A The requirements of paragraph 12.31 cease to apply in respect of any Designated Premises from the date that Part B2 of standard condition 45 (Smart Metering – Customer Access to Consumption Data) applies in respect of such premises.".

8 In standard condition 33A –

(a) after the heading "**The Target**", delete existing paragraph 33A.5 and insert new paragraph 33A.5 as follows –

"33A.5 For the purposes of this condition, the target number referred to in paragraph 33A.2 shall in relation to:

(c) each of the First, Third and Fourth Rollout Years be calculated in accordance with the following formula:

$$N_y = \left(\frac{1}{a_y} RSMS_y \right) - T_y$$

where:

N_y means the target number for Rollout Year y;

a_y means a number which is used to calculate a proportion, and shall be equal for Rollout Year y to the number specified for that Rollout Year in the table at paragraph 33A.6;

$RSMS_y$ means, in relation to Rollout Year y, the number of Qualifying Relevant Premises at which a Qualifying Metering System had not been installed by the date which immediately precedes the start date of Rollout Year y;

T_y means a number representing a tolerance level, which shall have the value that is determined in accordance with paragraph 33A.7; and

y means the Rollout Year specified in the table at paragraph 33A.6.

(d) the Second Rollout Year be the lower of the numbers resulting from the calculation of the following formulas:

(i) $N_y = \left(\frac{1}{3} (TMS_y - (S_1 + NQ_1)) \right) - T_y$; and

$$(ii) \quad N_y = \left(\frac{1}{3} RSMS_y \right) - T_y$$

where:

- N_y means the target number for the Second Rollout Year (but where when calculated in accordance with either of the above formulas N_y would be a negative number, it shall be deemed to be zero for the purposes of this condition);
- $RSMS_y$ means the number of Qualifying Relevant Premises at which a Qualifying Metering System had not been installed by the date which immediately precedes the start date of the Second Rollout Year;
- TMS_y means the number of Domestic Premises and Designated Premises in respect of which the licensee is the Relevant Gas Supplier at the start date of the Second Rollout Year,
- S_1 means:
- (i) the number of Domestic Premises and Designated Premises in respect of which the licensee was the Relevant Gas Supplier on, and at which a Qualifying Metering System was installed by, the date which immediately precedes the start date of the First Rollout Year; plus
 - (ii) where applicable, the number of Last Resort Supply Premises;
- NQ_1 means the number of Qualifying Relevant Premises at which the licensee installed a Qualifying Metering System during the First Rollout Year;
- T_y means a number representing a tolerance level for the Second Rollout Year, which shall have the value that is determined in accordance with paragraph 33A.7; and
- y means the Second Rollout Year,

save that with regard to the terms S_1 and NQ_1 the number of Domestic Premises and Designated Premises in respect of which the licensee ceased to be the Relevant Gas Supplier during the First Rollout Year by virtue of a Supplier-Led Transfer shall not be counted for the purposes of the calculation.";

(b) in paragraph 33A.6 –

- (i) after "the purposes of paragraph" delete "33A.5" and insert "33A.5(a)"; and
- (ii) delete the existing table and insert new table as follows –

Rollout Year (y)	Value of a_y
First Rollout Year	4
Second Rollout Year	N/A
Third Rollout Year	2

Fourth Rollout Year	1
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; and

- (c) in paragraph 33A.9, insert in alphabetical order the following new definitions –

"Last Resort Supply Premises means any Domestic Premises or Designated Premises at which:

- (a) the licensee became the Relevant Gas Supplier during the First Rollout Year by virtue of a Last Resort Supply Direction issued by the Authority to the licensee pursuant to standard condition 8 (Obligations under Last Resort Supply Direction); and
- (b) there was installed a Qualifying Metering System by the date immediately prior to the date on which the Last Resort Supply Direction had effect.

Supplier-Led Transfer means, in relation to the supply of gas to a Domestic Premises or a Designated Premises, the transfer of responsibility for that supply from the licensee to an Affiliate Gas Licensee where the transfer was not initiated by or at the request of the Customer at the premises.)."

