

Notice and Decision on Code of Practice for Consumers in Vulnerable Circumstances Licence Modifications for Energy Companies

30 September 2024



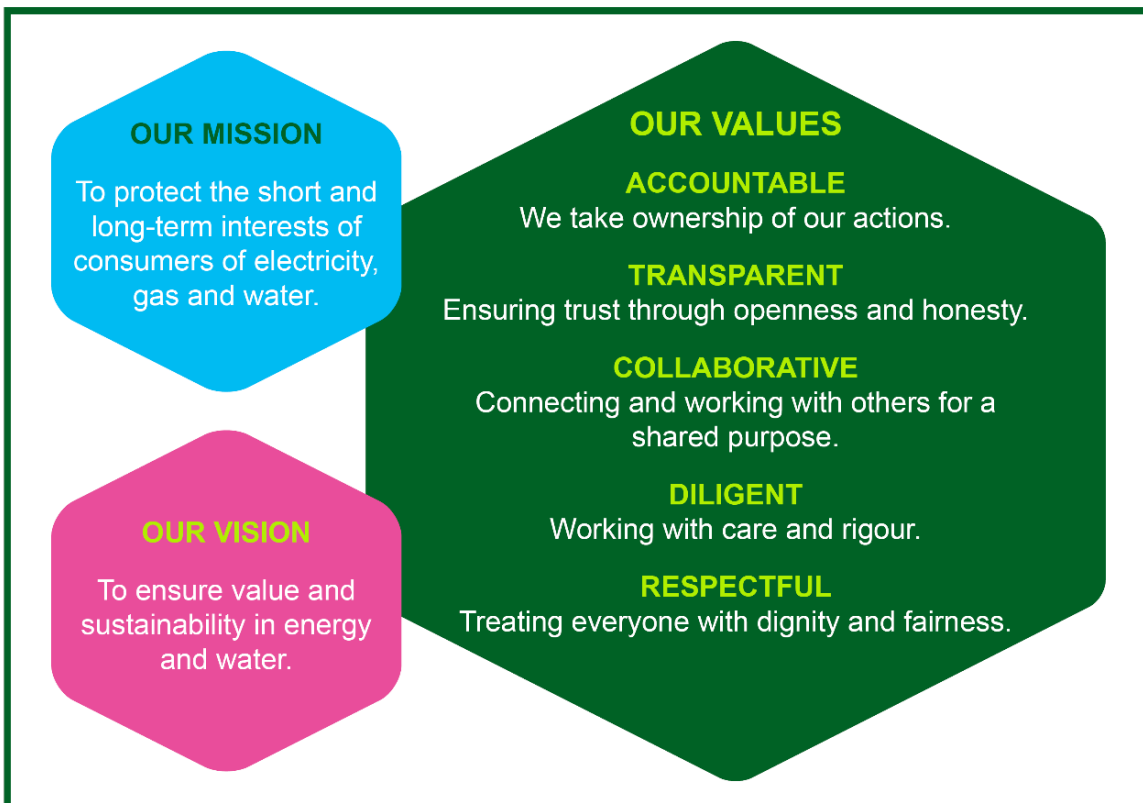
About the Utility Regulator

The Utility Regulator is the independent non-ministerial government department responsible for regulating Northern Ireland's electricity, gas, water and sewerage industries, to promote the short and long-term interests of consumers.

We are not a policy-making department of government, but we make sure that the energy and water utility industries in Northern Ireland are regulated and developed within ministerial policy as set out in our statutory duties.

We are governed by a Board of Directors and are accountable to the Northern Ireland Assembly through financial and annual reporting obligations.

We are based at Queens House in the centre of Belfast. The Chief Executive and two Executive Directors lead teams in each of the main functional areas in the organisation: CEO Office; Price Controls; Networks and Energy Futures; Markets; Consumer Protection and Enforcement. The staff team includes economists, engineers, accountants, utility specialists, legal advisors and administration professionals.



