

Gas and Electricity Markets Authority

**ELECTRICITY ACT 1989
Standard conditions of
electricity supply licence**

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Condition 1. Definitions for standard conditions

Authorised Electricity Operator	means any person (other than the licensee) who is Authorised <u>to hold an electricity system operator licence, or</u> to generate, participate in the transmission of, distribute or supply electricity, participate in the operation of an Interconnector or provide a smart meter communications service and includes any person who has made an application to be so Authorised which has not been refused and any person transferring electricity to or from or across an Interconnector or who has made an application for use of an Interconnector which has not been refused;
Balancing and Settlement Code	means the Balancing and Settlement Code provided for in standard condition E1C3 (Balancing and Settlement Code (BSC)) of the <u>Electricity System Operator Licence</u> Transmission Licence ;
Connection and Use of System Code	means the Connection and Use of System Code provided for in standard condition E2C10 (Connection and Use of System Code (CUSC)) of the <u>Electricity System Operator Licence</u> Transmission Licence ;
<u>Electricity System Operator Licence</u>	<u>means a licence granted or treated as granted under section 6(1)(da) of the Act;</u>
Grid Code	means the Grid Code provided for in standard condition E3C14 (Grid Code) of the <u>Electricity System Operator Licence</u> Transmission Licence ;
Relevant Distributor	in relation to any premises, means, except in standard condition 15 (Assistance for areas with high distribution costs scheme: payments to System Operator <u>ISOP</u>), the Licensed Distributor to whose Distribution System those premises are connected and in whose licence Section B has effect;
Transmission Licence	means a transmission licence granted or treated as granted under section 6(1)(b) of the Act;

Condition 2. Interpretation of standard conditions

General rules of interpretation

- 2.1 Unless the context otherwise requires, any word or expression defined in the Act, the Utilities Act 2000 or the Energy Act 2004 has the same meaning when used in the standard conditions of this licence.

- 2.2 Unless the context otherwise requires, any reference in the standard conditions of this licence to an industry code, an agreement or a statement is a reference to that code, agreement or statement as modified, supplemented, transferred, novated or replaced from time to time and any reference to a statute or subordinate legislation is a reference to that statute or subordinate legislation as amended or re-enacted from time to time.
- 2.3 The heading or title of any section, standard condition, schedule, paragraph or sub-paragraph in the standard conditions of this licence is for convenience only and does not affect the interpretation of the text to which it relates.
- 2.4 Unless the context otherwise requires:
- (a) any reference in the standard conditions of this licence to a section, standard condition, schedule, paragraph or sub-paragraph is a reference to it in the standard conditions of this licence;
 - (b) any reference in a standard condition of this licence to a paragraph or sub-paragraph is a reference to it in that standard condition; and
 - (c) any reference in the standard conditions of this licence to any natural or legal person includes that person's successors.
- 2.5 Any reference in the conditions of this licence to any of the following:
- (a) a provision of the conditions of this licence;
 - (b) a provision of the conditions of the Distribution Licence;
 - (c) a provision of the conditions of the Generation Licence;
 - (d) ~~not used~~ a provision of the conditions of the Transmission Licence; or
 - (e) a provision of the conditions of the Interconnector Licence; or
 - (f) a provision of the conditions of the Electricity System Operator Licence.
- is to be read, if the conditions of this licence or of any of the other licences are subsequently modified, as a reference (so far as the context permits) to the corresponding provision of the relevant conditions.
- 2.5A Unless the context or a standard condition otherwise requires,
- (a) words and expressions referencing the masculine gender include the feminine;
 - (b) words and expressions referencing the feminine gender include the masculine;
 - (c) words and expressions in the singular include the plural and words and expressions in the plural include the singular.

Performance of obligations

- 2.6 Where any obligation in this licence is required to be performed by a specified date or time or within a specified period and the licensee has failed to do so, the obligation will continue to be binding and enforceable after the specified date or time or after the end of the specified period, without prejudice to all rights and remedies available against the licensee in relation to its failure.

Specific application of powers

- 2.7 Unless a contrary intention appears, any power of the Authority under any provision of this licence:
- (a) to give a direction, consent, derogation, approval or designation is a power:
 - (i) to give it to such extent, for such period of time and subject to such conditions as the Authority thinks reasonable in all the circumstances of the case; and
 - (ii) to revoke or amend it (after consulting with the licensee or, for the purpose of a Domestic Supply Direction given under standard condition 3 (Application of Section B of standard conditions), with the consent of the licensee) or give it again under that power; and
 - (b) to make a determination or a decision is a power:
 - (i) to make it subject to such conditions as the Authority thinks reasonable in all the circumstances of the case; and
 - (ii) to make it again under that power.
- 2.8 Any direction, consent, derogation, determination, approval, designation, decision or other instrument given or made by the Authority under this licence will be in Writing.

Date to be specified

- 2.9 In each case in which the Authority may specify a date under the standard conditions of this licence, it may specify:
- (a) that date; or
 - (b) the means by which that date is to be determined.