- 9 In standard condition 41 –

- (a) in paragraph 41.6(d), after "and for the purposes of complying with the requirement of, paragraph" delete "45.3(b)" and insert "45.8(b)";
- (b) in paragraph 41.17, after "the requirements of paragraphs" delete "41.17A or 41.17B"; and insert "41.17A, 41.17B or 41.17C";
- (c) in paragraph 41.17B –
 - (i) in paragraph 41.17B(c), after "the supply of gas by the licensee to the micro business premises;" insert "or";
 - (ii) delete existing paragraph 41.17B(d); and
 - (iii) renumber existing paragraph 41.17B(e) as paragraph 41.17B(d); and
- (d) after existing paragraph 41.17B, insert a new paragraph 41.17C as follows –

"41.17C The requirements of this paragraph are that the licensee obtains Gas Consumption Data which relates to any one or more periods of less than one month following receipt of a request of the type referred to in, and for the purposes of complying with the requirements of, paragraph 45.17 of standard condition 45 (Smart Metering – Customer Access to Consumption Data).".

- 10 In standard condition 45 –

- (a) in paragraph 45.2, after "Parts" delete "B" and insert "B1";
- (b) after existing paragraph 45.2, insert new paragraphs 45.3 to 45.7 as follows –

"45.3 Parts B2 and C of this Condition apply to the licensee in respect of any Non-Domestic Premises at which:

 - (a) it is the Relevant Gas Supplier;

- (b) there is installed a Smart Metering System or an Advanced Meter,

(the **relevant non-domestic premises**).
- 45.4 Parts B3 and C of this Condition apply to the licensee in respect of any Designated Premises at which:
 - (a) it is the Relevant Gas Supplier;
 - (b) there is installed a Smart Metering System or an Advanced Meter,

(the **relevant designated premises**).
- 45.5 Part B1 of this Condition ceases to apply from the date Part B2 applies.
- 45.6 Part B2 of this Condition applies from 1 December 2022 or such later date as may be specified in a direction given to the licensee by the Secretary of State pursuant to this paragraph 45.6.
- 45.7 Part B3 of this Condition applies from 1 October 2024 or such later date as may be specified in a direction given to the licensee by the Secretary of State pursuant to this paragraph 45.7.";
- (c) renumber existing paragraphs 45.3 to 45.11 as paragraphs 45.8 to 45.16 respectively;
- (d) in renumbered paragraph 45.9 –
 - (i) after "requirements of paragraph" delete "45.3" and insert "45.8"; and
 - (ii) after "subject to paragraph" delete "45.7" and insert "45.12";
- (e) in renumbered paragraph 45.10 –
 - (i) before "applies where:" delete "45.6" and insert "45.11"; and
 - (ii) in sub-paragraph (a), after "in accordance with paragraph" delete "45.3(b)" and insert "45.8(b)";
- (f) in renumbered paragraph 45.12, after " requirements in paragraph" delete "45.3" and insert "45.8";
- (g) in the heading immediately after renumbered paragraph 45.12, after "Part" delete "B" and insert "B1";
- (h) in renumbered paragraph 45.14, after "the requirements of paragraph" delete "45.8" and insert "45.13";
- (i) in renumbered paragraph 45.15, before "shall apply" delete "45.11" and insert "45.16";
- (j) after renumbered paragraph 45.16, insert a new heading and new paragraphs 45.17 to 45.21 as follows –

"PART B2 – OBLIGATIONS IN RESPECT OF RELEVANT NON-DOMESTIC PREMISES

Access to Consumption Data on Request

- 45.17 In respect of each relevant non-domestic premises, the licensee must where requested by:
 - (a) the Non-Domestic Customer at those premises;
 - (b) a Nominated Agent of the Non-Domestic Customer,

make available in a machine readable format Relevant Non-Domestic Consumption Data such that it can be accessed, free of charge and via the internet, by the person making the request.

Exception

- 45.18 The requirement in paragraph 45.17 does not apply where:
- (a) in respect of a request made before Part B3 of this Condition applies for data provided by an Advanced Meter, the licensee is unable to obtain the Relevant Non-Domestic Consumption Data except at a cost which is manifestly excessive, and the licensee has taken all such steps as were reasonable to prevent this circumstance from occurring; or
 - (b) the licensee, having taken all reasonable steps, is unable to obtain the Relevant Non-Domestic Consumption Data due to material technical reasons.