Abstract

The Utility Regulator published a new mandatory Code of Practice (CoP) for Consumers in Vulnerable Circumstances in March 2024 that covers domestic premises for electricity, gas and water. The decision paper included the implementation of a licence modification to ensure compliance with the CoP for Consumers in Vulnerable Circumstances. This paper sets out our final decisions on the licence modifications for all relevant electricity and gas distribution licence holders and all electricity and gas supply licence holders.

Audience

This licence modification decision paper will be of interest to gas and electricity suppliers, electricity and gas distribution companies and organisations representing consumer interests.

Consumer impact

The objective of introducing the new CoP for Consumers in Vulnerable Circumstances is to address the current gaps in the service provision for domestic utility consumers in vulnerable circumstances within Northern Ireland and ensure they are identified, adequately protected, and receive an appropriate level of support from across the three regulated sectors. The new CoP will also ensure that the minimum level of support and protections offered to Northern Ireland consumers is consistent, effectively promoted and reflective of best practice exemplars seen in Great Britain and across other jurisdictions and regulated sectors.

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Executive Summary

The Utility Regulator (UR) established the Best Practice Framework (BPF) programme to develop best practice principles and measures which utility suppliers and distribution network companies (DNOs) in Northern Ireland across electricity, gas and water must implement to better identify, support and protect consumers in vulnerable circumstances.

The main delivery mechanism for this programme is via a new mandatory Code of Practice (CoP) for Consumers in Vulnerable Circumstances. Through development of this CoP, we aimed to address the gaps and inconsistencies in the regulatory frameworks between DNOs and suppliers and across regulated sectors in regard to the support and protections for consumers in vulnerable circumstances. The new CoP will also ensure that the minimum level of support and protections offered to Northern Ireland consumers is consistent, adequately promoted and reflective of best practice exemplars seen in Great Britain (GB) and across other jurisdictions and regulated sectors.

We consulted on the CoP for Consumers in Vulnerable Circumstances in January 2022 and again in June 2023. We also offered industry and consumer groups the option of individual meetings to discuss their views on the development of the code. The CoP was finalised with our decision paper in March 2024. We consider that the best approach to implementing the new CoP for Consumers in Vulnerable Circumstances is to place a licence condition on licensees to comply with the CoP. This approach has been fully supported by responses received through our consultation process.

In May 2024 we consulted on our proposed licence modifications to the relevant licences. We received seven responses to the consultation. These have been published with this decision paper. All representations have been considered.

This paper sets out our final decisions on the licence modifications following consideration of the responses received. The final licence modifications and applicable licence condition numbering for each licence affected are presented in the appendices of this paper. The requisite legal notices to licensees setting out the final licence modifications, required under the Electricity (Northern Ireland) Order 1992 and the Gas (Northern Ireland) Order 1996, are also presented in the appendices. The full amended licences incorporating the new CoP for Consumers in Vulnerable Circumstances licence condition will be available on our website shortly. The licence modifications will take effect from 25 November 2024.

1. Background

- 1.1 The implementation of the new mandatory CoP for Consumers in Vulnerable Circumstances will be the main delivery mechanism for our Best Practice Framework (BPF) programme. The BPF programme was established by UR to develop best practice principles and measures which utility suppliers and distribution network companies (DNOs) in Northern Ireland across electricity, gas and water must implement to better identify, support and protect consumers in vulnerable circumstances.
- 1.2 We consulted extensively as part of the development of the CoP for Consumers in Vulnerable Circumstances. An approach paper¹ was published in January 2022 followed by a consultation paper² in June 2023. We also offered industry and consumer groups the option of individual meetings to discuss their views on the development of the code.
- 1.3 Following consideration of the responses we published our final decisions on the CoP for Consumers in Vulnerable Circumstances³ on 27 March 2024. The decision paper set out that supplier and DNO licences (for electricity, gas and water) will be modified to include a condition to comply with the CoP for Consumers in Vulnerable Circumstances.
- 1.4 Before making any licence modifications UR is required to consult on its proposals under and in accordance with Article 14(2) of the Electricity (Northern Ireland) Order 1992, Article 14(2) of the Gas (Northern Ireland) Order 1996 and Article 20(2) of the Water and Sewerage Services (Northern Ireland) Order 2006.
- 1.5 Accordingly, in May 2024 we consulted on the licence modifications we proposed to make to NIE Network's distribution licence, the gas conveyance (distribution) licences, Northern Ireland Water's Licence and all electricity and gas supply licences⁴.
- 1.6 We received seven responses to our consultation. These responses were from:
 - Budget Energy and Flogas Natural Gas