Continuing effect

- 2.10 Anything done under or because of a standard condition of this licence, which is in effect immediately before that standard condition is modified, has continuing effect for so long as it is permitted or required by or under the modified standard condition.

2.11 Without prejudice to the generality of paragraph 2.10, every direction, consent, determination, designation, approval, decision or other instrument given or made by the Authority or by a licensing scheme made under Schedule 7 to the Utilities Act 2000 in relation to a standard condition of this licence, which is in effect immediately before that standard condition is modified, has continuing effect for so long as it is permitted or required by or under the modified standard condition.

Specific Application of Powers – Secretary of State

2.12 Unless a contrary intention appears, any power of the Secretary of State under standard condition 1, 12, 39, 40, 45, 45A, 46, 49, 53, 54 or 55 of this licence to give a direction, and any power of the Secretary of State under standard condition 47 or 55 of this licence to give an approval, is a power:

- (a) to give it to such extent, for such period of time and subject to such conditions as the Secretary of State thinks reasonable in all the circumstances of the case; and
- (b) to revoke or amend it (after consulting with the licensee) or give it again under that power.

2.13 Any direction given by the Secretary of State under standard condition 1, 12, 39, 40, 45, 45A, 46, 49, 53, 54 or 55 of this licence, and any approval given by the Secretary of State under standard condition 47 or 55 of this licence, will be in Writing.

2.14 In each case in which the Secretary of State may specify a date under standard condition 12, 39, 40, 45, 45A, 46, 49, 54 or 55 of this licence, he may specify:

- (a) that date; or
- (b) the means by which that date is to be determined.

2.15 Without prejudice to the generality of paragraph 2.10, every direction given by the Secretary of State in relation to standard condition 1, 12, 39, 40, 45, 45A, 46, 49, 53, 54 or 55 of this licence, and every approval given by the Secretary of State under standard condition 47 or 55 of this licence, which is in effect immediately before that standard condition is modified, has continuing effect for so long as it is permitted or required by or under the modified standard condition.

Condition 15. Assistance for areas with high distribution costs scheme, Energy Administration Orders, ESC Administration Orders and SMCL Administration Orders: payments to the System Operator ISOP

- 15.1 This condition sets out the obligations of the licensee in relation to payments to be made to the ~~System Operator~~ ISOP for the purpose of:
- (a) providing assistance with the high costs of distributing electricity incurred by a Relevant Distributor in a Specified Area; and
 - (b) raising any sums specified in a Shortfall Direction in order to recover costs arising from the application of:
 - (i) an Energy Administration Order to a Protected Energy Company;
 - (ii) an ESC Administration Order to an Energy Supply Company; or
 - (iii) an SMCL Administration Order to a Smart Meter Communication Licensee.
- 15.2 The payments to which paragraph 15.1 refers are payments made pursuant to:
- (a) in the case of sub-paragraph 15.1(a), the Energy Act 2004 (Assistance for Areas with High Distribution Costs) Order 2005; and
 - (b) in the case of sub-paragraph 15.1(b):
 - (i) in respect of sub-paragraph (i), the provisions of Chapter 3 of Part 3 of the Energy Act 2004;
 - (ii) in respect of sub-paragraph (ii), the provisions of Chapter 5 of Part 2 of the Energy Act 2011; or
 - (iii) in respect of sub-paragraph (iii), the provisions of the Smart Meters Act 2018

Licensee's duty to pay

- 15.3 In accordance with paragraph 15.1, the licensee must pay to the ~~System Operator~~ ISOP:
- (a) the sums resulting from the pence per kWh tariff specified in accordance with the terms set out in Part B of standard condition E15C21 (Assistance for areas with high distribution costs scheme (AAHDCS); ~~payments from authorised suppliers~~) (for this condition only, “standard condition E15C21”) of the Electricity System Operator Licence ~~Transmission Licence~~; and
 - (b) where applicable, such additional sums as result from any modification of those charges made pursuant to ~~standard condition E14C24~~ (Energy

~~aAdministration, eEnergy sSupply cCompany aAdministration and sSmart mMeter cCommunication Licensee aAdministration: National Electricity Transmission System Operator sShortfall cContribution oObligations~~ (for this condition only, “~~standard condition E14C24~~”) of the Electricity System Operator Transmission Licence.

- 15.4 Subject to paragraph 15.5, the sums to be paid by the licensee in accordance with paragraph 15.3 must be payable on a quarterly basis in each Financial Year (or such other basis as may be specified in ~~standard condition E15C21~~ of the Electricity System Operator Transmission Licence) by:
- (a) the date indicated in each invoice received by the licensee from the ~~System Operator~~ ISOP requiring such payment; or
 - (b) where no such date is indicated, no later than 28 days after the date of the invoice.
- 15.5 In the case of sums payable in accordance with sub-paragraph 15.3(b), the licensee must comply with any basis of payment different from that set out in paragraph 15.4 if this is required by the Shortfall Direction and has been notified to the licensee by the ~~System Operator~~ ISOP.

