



STATUTORY INSTRUMENTS.

S.I. No. 603 of 2015



DEEMED CONTRACTS IN ELECTRICITY AND GAS MARKETS

DEEMED CONTRACTS IN ELECTRICITY AND GAS MARKETS

The Commission for Energy Regulation, in exercise of the powers conferred on it under section 16A (6) Energy (Miscellaneous Provisions) Act, 1995., as inserted by Section 5 Energy (Miscellaneous Provisions) Act 2012 hereby make the following regulations:

Citation

1. These Regulations may be cited as Section 16A (5) Energy (Miscellaneous Provisions) Act, 1995, (Deemed Contracts) Regulations 2015.

Commencement

2. These Regulations come into operation on 17 December, 2015.

Interpretation

3. In these Regulations, except where the context otherwise requires—

“Act of 1995” means Energy (Miscellaneous Provisions) Act, 1995;

“Act of 1999” means Electricity Regulation Act 1999;

“Act of 2002” means Gas (Interim) (Regulation) Act 2002;

“Act of 2012” means Energy (Miscellaneous Provisions) Act 2012;

“Commission” means Commission for Energy Regulation;

“contract of supply” means an agreement entered into between a Licence Holder and a person for the supply of electricity or gas;

“Deemed Contract” has the meaning assigned to it in Section 16A the Act of 1995;

“Distribution System Operator” means the holder of a licence under Section 14(1) (g) of the Electricity Regulation Act 1999 or under Section 16 (e) and (f) of the Gas (Interim) (Regulation) Act 2002;

“Licence Holder” means—

(a) the holder of a licence to supply electricity granted under section 14 of the Act of 1999, or

(b) the holder of a licence to supply gas granted under section 16 of the Act of 2002.

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 5th January, 2016.

“meter” means an apparatus which registers and records or causes to be registered and recorded the quantity of electricity or gas supplied to a premises;

“Notice” means the notification served on the owner or occupier of the premises as referred in Section 16A of the Act of 1995;

“Owner or occupier” means the owner or occupier or the owners or occupiers of a premises;

“premises” means any building or any structure, vehicle or vessel (whether mobile or not) or part of it occupied as a separate dwelling or place of business and includes any garden or portion of grounds attached to and usually occupied with the dwelling or place of business or otherwise required for the amenity or convenience of the dwelling;

“Registered Licence Holder” means in respect of a premises the Licence Holder who for the time being is registered with the relevant Distribution System Operator, as the supplier of electricity or gas for that premises;

Regulations

4. Where a supply of energy is provided to a premises in the absence of a contract for supply between the Licence Holder and the owner or occupier of a premises a Deemed Contract shall exist and the following regulations shall apply.

5. The Deemed Contract shall be between the Licence Holder and the owner or the occupier and shall commence on the date when the owner or occupier begins to take supply of electricity or gas in the absence of a contract for supply and shall cease on the date on which a contract for supply is entered into by the owner or occupier with the Registered Licence Holder or another Licence Holder or the date on which the Licence Holder ceases to supply the premises whichever is the earlier.

6. The Notice shall be dated and served by sending it by prepaid ordinary post to the premises or delivering it by hand to the owner or occupier of the premise.

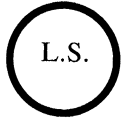
7. The Notice shall request the owner or occupier to furnish details of his or her name and the Notice shall state that-

- (i) It is a Notice for the purposes of Section 16A of the Act of 1995
- (ii) the premises has continued to be connected to a supply of electricity or gas under a Deemed Contract
- (iii) the premises is no longer subject to a contract for supply by the Licence Holder and is being supplied under a Deemed Contract
- (iv) the owner or occupier of the premises is responsible for the payment for the supply of electricity or gas supplied under a Deemed Contract

- (v) the most recent meter reading for the premises held by the Registered Licence Holder
 - (vi) the meter reading is an “actual” reading, ‘estimated’ reading or ‘customer’ reading and the date to which the meter reading relates.
 - (vii) the meter reading stated is for information purposes
 - (viii) class of customer and the applicable tariffs
- and
- (ix) the owner or occupier can enter into a contract of supply with the Registered Licence Holder or with another Licence Holder and
 - (x) include the Terms and Conditions of Supply under a Deemed Contract
8. (i) Charges imposed by the Registered Licence Holder under a Deemed Contract shall be issued in a bill and shall be the difference between the actual, estimated or customer provided meter reading from the date when the owner or occupier started to take supply under the Deemed Contract and the meter reading at the termination of the Deemed Contract. The methods employed by the Registered Licence Holder to determine the amount of electricity or gas which is treated as having been supplied under a Deemed Contract shall be no different to that employed to calculate the amount of electricity or gas supplied under a contract other than a Deemed Contract.
- (ii) Charges imposed by the Registered Licence Holder under a Deemed Contract shall be based on the standard tariff for the time being of the Registered Licence Holder for the class of customer as stated in the notice being supplied and shall include applicable charges, taxes and levies as appropriate but shall not contain any penalties. Where no standard tariff applies, the applicable tariff shall be as stated in the Notice and shall include applicable charges, taxes and levies but shall not contain any penalties.
9. A Licence Holder shall submit the terms and conditions to be used in a Deemed Contract to the Commission for approval—
- (i) within 6 months following these Regulations coming into operation and
 - (ii) shall implement the approved terms and conditions as soon as may be practicable but not later than a further 8 weeks following the approval being given by the Commission
10. Any changes to approved terms and conditions of a Deemed Contract shall be submitted to the Commission for approval prior to them coming into force.

11. A Licence Holder shall submit to the Commission, for approval, the methods by which it shall advise and provide information to members of the public in regard to a Deemed Contract within 6 months following these Regulations coming into operation.

12. The Commission may from time to time modify the terms and conditions for a Deemed Contract and any such amendments or modifications shall be binding on the parties to a Deemed Contract.



Sealed with the common seal of the Commission for Energy Regulation

17 December 2015.

GARRETT BLANEY,
Chairperson of the Commission.

EXPLANATORY MEMORANDUM

(This note is not a part of the Instrument and does not purport to be a legal interpretation)

The Commission for Energy Regulation, in exercise of the powers conferred on it under section 16A of the Electricity Regulation Act 1999 as inserted by Section 5 Energy (Miscellaneous Provisions) Act 2012, makes regulations where a premises continues to be supplied with electricity or gas and the owner or occupier entitled to be the registered consumer for supply of electricity or gas has not entered into a contract for supply

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€2.54