¹ [UREGNI Best Practice Framework Programme: Proposed approach to delivery, content, monitoring and reporting Consultation Paper](#)

² [UREGNI Best Practice Framework Programme: Code of Practice for Consumers in Vulnerable Circumstances Consultation Paper](#)

³ [UREGNI Best Practice Framework Programme: Code of Practice for Consumers in Vulnerable Circumstances Decision Paper](#)

⁴ [Consultation on Electricity and Gas Licence Modifications - CoP Consumers in Vulnerable Circumstances](#)

- Consumer Council for Northern Ireland (CCNI)
- Evolve
- Firmus Energy
- NIE Networks
- Northern Ireland Water
- Phoenix Energy

1.7 A summary of the comments received and our responses are set out in Section 2.

Service Excellence

1.8 Our Corporate Strategy 2024-2029⁵ sets out our commitment to protecting Northern Ireland's energy and water consumers. Strategic objectives 3 and 4 of the strategy outline our expectations around enabling best in class energy and water companies and providing the highest level of consumer service and protection.

1.9 Through our strategy we outlined that we would ensure that the energy and water companies we regulate compared to the best. The new mandatory CoP for Consumers in Vulnerable Circumstances will ensure that all domestic utility consumers receive an enhanced level of consumer protection across electricity, gas and water. The mandatory requirements in the CoP are the minimum requirements that we would expect from licensees in delivering a service through which any consumer in a vulnerable circumstance is adequately served and protected, ensuring all consumers receive fair and positive outcomes. We want licensees to be innovative and responsive to their customer needs (especially those in vulnerable circumstances), while delivering the essential energy services needed by all consumers across Northern Ireland.

1.10 We expect all licensees to continue to identify ways in which they can differentiate themselves in the market and deliver ever better services and protection for consumers in vulnerable circumstances beyond the mandated minimum requirements in the CoP.

⁵ [Protecting Consumers on the way to Net Zero – Utility Regulator launches new Corporate Strategy 2024-2029 | Utility Regulator \(uregni.gov.uk\)](https://www.uregni.gov.uk/protecting-consumers-on-the-way-to-net-zero-utility-regulator-launches-new-corporate-strategy-2024-2029)

2. Proposed Licence Modifications

Overview

2.1 We consulted on the proposed modifications to NIE Network's distribution licence, the gas conveyance (distribution) licences, Northern Ireland Water's licence and all electricity and gas supply licences in May 2024.

2.2 The proposed licence modifications are set out below:

- Introduce a new licence condition within electricity distribution, gas conveyance (distribution), NI Water's licence⁶ and electricity and gas supply licences that requires compliance with the CoP for Consumers in Vulnerable Circumstances.
- The CoP for Consumers in Vulnerable Circumstances will replace an existing CoP which electricity and gas suppliers are bound to through their relevant supply licence condition on 'Code of Practice on Provision of Services for Persons who are of Pensionable Age or Disabled or Chronically Sick' and an existing CoP in the electricity distribution licence on 'Provision of services for persons who are of pensionable age or disabled'. Therefore we proposed to remove any existing licence condition on 'Code of Practice on Provision of Services for Persons who are of Pensionable Age or Disabled or Chronically Sick' and 'Provision of services for persons who are of pensionable age or disabled' and any reference to these codes or their associated licence conditions, throughout the applicable licences.
- The new CoP for Consumers in Vulnerable Circumstances is a mandatory CoP whereby all requirements must be complied with⁷. The CoP it replaces in electricity and gas supply licences and the electricity distribution licence is a minimum standards CoP. Under this requirement a minimum standards CoP has to be submitted to the Authority (UR) for approval and this is set out in the relevant licences. However, a mandatory CoP does not need to be approved by UR, therefore we proposed to remove any reference in the licence that would require the licence holder to either submit the old CoP or the new CoP for Consumers in Vulnerable Circumstances to UR for