Late payment charges

- 15.6 In relation to sums required to be paid by sub-paragraph 15.3(a), the licensee must pay to the ~~System Operator~~ ISOP an amount representing 8% above the Base Interest Rate of any payment not made to the ~~System Operator~~ ISOP on the date specified pursuant to paragraph 15.4, calculated for each day after the date on which that payment should have been made, until the payment is made.
- 15.7 In relation to any sums required to be paid by sub-paragraph 15.3(b), if the licensee does not make that payment on or before the date required in accordance with paragraph 15.4 or 15.5, it must pay to the ~~System Operator~~ ISOP an amount representing the rate of interest applicable to any part of the amount to be raised by the ~~System Operator~~ ISOP that is specified in the Shortfall Direction and set out in the ~~System Operator~~ ISOP's notice given to the licensee under ~~standard condition E14C24~~ of the Electricity System Operator Transmission Licence, until the payment is made.
- 15.8 Any interest payment owed under paragraph 15.6 or 15.7 must be made by the licensee as soon as possible after, and in any event no later than 28 days after, the date of the ~~System Operator~~ ISOP's invoice for such payment.

Definitions for condition

- 15.9 For the purposes of this condition:

Act means the Electricity Act 1989.

Base Interest Rate means, in respect of any day, the rate per annum which is equal to the base lending rate from time to time of Barclays Bank plc as at the close of business on the immediately preceding Business Day.

Business Day means any day of the week, other than a Saturday, on which banks are open for domestic business in the City of London.

Energy Administration Order has the same meaning as in section 154 of the Energy Act 2004.

ESC Administration Order has the same meaning as in section 94 of the Energy Act 2011.

Financial Year means a period of 12 months beginning on 1 April each year and ending on 31 March of the next calendar year.

Protected Energy Company has the same meaning as in section 154 of the Energy Act 2004.

Energy Supply Company has the same meaning as in section 94 of the Energy Act 2011.

Electricity System Operator Licence means a licence granted, or treated as granted, under section 6(1)(da) of the Act.

ISOP means the person for the time being designated as the Independent System Operator and Planner under section 162 of the Energy Act 2023 who holds an Electricity System Operator Licence and gas system planner licence.

Relevant Distributor has the same meaning as in section 184 of the Energy Act 2004.

Shortfall Direction has the same meaning as in standard condition ~~A1C24~~ of the Electricity System Operator Transmission Licence.

Smart Meter Communication Licensee has the same meaning as the "smart meter communication licensee" in section 2(5) of the Smart Meters Act 2018.

SMCL Administration Order has the same meaning as a "smart meter communication licensee administration order" in section 2(1) of the Smart Meters Act 2018.

Specified Area means the area specified in the Energy Act 2004 (Assistance for Areas with High Distribution Costs) Order 2005.

~~**System Operator** means the holder, from time to time, of an Electricity System Operator Transmission Licence.~~

the pence per kWh tariff means the tariff calculated in accordance with paragraph ~~92~~ of standard condition ~~E15C21~~ of the Electricity System Operator Transmission Licence.

~~**Transmission Licence** means a licence granted, or treated as granted, under section 6(1)(b) of the Act and in which Section C of the standard conditions of that licence has effect.~~

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Condition 47: Smart Metering – Matters Relating To Obtaining and Using Consumption Data

Application

- 47.1 Part A of this condition applies only in respect of each Domestic Premises (the **relevant premises**):
- (a) to which electricity is supplied through an Electricity Meter which forms part of a Smart Metering System; or
 - (b) to which electricity is supplied through a Remote Access Meter; and
 - (c) in respect of which the quantity of electricity supplied is measured by that Electricity Meter.
- 47.2 Part B of this condition applies only in respect of each Designated Premises at which the Customer is a Micro Business Consumer (the **micro business premises**):
- (a) to which electricity is supplied through an Electricity Meter which forms part of a Smart Metering System; or
 - (b) to which electricity is supplied through a Remote Access Meter; and
 - (c) in respect of which the quantity of electricity supplied is measured by that Electricity Meter.
- 47.3 Part C of this condition applies only in respect of each Domestic Premises or micro business premises:
- (a) from which electricity is exported; and
 - (b) in respect of which the quantity of electricity exported is measured by an Export Meter registered for the purposes of Settlement.

MHHS Data Access Framework Timing

- 47.4 The following timing applies in respect of the following paragraphs concerning the obtaining and use of Electricity Consumption Data and Electricity Export Data for Settlement Purposes:
- (a) the licensee must obtain data and use it in accordance with paragraphs 47.24, 47.38 and 47.42 from the date on which the relevant Electricity Meter is migrated into the Market-wide Half-Hourly Settlement System;
 - (b) the licensee may obtain data and use it in accordance with paragraphs 47.25, 47.39 and 47.43 from 01 October 2023 (or such earlier or later date as the Authority may publish in Writing, and on the basis that the

Authority may publish different dates for different categories of Customer and/or for different categories of Electricity Meter); and

- (c) the date(s) referred to in paragraph 47.4(b) will be known as the MHHS Data Access Commencement Date(s) (**MDACD**).