Licensee's Procedures

- 45.19 The licensee must:
- (a) establish, maintain and give effect to clear and transparent procedures and processes by which a Non-Domestic Customer or a Nominated Agent may make a request for Relevant Non-Domestic Consumption Data;
 - (b) as a minimum, set out in its procedures and processes:
 - (i) the information to be provided by the Non-Domestic Customer or the Nominated Agent (as the case may be) for the purposes of enabling the licensee to accede to the request; and
 - (ii) the methods, including contact details, by which the Non-Domestic Customer or the Nominated Agent (as the case may be) can contact the licensee in respect of any request made by it to the licensee; and
 - (c) publish its processes and procedures on and make them readily available from its Website.
- 45.20 The licensee must, within 10 working days of receiving a request for access to Relevant Non-Domestic Consumption Data from a Non-Domestic Customer or a Nominated Agent, respond to that request by:
- (a) making available the requested Relevant Non-Domestic Consumption Data in accordance with paragraph 45.17; or
 - (b) informing the Non-Domestic Customer or the Nominated Agent (as the case may be) that the licensee is unable to accede to the request, together with reasons why that is the case and the further steps the Non-Domestic Customer or the Nominated Agent (as the case may be) may wish to take for the purposes of the licensee being able to accede to the request.

Customer Updates

- 45.21 The licensee must, at such intervals as are determined appropriate by the licensee for the purposes of ensuring that the Non-Domestic Customer is regularly updated of such matters, notify the Non-Domestic Customer at a relevant non-domestic premises of:

- (a) their right to make or authorise a Nominated Agent to make a request to the licensee for access to Relevant Non-Domestic Consumption Data in accordance with paragraph 45.17;
 - (b) where appropriate, the benefits of being able to have access to Relevant Non-Domestic Consumption Data.";
- (k) after new paragraph 45.21, insert a new heading and new paragraphs 45.22 to 45.25 as follows –

"PART B3 – OBLIGATIONS IN RESPECT OF RELEVANT DESIGNATED PREMISES

Provision of information relating to gas consumption

- 45.22 In respect of each relevant designated premises, the licensee must provide or otherwise make available (in either case free of charge and in a user-accessible format) consumption information to the Non-Domestic Customer at the relevant designated premises.
- 45.23 The consumption information provided or made available pursuant to the requirement in paragraph 45.22 must:
 - (a) relate to and/or be based on Non-Domestic Consumption Data;
 - (b) be provided or made available to the Non-Domestic Customer at a level of detail and in a Form and frequency that is sufficient to enable the Non-Domestic Customer to:
 - (i) understand, assess, evaluate, and gain insights into the patterns and trends emerging over time in relation to how much gas the Non-Domestic Customer consumes at the relevant designated premises; and
 - (ii) make informed judgments and choices as to when, and how much, gas the Non-Domestic Customer consumes, enabling them to consider ways to be more efficient and/or flexible in how and when they consume gas.

Exception

- 45.24 The requirement in paragraph 45.22 does not apply where the licensee, having taken all reasonable steps, is unable to obtain the Non-Domestic Consumption Data due to material technical reasons.

Customer Updates

- 45.25 The licensee must, at such intervals as are determined appropriate by the licensee for the purposes of ensuring that the Non-Domestic Customer is regularly updated of such matters, notify the Non-Domestic Customer at a relevant designated premises of:
 - (a) the means by which the licensee provides or makes available (pursuant to the requirement in paragraph 45.22), and the Non-Domestic Customer can access, the consumption information;
 - (b) where appropriate, the benefits of being able to have access to the consumption information; and
 - (c) where the relevant designated premises are Relevant Micro Business Premises, the steps the Non-Domestic Customer can take in order for the licensee to provide or make available

consumption information which is based on the quantity of gas supplied to the premises in each hourly (or shorter) period."; and

- (1) renumber existing paragraph 45.12 as paragraph 45.26 and insert, in alphabetical order, the following new definitions –

"Advanced Meter has the meaning given to it in standard condition 33 (Smart Metering System – Roll-out, Installation and Maintenance).