⁶ Please note that a separate Notice and Consultation to introduce the CoP for Consumers in Vulnerable Circumstances was published for NI Water's licence. This is because the Notice was consulting on the new condition for the CoP for Consumers in Vulnerable Circumstances, alongside additional modifications that were not applicable to electricity and gas licences.

⁷ Please note licensees can go above and beyond the requirements in the CoP.

approval, as this would not be required for a mandatory code.

- The condition requires the licensee to comply with the obligations of the CoP for Consumers in Vulnerable Circumstances and that the licensee procures that its agents or sub-contractors comply with the obligations of the CoP for Consumers in Vulnerable Circumstances.
- The condition implements a new wider definition of vulnerable/vulnerability which the licensee must apply to all vulnerability and vulnerable requirements throughout their licence and Codes of Practice.
- The condition provides for UR to modify the CoP for Consumers in Vulnerable Circumstances following consultation with stakeholders.

2.3 We received seven responses to our consultation. In general the comments were supportive of the proposed licence modifications. We also received some comments on wider licence changes which we have considered.

2.4 Some stakeholders provided specific comments on the CoP for Consumers in Vulnerable Circumstances. Decisions on the CoP for Consumers in Vulnerable Circumstances were covered in a separate decision paper following on from a consultation on the proposed decisions. We have written separately to stakeholders where their comments relate specifically to the CoP and highlighted where these comments are covered in the CoP decision paper.

Loss of protection

2.5 A gas DNO commented on our proposed removal of Condition 2.11.5⁸ from gas supply licences, specifically 2.11.5 (d) that requires gas supply licence

⁸ Gas Supply Licence

2.11.5 The Code of Practice shall include the Licensee's arrangements for:

- (a) establishing and maintaining a register which:
 - (i) lists all of the Licensee's domestic consumers who are of pensionable age, disabled or chronically sick and have asked to be included in the register; and
 - (ii) contains sufficient information about the age, disability or chronic sickness of each such domestic consumer in order to identify his special needs or requirements;
- (b) informing on at least an annual basis each of its domestic consumers of the existence of the register and how domestic consumers who are of pensionable age, disabled or chronically sick can be included on it;
- (c) providing, without charge, to a domestic consumer included on the register, advice and information on the services that can be provided to him by the Licensee because of his age, disability or chronic sickness; and
- (d) providing the information in the register to any relevant party licensed under the Gas Order to convey gas to the domestic consumer's premises in an appropriate form and at appropriate intervals.

holders to provide information on their register (of domestic consumers who are of pensionable age, disabled or chronically sick) to any relevant party licensed under the Gas Order to convey gas to the domestic consumer's premises in an appropriate form and at appropriate intervals.

- 2.6 The respondent was of the opinion that the CoP for Consumers in Vulnerable Circumstances does not sufficiently cover the requirement of 2.11.5 (d). It was noted that while the new CoP requires companies to share data with the relevant customer care register (CCR) holder, gas DNOs do not hold CCRs. It was considered that if condition 2.11.5 (d) was removed from gas supply licences, then gas suppliers would no longer be required to provide this data to gas conveyance licensees and gas distribution companies would therefore be unable to meet their licence requirements under Condition 2.8.4⁹.
- 2.7 To address this and allow gas DNOs to continue to meet their licence requirements under Condition 2.8.4, the respondent requested that UR retain the requirements of Condition 2.11.5 in gas supply licences.