Provision of Information

47.5 In relation to paragraphs 47.16, 47.19, 47.22, 47.33 and 47.36, the licensee must provide to the Customer at the premises prior Notice setting out clear and accurate information, which does not mislead the Customer, explaining:

- (a) the choices they have regarding the licensee obtaining their Electricity Consumption Data for Settlement Purposes; and
- (b) the benefits of the licensee obtaining their Electricity Consumption Data for Settlement Purposes.

PART A. APPLICATION TO RELEVANT PREMISES

Prohibition on obtaining consumption data

47.6 Subject to paragraphs 47.7, 47.10, 47.16 and 47.19, the licensee must not, in respect of any relevant premises, obtain any Electricity Consumption Data which relates to a period of less than one month.

Exception to Prohibition – Obtaining consumption data for periods of less than one month

47.7 Paragraph 47.6 does not apply where:

- (a) the Electricity Consumption Data that is obtained relates to a period of less than one month but not less than one day; and
- (b) the requirements of either paragraph 47.8 or 47.9 are satisfied.

47.8 The requirements of this paragraph are that:

- (a) the licensee has given Notice to the Domestic Customer at the relevant premises informing the Domestic Customer:
 - (i) that the licensee intends to obtain Electricity Consumption Data which relates to any one or more periods of a length referred to in paragraph 47.7(a);
 - (ii) of the purposes (which purposes must not include Marketing) for which the licensee may use that Electricity Consumption Data; and
 - (iii) that the Domestic Customer may at any time object to the licensee obtaining that Electricity Consumption Data and of the process by which he may do so; and

- (b) the Domestic Customer has either:
 - (i) given explicit consent to the licensee obtaining that Electricity Consumption Data for the purposes set out in the Notice (and such consent has not been withdrawn); or
 - (ii) after at least seven days have elapsed from the date on which the Notice was given to them, not objected to the licensee obtaining that Electricity Consumption Data for the purposes set out in the Notice.

47.9 The requirements of this paragraph are that one of the following applies:

- (a) the licensee has reasonable grounds to suspect that there is an occurrence of theft or abstraction of electricity at the relevant premises, and it obtains Electricity Consumption Data which relates to any one or more periods of a length referred to in paragraph 47.7(a) only for the purposes of investigating that suspected theft or abstraction;
- (b) the licensee obtains Electricity Consumption Data which relates to a single period of a length referred to in paragraph 47.7(a) only for the purposes of:
 - (i) verifying the quantity of electricity supplied to the relevant premises since the last date in respect of which the licensee obtained Electricity Consumption Data that was used for the purposes of sending a Bill or statement of account to the Domestic Customer (the **Billing Date**); and
 - (ii) calculating and sending an accurate and up to date Bill or statement of account (including a final Bill or statement of account) to the Domestic Customer in respect of the Charges for the Supply of Electricity to the relevant premises since the Billing Date;
- (a) the licensee obtains Electricity Consumption Data which relates to any one or more periods of a length referred to in paragraph 47.7(a) only for the purposes of responding to an enquiry from or a complaint made by, or on behalf of, the Domestic Customer at the relevant premises and relating to the supply of electricity by the licensee to the relevant premises;
- (b) the licensee obtains Electricity Consumption Data which relates to any one or more periods of a length referred to in paragraph 47.7(a), only following receipt of a request of the type referred to in, and for the purposes of complying with the requirements of, paragraph 51.9(b) of standard condition 51 (Smart Metering – Customer Access to Consumption Data); or

- (e) the Electricity Meter forming part of the Smart Metering System or Remote Access Meter at the relevant premises is a Prepayment Meter, and the Electricity Consumption Data:
 - (i) is obtained only by virtue of the Remote Access Meter or Smart Metering System registering an advance payment made by the Domestic Customer through that Prepayment Meter; and
 - (ii) relates to a single period of a length referred to in paragraph 47.7(a) which corresponds to the period since the previous advance payment made by the Domestic Customer through that Prepayment Meter.

Exception to Prohibition – Obtaining consumption data for periods of less than a day

47.10 Paragraph 47.6 does not apply where:

- (a) the Electricity Consumption Data that is obtained relates to a period of less than one day; and
- (b) the requirements of either paragraph 47.11 or 47.12 are satisfied.

47.11 The requirements of this paragraph are that:

- (a) the licensee has given Notice to the Domestic Customer at the relevant premises informing the Domestic Customer:
 - (i) that the licensee intends to obtain Electricity Consumption Data which relates to any one or more periods of less than one day;
 - (ii) of the purposes for which the licensee may use that Electricity Consumption Data;
 - (iii) that the licensee requires the Domestic Customer's consent to obtain that Electricity Consumption Data; and
 - (iv) that where the Domestic Customer gives consent he may withdraw it at any time and of the process by which he may do so; and
- (b) the Domestic Customer has given their explicit consent to the licensee obtaining that Electricity Consumption Data for the purposes set out in the Notice and such consent has not been withdrawn.