Applicable Date means the date on which the licensee grants the request made by the Non-Domestic Customer or the Nominated Agent (as the case may be) for the purposes of paragraph 45.17.

Nominated Agent means any person acting within the scope of a valid Written consent of the Non-Domestic Customer at a relevant non-domestic premises to make a request to the licensee for access to Relevant Non-Domestic Consumption Data.

Non-Domestic Consumption Data means, in respect of any relevant designated premises, the quantity of gas supplied to the premises:

- (a) where the premises is not a Micro Business Premises, in each hourly period (or such shorter period as the licensee may determine); or
- (b) where the premises is a Micro Business Premises, in each Relevant Period of a Length,

in respect of the period:

- (c) of 12 months prior to the Relevant Date;
- (d) starting from the date on which the Non-Domestic Customer became the Customer at the relevant designated premises and ending on the Relevant Date;
- (e) starting from the date on which the licensee became the Relevant Gas Supplier at the relevant designated premises and ending on the Relevant Date; or
- (f) starting from the date the Smart Metering System or the Advanced Meter (as the case may be) was installed at the relevant designated premises and ending on the Relevant Date,

whichever is the shorter (the **relevant period**), save that:

- (g) where the Relevant Date is a date prior to 1 October 2025 or such later date as the Secretary of State may specify in a direction issued to the licensee under this paragraph, the relevant period need not be whichever is the shorter period calculated in accordance with paragraphs (c) to (f) but may be a period of up to 12 months calculated by reference to the period for which the data referred to in

paragraphs (a) or (b) (as the case may be) could reasonably be considered to be available to the licensee.

Relevant Date

means:

- (a) where the licensee provides consumption information to the Non-Domestic Customer, the date on which the licensee provides that information; or
- (b) where the licensee makes available consumption information for the Non-Domestic Customer, the date on which the Non-Domestic Customer accesses that information.

Relevant Micro Business Premises

means Micro Business Premises in respect of which the licensee does not obtain gas consumption data under paragraph 41.17A of standard condition 41 which relates to any one or more periods of a length which is an hour or less.

Relevant Non-Domestic Consumption Data

means, in respect of any relevant non-domestic premises, detailed data as to the quantity of gas supplied to the premises:

- (a) where the premises is not a Micro Business Premises, in each hourly period (or such shorter period as the licensee may determine); or
- (b) where the premises is a Micro Business Premises, in each Relevant Period of a Length,

for the period:

- (c) of 12 months prior to the Applicable Date;
- (d) starting from the date on which the Non-Domestic Customer became the Customer at the relevant non-domestic premises and ending on the Applicable Date;
- (e) starting from the date on which the licensee became the Relevant Gas Supplier at the relevant non-domestic premises and ending on the Applicable Date;
- (f) starting from the date the Smart Metering System or the Advanced Meter (as the case may be) was installed at the relevant non-domestic premises and ending on the Applicable Date, or
- (g) where the request is from a Nominated Agent that has previously made a request to the licensee for the data relating to the Non-Domestic Customer at the relevant non-domestic premises, starting from the date that the Nominated Agent last requested access to such data and ending on the Applicable Date,

whichever is the shorter.

Relevant Period of a Length in respect of any Micro Business Premises, means:

- (a) where the licensee is not able to obtain and use gas consumption data for a period of length which is an hour (or less) in compliance with paragraphs 41.17A or 41.17C of standard condition 41 and with data protection legislation;
 - (i) a period which is not more than a month; or
 - (ii) the period of a length for which the licensee is able to obtain and use gas consumption data in respect of the premises in compliance with paragraphs 41.17A or 41.17C of standard condition 41 and with data protection legislation,whichever is the shorter;
- (b) where the licensee is able to obtain and use gas consumption data for a period of length which is an hour (or less) in compliance with paragraphs 41.17A or 41.17C of standard condition 41 and with data protection legislation, an hourly period (or such shorter period as the licensee may determine)."

Name

Parliamentary Under Secretary of State

Department for Business, Energy and Industrial Strategy

Date