UR response

- 2.8 We agree that the CoP for Consumers in Vulnerable Circumstances does not include the same requirement as is provided in Condition 2.11.5 (d) of the gas supply licence. Therefore, if this requirement is removed it could result in gas distribution companies no longer being able to meet their licence obligations under Condition 2.8.4. This would create a gap in consumer protection.
- 2.9 To ensure gas distribution companies are able to meet their licence requirements under Condition 2.8.4, we will maintain the proposal of removing Condition 2.11.5 from gas supply licences but add the requirements of Condition 2.11.5 (d) to the new CoP. This will enable gas

⁹ Gas Conveyance (Distribution) Licences

2.8.4 Special arrangements for pensioners, etc

Unless it has already done so, the Licensee shall make arrangements whereby, so far as is reasonably practicable, the occupier of any premises to which gas is conveyed by the Licensee who:

- (a) is a domestic consumer;
- (b) is chronically sick, disabled or of pensionable age;
- (c) does not share the occupancy of the premises with any person who is not chronically sick, disabled or of pensionable age or a minor; and
- (d) is included in the list of domestic consumers information in respect of which has been provided to the Licensee by any other gas supplier under the conditions of that party's licence or exemption;

is not deprived of adequate heating and cooking facilities where the conveyance of gas to those premises has been disconnected for the purpose of averting danger to life or property.

distribution companies to be able to meet their licence requirements under Condition 2.8.4. This requirement has been added to the CoP under measure 3.1, as set out below.

Measure 3.1 – Provide the applicable customer care register holder with the relevant and lawful details (required for the customer care register), of any domestic customers who are of pensionable age, disabled, have a terminal illness or chronically sick [medical care register], or are represented by UR’s vulnerability definition, and who wish to be included on the list.

- i. Until such time as there is a centralised utility customer care register, gas suppliers must provide the relevant and lawful details of any domestic customers who are of pensionable age, disabled or chronically sick to any relevant party licensed under the Gas Order to convey gas to the domestic consumer’s premises in an appropriate form and at appropriate intervals.

2.10 We have consulted¹⁰ on this modification to the CoP with domestic gas suppliers (who the change in the CoP will affect), Gas DNOs and the General Consumer Council for Northern Ireland (CCNI).

Provision to amend the CoP

2.11 A supplier responded that the proposed licence condition has reduced the level of detail traditionally included in other CoPs in the supply licence. They sought clarity if this would mean that the requirements in the CoP could be modified in the future without requiring an update to the licence itself or by way of an industry consultation.

2.12 The supplier was concerned that changes to the requirements of the CoP without corresponding updates to the licence could introduce uncertainty and complicate the licensee’s ability to plan and makes changes operationally, especially if changes were introduced that were not fully consulted on or at short notice.

UR response

2.13 The new licence condition for the CoP allows the CoP to be modified without requiring an update to the licence itself. However, the CoP will only be amended after consultation with the companies who the proposed change would affect, along with CCNI. This is provided in the new licence condition

¹⁰ The consultation was carried out in accordance with paragraph 1.8 of the CoP for Consumers in Vulnerable Circumstances: “Where UR considers it necessary to amend this CoP it will consult on any proposed changes. The consultation may be restricted to industry (i.e. any company holding an electricity, gas or water distribution or supply licence) and may include key stakeholders (e.g. consumer groups) or may be a public consultation, depending on the nature of the changes.”

‘The Authority, following consultation with the Licensee, the General Consumer Council and any other person who in the opinion of the Authority is likely to be interested or affected, may from time to time make such modifications to the Code of Practice for Consumer in Vulnerable Circumstances, as the Authority considers are necessary or expedient.’