47.12 The requirements of this paragraph are that:

- (a) where:
 - (i) there is a Remote Access Meter and the Authority has approved the Trial; or

- (ii) the Electricity Meter forms part of a Smart Metering System and the Secretary of State has approved the **Trial**; and
- (b) the relevant premises fall within that category;
- (c) the licensee has given at least 14 days advance Notice to the Domestic Customer at the relevant premises informing the Domestic Customer:
 - (i) of the nature and purpose of the Trial;
 - (ii) that he may at any time object to being included in the Trial;
 - (iii) of the process by which the Domestic Customer may object; and
- (d) the Domestic Customer has not objected to being included in the Trial.

Prohibition on use of Electricity Consumption Data obtained under paragraph 47.7 or 47.10

47.13 Subject to paragraph 47.14, the licensee must not use Electricity Consumption Data obtained under paragraph 47.7 or 47.10 other than for any of the following purposes:

- (a) calculating and sending a Bill or a statement of account to the Domestic Customer;
- (b) complying with a relevant condition or a relevant requirement;
- (c) where the requirements of paragraph 47.8 are satisfied, the purpose set out in the Notice given to the Domestic Customer under paragraph 47.8(a);
- (d) where any of the requirements of paragraph 47.9 are satisfied, the purpose for which the data was obtained in accordance with paragraph 47.9;
- (e) where the requirements of paragraph 47.11 are satisfied, the purpose set out in the Notice given to the Domestic Customer under paragraph 47.11(a);
- (f) where the requirements of paragraph 47.12 are satisfied, the purpose of the Trial.

Exception to prohibition on use of Electricity Consumption Data obtained under paragraph 47.7 or 47.10

47.14 The licensee may use Electricity Consumption Data obtained under paragraph 47.7 or 47.10 for purposes other than the purposes specified in paragraph 47.13 where:

- (a) it has given at least seven days advance Notice informing the Domestic Customer that it intends to use Electricity Consumption Data for the purposes specified in the Notice; and
- (b) the requirements of paragraph 47.15 are satisfied.

47.15 The requirements of this paragraph are that:

- (a) where the Electricity Consumption Data relates to any period of less than one day, the Domestic Customer has given explicit consent for that Electricity Consumption Data to be used for the purposes specified in the Notice;
- (b) where the Notice given under paragraph 47.14(a) specifies that the licensee intends to use Electricity Consumption Data for Marketing, the Domestic Customer has given explicit consent for the Electricity Consumption Data to be used for Marketing; and
- (c) in all other cases, the Domestic Customer has not objected to the Electricity Consumption Data being used for the purposes specified in the Notice.

Exception to prohibition in paragraph 47.6 - Obtaining half-hourly Electricity Consumption Data for Settlement Purposes

47.16 Paragraph 47.6 does not apply and the licensee must obtain Electricity Consumption Data relating to half-hourly periods for Settlement Purposes, if the requirements of paragraph 47.17 or 47.18 are met.

47.17 The requirements of this paragraph are that:

- (a) the Domestic Customer is a New System Customer; and
- (b) the Domestic Customer has, either (i) given their explicit consent to the licensee obtaining Electricity Consumption Data relating to half-hourly periods for Settlement Purposes; or (ii) after at least seven days have elapsed from the date on which the Notice was given to them, not objected to the licensee obtaining Electricity Consumption Data relating to half-hourly periods for Settlement Purposes (subject to paragraph 47.26(a)).

47.18 The requirements of this paragraph are that:

- (a) the Domestic Customer is an Old System Customer; and
- (b) the Domestic Customer has given explicit consent to the licensee obtaining Electricity Consumption Data relating to half-hourly periods for Settlement Purposes, and such consent has not been withdrawn (subject to paragraph 47.26(a)).

Exception to prohibition in paragraph 47.6 - Obtaining daily Electricity Consumption Data for Settlement Purposes

47.19 Paragraph 47.6 does not apply and the licensee must obtain Electricity Consumption Data relating to daily periods for Settlement Purposes, if the requirements of paragraphs 47.20 or 47.21 are met.

47.20 The requirements of this paragraph are that:

- (a) the Domestic Customer is a New System Customer; and
- (b) the Domestic Customer has objected to the licensee obtaining Electricity Consumption Data relating to half-hourly periods for Settlement Purposes (subject to paragraph 47.26(a)).

47.21 The requirements of this paragraph are that:

- (a) the Domestic Customer is an Old System Customer; and
- (b) the Domestic Customer has neither (i) given their explicit consent to the licensee obtaining Electricity Consumption Data relating to half-hourly periods for Settlement Purposes; nor (ii) after at least seven days have elapsed from the date on which the Notice was given to them, objected to the licensee obtaining Electricity Consumption Data relating to daily periods for Settlement Purposes.

Obtaining monthly Electricity Consumption Data for Settlement Purposes

47.22 The licensee must obtain Electricity Consumption Data relating to monthly periods for Settlement Purposes, if the requirements of paragraph 47.23 are met.

