

UK Energy Incubator Hub Ltd
Gas Act 1986 & Electricity Act 1989
Provisional Order made under section 25(2) of the Electricity Act 1989 and
28(2) of the Gas Act 1986

To: UK Energy Incubator Hub Limited ("UKEIH"), company number 09844783, of 20-22 Wenlock Road, London, N17GU, the holder of licences granted under section 6(1)(d) of the Electricity Act 1989 ("the Electricity Act") and section 7A(1) of the Gas Act 1986 ("the Gas Act").

WHEREAS:

- A) UKEIH is the holder of gas and electricity supply licences granted by the Gas and Electricity Markets Authority ("the Authority") and is subject to the usual conditions thereunder, which are "relevant conditions" for the purposes of the Electricity Act 1989 and the Gas Act 1986 ("the Acts").
- B) On 25th February 2022, the Authority issued two requests for information to UKEIH: (i) Financial stress testing and (ii) Management control framework, seeking the provision of the information specified in the annexes, appendices and attachments thereto.
- C) Standard Licence Condition ("SLC") 5 of the gas and electricity supply licenses requires the provision of information to the Authority upon request, and relevantly provides:

"5.1 After receiving a request from the Authority for Information that it may reasonably require or that it considers may be necessary to enable it to perform any functions given or transferred to it by or under any legislation, including any functions conferred on the Authority by or under the Regulation, the licensee must give that Information to the Authority when and in the form requested.

5.2 The licensee is not required to comply with paragraph 5.1 if the licensee could not be compelled to produce or give the Information in evidence in civil proceedings before a court."

- D) UKEIH has refused or failed to provide the information requested by the Authority,
- E) UKEIH has offered no satisfactory explanation for its refusal or failure to provide the information requested by the Authority,

F) It appears to the Authority that UKEIH is contravening (and is likely to continue contravening) its obligations under SLC 5,

G) It appears to the Authority that the situation is now urgent and accordingly the Authority considers it is requisite to make a provisional order in exercise of the powers in section 25(2) of the Electricity Act and section 28(2) of the Gas Act.

NOW THEREFORE:

The Authority, pursuant to section 25(2) of the Electricity Act and section 28(2) of the Gas Act, and for the purpose of securing compliance with SLC 5 of the gas and electricity supply licences, makes a provisional order requiring UKEIH to **fully and immediately** comply with the Authority's two requests for information issued on 25th February 2022.

Pursuant to section 27(7) of the Act and section 30(8) of the Gas Act 1986, the Authority may seek to enforce this provisional order by application to the High Court for injunctive or other relief without further notice to UKEIH.

This provisional order shall cease to have effect on 17th September 2022 unless confirmed by the Authority on or before that date.

Dated: 17th June 2022

Signed

Charles Hargreaves

Deputy Director, Enforcement

Duly Authorised on behalf of the Gas & Electricity Markets Authority.