- 2.14 We consider this provision to amend the CoP through consultation rather than licence modification is beneficial, as it will make the CoP more adaptable to developments and changes in the market and allow adjustments to be made if upon implementation it is discovered that any of the requirements need amended. This will enable amendments to be carried out over a shorter timeframe and should be less of a resource burden for stakeholders. Changes to the CoP could also be made following a company’s request, if for example areas for improvement were identified. We will not make any changes to the CoP without first consulting the companies who would have to comply with the change (and the General Consumer Council for Northern Ireland). This consultation would be carried out in advance of any amendments and we would work with companies to decide the lead in time for any changes to come into effect.

Compliance with the CoP

- 2.15 A respondent noted that they may not meet the requirements of the new CoP immediately but will work towards this as soon as is reasonably practicable.

UR response

- 2.16 We note that once the licence modifications to implement the condition ‘Code of Practice for Consumers in Vulnerable Circumstances’ take effect, licensees must be compliant with all the requirements in the condition (this includes all the required measures in the CoP). If a licensee considers that they will not be compliant with any aspects, then they must report this to UR through their licence reporting framework.

Wider licence changes

Name change

- 2.17 A gas DNO sought for their licence to be updated to reflect their registered company name which was changed in October 2023.

UR response

- 2.18 We acknowledge the name change but note that a separate licence modification for gas conveyance (distribution) licences is currently out for consultation which includes updates to the names and address details of

licensees¹¹. We will therefore not be updating the name on the licence within this licence modification.

Reference to the “General Consumer Council for Northern Ireland”

- 2.19 A gas DNO commented that the reference to “General Consumer Council” should be replaced with “Consumer Council for Northern Ireland” for consistency with the rest of their licence.

UR response

- 2.20 There are different terms used to refer to the General Consumer Council for Northern Ireland (CCNI) across the different licences. Gas conveyance (distribution) licences refer to “Consumer Council for Northern Ireland”, gas and electricity supply licences refer to the “General Consumer Council”, NI Water’s licence refers to “the General Consumer Council” and NIE Network’s licence refers to “Consumer Council”.
- 2.21 We agree that a consistent term should be used for CCNI, both within licences and across the licences we issue. The definition reads “General Consumer Council for Northern Ireland” in The General Consumer Council (Northern Ireland) Order 1984 and across the relevant legislation for electricity, gas and water¹².
- 2.22 Within electricity and gas supply licences, NIE Network’s licence and NI Water’s licence a definition is provided in their general licence conditions to allow use of shorter terminology to reference the General Consumer Council for Northern Ireland throughout the rest of their licence (see Table 1 below).

Licence	General Condition (definition)
Electricity Supply Condition 1(3)	“ General Consumer Council ” means the General Consumer Council for Northern Ireland
Gas Supply Condition 1.1.6	“ General Consumer Council ” means the General Consumer Council for Northern Ireland
Electricity DNO Condition 1(3)	“ Consumer Council ” means the Consumer Council for Northern Ireland
Gas DNO	No definition for CCNI included in the general conditions
NI Water Condition A(3)	“ the General Consumer Council ” means the General Consumer Council for Northern Ireland on which functions in relation to consumer matters are conferred by Chapter III of Part III of the Order

Table 1: Definitions of CCNI across licences

¹¹ [Notice and consultation on proposed administrative changes to gas distribution licences | Utility Regulator \(uregni.gov.uk\)](#)

¹² [The General Consumer Council \(Northern Ireland\) Order 1984 \(legislation.gov.uk\)](#)
[The Electricity \(Northern Ireland\) Order 1992 \(legislation.gov.uk\)](#)
[The Energy \(Northern Ireland\) Order 2003 \(legislation.gov.uk\)](#)
[The Water and Sewerage Services \(Northern Ireland\) Order 2006 \(legislation.gov.uk\)](#)