47.23 The requirements of this paragraph are that:

- (a) the Domestic Customer is an Old System Customer; and
- (b) the Domestic Customer has objected to the licensee obtaining Electricity Consumption Data relating to daily periods for Settlement Purposes.

Use of Electricity Consumption Data obtained for Settlement Purposes

47.24 The licensee must submit for use in Settlement the Electricity Consumption Data obtained in respect of the relevant premises pursuant to paragraphs 47.16, 47.19 and 47.22.

47.25 The licensee may also use Electricity Consumption Data obtained in respect of the relevant premises pursuant to paragraphs 47.16, 47.19 and 47.22 for either or both of the following purposes:

- (a) Forecasting; and/or
- (b) MHHS Business Readiness.

- 47.26 The following applies in respect of the relationship between obtaining half-hourly Electricity Consumption Data for Settlement Purposes, and for the purposes of calculating Charges:
- (a) a Domestic Customer who has agreed a Tariff whereby the Charges are calculated by reference to Electricity Consumption Data relating to half-hourly periods may not object or withdraw their consent to the licensee obtaining Electricity Consumption Data relating to half-hourly periods for Settlement Purposes; and
 - (b) a Domestic Customer who has not agreed a Tariff whereby the Charges are calculated by reference to Electricity Consumption Data relating to half-hourly periods may still separately consent or object to the licensee obtaining Electricity Consumption Data relating to half-hourly or daily periods for Settlement Purposes.

Maintaining records and informing customers

- 47.27 The licensee must, in respect of each of its Domestic Customers at relevant premises, at all times maintain an accurate and up to date record of:
- (a) the date of any Notice sent to the Domestic Customer under this condition and of the information contained in it;
 - (b) the nature of the Domestic Customer's response (if any) to that Notice;
 - (c) the time periods (by reference to length) in relation to which the licensee obtains or may obtain Electricity Consumption Data; and
 - (d) where the licensee obtains Electricity Consumption Data by virtue of the requirements of paragraph 47.9(a) a statement setting out the reasons why such requirements are satisfied in the circumstances of the case.
- 47.28 The licensee must, in accordance with paragraph 47.29, inform the Domestic Customer in Writing of:
- (a) the time periods (by reference to length) in relation to which the licensee obtains or may obtain Electricity Consumption Data;
 - (b) the purposes for which that Electricity Consumption Data is, or may be, used by the licensee; and
 - (c) where any of the time periods is of less than one month, the Domestic Customer's right, if any, to object or withdraw consent (as the case may be) to the licensee obtaining or using (as the case may be) that Electricity Consumption Data.
- 47.29 The licensee shall inform the Domestic Customer of the matters set out in paragraph 47.28:

- (a) where it installs or arranges for the installation of the Remote Access Meter or Smart Metering System at the Domestic Premises, on, or at any time during the 14 days prior to, the date of installation or as soon as reasonably practicable after the date of installation; and
- (b) in all cases, at such intervals as are determined appropriate by the licensee for the purposes of ensuring that the Domestic Customer is regularly updated of such matters.

PART B. MICRO BUSINESS PREMISES

Prohibition on obtaining Electricity Consumption Data

47.30 Subject to paragraphs 47.31 and 47.33, the licensee must not, in respect of any micro business premises, obtain any Electricity Consumption Data which relates to a period of less than one month.

Exception to prohibition on obtaining Electricity Consumption Data

47.31 Paragraph 47.30 does not apply where the requirements of paragraphs 47.31A, 47.31B or 47.31C are satisfied.

47.31A The requirements of this paragraph are:

- (a) the licensee has given at least seven days advance Notice to the Micro Business Consumer at the micro business premises informing the Micro Business Consumer:
 - (i) that the licensee intends to obtain Electricity Consumption Data which relates to any one or more periods of less than one month;
 - (ii) of the purposes for which the licensee may use that Electricity Consumption Data; and
 - (iii) that the Micro Business Consumer may at any time object to the licensee obtaining that Electricity Consumption Data and of the process by which he may do so; and
- (b)
 - (i) the Micro Business Consumer has not objected to the licensee obtaining that Electricity Consumption Data for the purposes set out in the Notice; or
 - (ii) the Micro Business Consumer has objected to the licensee obtaining Electricity Consumption data, which relates to any one or more periods of less than one month and the licensee is unable to remotely configure the Remote Access Meter to prevent that Electricity Consumption Data being automatically sent to the licensee or a third party, but as soon as reasonably practicable the licensee (subject to the overriding obligation in paragraph 47.38 in respect of data obtained as described in paragraph 47.35(b)):

- 1) takes all reasonable steps to prevent the third party passing that Electricity Consumption Data to the licensee or any other third party;
- 2) takes all reasonable steps to ensure the third party permanently erases that Electricity Consumption Data; and
- 3) permanently erases any of that Electricity Consumption Data it has obtained.

47.31B The requirements of this paragraph are that the Electricity Consumption Data that is obtained relates to a period of less than one month but not less than one day, and that one of the following applies:

- (a) the licensee has reasonable grounds to suspect that there is an occurrence of theft or abstraction of electricity at the micro business premises, and it obtains Electricity Consumption Data which relates to any one or more periods of a length referred to in this paragraph 47.31B only for the purposes of investigating that suspected theft or abstraction;
- (b) the licensee obtains Electricity Consumption Data which relates to a single period of a length referred to in this paragraph 47.31B only for the purposes of
 - (i) verifying the quantity of electricity supplied to the micro business premises since the last date in respect of which the licensee obtained Electricity Consumption Data that was used for the purposes of sending a Bill or a statement of account to the Micro Business Consumer (the **Billing Date**); and
 - (ii) calculating and sending an accurate and up to date Bill or statement of account (including a final Bill or statement of account) to the Micro Business Consumer in respect of the Charges for the Supply of Electricity to the micro business premises since the Billing Date;
- (c) the licensee obtains Electricity Consumption Data which relates to any one or more periods of a length referred to in this paragraph 47.31B only for the purposes of responding to an enquiry from or a complaint made by, or on behalf of, the Micro Business Consumer at the micro business premises and relating to the supply of electricity by the licensee to the micro business premises; or
- (d) the Electricity Meter forming part of the Smart Metering System or Remote Access Meter at the micro business premises is a Prepayment Meter, and the Electricity Consumption Data:

- (i) is obtained only by virtue of the Remote Access Meter or Smart Metering System registering an advance payment made by the Micro Business Consumer through that Prepayment Meter; and
- (ii) relates to a single period of a length referred to in this paragraph 47.31B which corresponds to the period since the previous advance payment made by the Micro Business Consumer through that Prepayment Meter.

47.31C 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).

Use of Electricity Consumption Data

47.32 The licensee must not use Electricity Consumption Data obtained in respect of any micro business premises other than for any of the following purposes:

- (a) calculating and sending a Bill or statement of account to the Micro Business Consumer;
- (b) complying with a relevant condition or a relevant requirement;
- (c) where the requirements of paragraph 47.31A are satisfied, the purpose set out in the Notice given to the Micro Business Consumer under paragraph 47.31A;
- (d) where any of the requirements of paragraph 47.31B are satisfied, the purpose for which the data was obtained in accordance with paragraph 47.31B.

Exception to prohibition in paragraph 47.30 – Obtaining half-hourly Electricity Consumption Data for Settlement Purposes

47.33 Paragraph 47.30 does not apply, and the licensee must obtain Electricity Consumption Data relating to half-hourly periods for Settlement Purposes, if the requirements of paragraph 47.34 or 47.35 are met.

47.34 The requirements of this paragraph are that the Micro Business Consumer is a New System Customer.

47.35 The requirements of this paragraph are that the Micro Business Consumer is an Old System Customer, and either:

- (a) the Micro Business Consumer has either (i) given their explicit consent to the licensee obtaining Electricity Consumption Data relating to half-hourly periods for Settlement Purposes; or (ii) after at least seven days have elapsed from the date on which the Notice was given to them, not objected to the licensee obtaining Electricity Consumption Data relating

to half-hourly periods for Settlement Purposes (subject to paragraph 47.40(a)); or

- (b) the Micro Business Consumer has objected to the licensee obtaining Electricity Consumption Data relating to half-hourly periods for Settlement Purposes, and the licensee is unable to remotely configure the Remote Access Meter to prevent that Electricity Consumption Data being automatically sent to the licensee or a third party, but as soon as reasonably practicable the licensee takes all reasonable steps to reconfigure the meter.

Obtaining monthly Electricity Consumption Data for Settlement Purposes

47.36 The licensee must obtain Electricity Consumption Data relating to monthly periods for Settlement Purposes if the requirements of paragraph 47.37 are met.

47.37 The requirements of this paragraph are that:

- (a) the Micro Business Consumer is an Old System Customer; and
- (b) the Micro Business Consumer has objected to the licensee obtaining Electricity Consumption Data relating to half-hourly periods for Settlement Purposes (subject to paragraph 47.40(a)), except to the extent that the licensee has obtained Electricity Consumption Data relating to half-hourly periods in the circumstances described in paragraph 47.35(b).

Use of Electricity Consumption Data obtained for Settlement Purposes

47.38 The licensee must submit for use in Settlement the Electricity Consumption Data obtained in respect of the micro business premises pursuant to paragraph 47.33 or 47.36.

47.39 The licensee may also use Electricity Consumption Data obtained in respect of the micro business premises pursuant to paragraphs 47.33 and 47.36 for either or both of the following purposes:

- (a) Forecasting; and/or
- (b) MHHS Business Readiness.

47.40 The following applies to Micro Business Consumers who are Old System Customers in respect of the relationship between obtaining half-hourly Electricity Consumption Data for Settlement Purposes, and for the purpose of calculating Charges:

- (a) a Micro Business Consumer who has agreed a Tariff whereby the Charges are calculated by reference to Electricity Consumption Data relating to half-hourly periods may not object to the licensee obtaining

Electricity Consumption Data relating to half-hourly periods for Settlement Purposes; and

- (b) a Micro Business Consumer who has not agreed a Tariff whereby the Charges are calculated by reference to Electricity Consumption Data relating to half-hourly periods may still separately consent or object to the licensee obtaining Electricity Consumption Data relating to half-hourly periods for Settlement Purposes.

PART C. EXPORT METERS

47.41 The licensee must obtain Electricity Export Data relating to half hourly periods for Settlement Purposes.

47.42 The licensee must submit for use in Settlement the Electricity Export Data obtained pursuant to paragraph 47.41.

47.43 The licensee may also use Electricity Export Data obtained pursuant to paragraph 47.41 for either or both of the following purposes:

- (a) Forecasting; and/or
- (b) MHHS Business Readiness.

Interpretation and Definitions

47.44 In this condition, any reference:

- (a) to Electricity Consumption Data being ‘obtained’ by the licensee shall be read as incorporating a reference to the licensee requesting any other person to obtain that Electricity Consumption Data on its behalf (and references to ‘obtain’ and ‘obtaining’ shall be construed accordingly);
- (b) to the licensee obtaining Electricity Consumption Data which ‘relates to’ a specified period, shall be read as incorporating a reference to the licensee obtaining any data which would allow it to calculate Electricity Consumption Data in respect of that period (and references to Electricity Consumption Data being ‘in relation to’ a period of time shall be construed accordingly).

47.45 For the purposes of this condition:

- | | |
|-------------------------------------|---|
| Electricity Consumption Data | means, in respect of a relevant premises or a micro business premises, the quantity of electricity measured by the Electricity Meter as having been supplied to the relevant premises or the micro business premises. |
| Electricity Export Data | means, in respect of a premises, the quantity of electricity measured by the |

	Export Meter as having been exported from the premises.
Export Meter	means an Electricity Meter comprising or forming part of a Remote Access Meter or a Smart Metering System which measures the quantity of electricity exported from a premises.
Forecasting	means the process by which the licensee predicts their potential future position with regards to liabilities and charges under Settlement. Provided that all Personal Data must be anonymised and aggregated as early in the relevant process as is reasonably practicable.
Market-wide Half-Hourly Settlement System	means the system under the Balancing and Settlement Code for market-wide half-hourly settlement.
Marketing	means: <ul style="list-style-type: none">(a) any activities of the licensee or its Representatives which are directed at or incidental to identifying and communicating with Domestic Customers for the purpose of promoting the provision of goods or services by any person and includes entering into contracts for the provision of goods or services with such customers;(b) the licensee or its representatives disclosing Electricity Consumption Data to any other person for the purposes of that person undertaking activities which are directed at or incidental to identifying and communicating with Domestic Customers for the purpose of promoting the provision of goods or services by any person, including the entering into contracts for the provision of goods or services with such customers,

but for these purposes ‘goods or services’ shall be taken to exclude the supply of electricity by the licensee.

MHHS Business Readiness

means undertaking preparations for the purposes of implementing and delivering Market-Wide Half-Hourly Settlement, including (a) improving Forecasting techniques or processes; and (b) the development of new electricity supply products and services aimed at broad market segments. Provided that all Personal Data must be anonymised and aggregated as early in the relevant process as is reasonably practicable.

MHHS Data Access

Commencement Date (MDACD)

means the date from which the licensee may obtain data in accordance with paragraph 47.4(b).

Micro Business Consumer

has the meaning given to it in standard condition 7A (Supply to Micro Business Consumers).

New System Customer

means:

- (a) a Domestic Customer or Micro Business Consumer who had their Remote Access Meter or Smart Metering System installed after the date on which this definition came into effect; or
- (b) a Domestic Customer or Micro Business Consumer who had their Remote Access Meter or Smart Metering System installed before this definition came into effect, and who since such date has entered into a new Contract (but excluding Deemed Contracts).

Old System Customer

means a Domestic Customer or a Micro Business Consumer that is not a New System Customer.

Personal Data

has the meaning given to that expression in the Data Protection Act 2018.

Remote Access Meter	<p>means an Electricity Meter that, either on its own or with an ancillary device:</p> <ul style="list-style-type: none">(a) provides measured Electricity Consumption Data for multiple time periods and is able to provide such data for periods of less than one month;(b) is able to provide the licensee with remote access to such data; and(c) is not a Smart Metering System or part of a Smart Metering System.
Settlement	<p>means the arrangements for determination, allocation and/or settlement of the financial obligations defined in paragraph 12 of standard licensee condition E1C3 (Balancing and Settlement Code (BSC)) of the <u>Electricity System Operator</u> Transmission Licence, as further specified in the Balancing and Settlement Code.</p>
Settlement Purposes	<p>means Settlement, and also Forecasting and MHHS Business Readiness.</p>
Trial	<p>means proposals submitted by the licensee for obtaining Electricity Consumption Data which relates to any one or more periods of less than one day, in respect of a particular category of relevant premises and for a particular purpose (in each case as specified in the proposal), on a trial basis.</p>