2.23 We are in favour of maintaining the use of shorter terminology for CCNI throughout the licence by including a definition in the general conditions of the licence. For consistency across licences, we have decided to have reference to CCNI as “General Consumer Council” across all licences. As this is not a substantive change, we are therefore modifying the electricity DNO licence (Condition 1) and NI Water’s licence (Condition A) to change the terminology in the general conditions for the “General Consumer Council for Northern Ireland” to be “General Consumer Council”. For the gas DNO licences we are introducing a definition (in Condition 1.1) for “General Consumer Council for Northern Ireland” to be “General Consumer Council”. We will also update any reference to CCNI throughout these licences to be “General Consumer Council”. Within gas supply licences, we will amend any references to CCNI that are not consistent with the terminology used in the definition under Condition 1.1 (General Consumer Council). This will ensure consistency in terminology across licences. We have engaged with CCNI on this change and they are content with this approach.

Gas Conveyance Licence Condition 2.8.4

- 2.24 A gas DNO commented on a licence requirement that was not part of the proposed licence modifications. This was condition 2.8.4 where it is required that vulnerable customers are not deprived of adequate heating and cooking facilities where the conveyance of gas to those premises has been disconnected for the purpose of averting danger to life or property¹³.
- 2.25 The respondent stated that they consider that the requirement to provide cooking facilities is no longer reasonable given that consumers typically have access to alternative cooking facilities and are no longer solely reliant on gas cooking appliances. For this reason they asked that UR remove the requirement in Condition 2.8.4 to provide cooking facilities.

UR response

- 2.26 We are not modifying the gas conveyance licence to remove the requirement in Condition 2.8.4 to provide cooking facilities.
- 2.27 If a customer has access to alternative cooking facilities (that do not require gas) then the gas distribution company will not need to provide any cooking facilities to the customer, as the customer will have ‘adequate’ facilities without the need of gas. Therefore, removal of ‘cooking facilities’ from the condition is not required. Maintaining the reference to ‘cooking facilities’ provides a safeguard for customers who may not have access to any

¹³ “is not deprived of adequate heating and cooking facilities where the conveyance of gas to those premises has been disconnected for the purpose of averting danger to life or property.”

alternative cooking facilities.

Revised licence modifications

- 2.28 For electricity supply licences we have made no amendments to the proposed licence modifications. For gas supply licences we have amended any references to CCNI that are not consistent with the terminology used in the definition under Condition 1.1 of the gas supply licence.
- 2.29 For the electricity DNO licence and NI Water's licence we are amending Condition 1 and Condition A (respectively) to change the terminology in the general conditions for the "General Consumer Council for Northern Ireland" to be referred to as "General Consumer Council" and for the gas DNO licence we are introducing a definition (in Condition 1.1) for "General Consumer Council for Northern Ireland" to be referred to as "General Consumer Council". We will also update any reference to CCNI throughout these licences to be "General Consumer Council".

3. Licence Modification Decision

3.1 The licence modifications for the relevant electricity and gas licences are presented in this section. The numbered licence conditions for each type of licence, any deletions and the legal notice to modify a licence, are set out in separate appendices to this paper.

Electricity Distribution Licence Modifications

3.2 We are amending the electricity distribution licence to replace an existing condition and remove reference to that condition throughout the licence. The new condition will reflect the introduction of the CoP for Consumers in Vulnerable Circumstances. The affected licence is outlined below:

Affected Licence	Condition
<ul style="list-style-type: none"> Northern Ireland Electricity Networks Ltd 	<p>Replace Condition 37 'Provision of services for persons who are of pensionable age or disabled' with new Condition on 'Code of Practice for Consumers in Vulnerable Circumstances'.</p> <p>Modify Condition 41 to remove reference to Condition 37.</p> <p>Modify Condition 1(3) to change "Consumer Council" to "General Consumer Council" and amend the corresponding definition to mean the General Consumer Council for Northern Ireland.</p> <p>Throughout the licence replace reference to "Consumer Council" with "General Consumer Council". This occurs in the following conditions: 7(2)(b); 7(2)(c)(ii)(B); 7(3)(a); 7(3)(b); 39(2); 40; 40(1); 40(2); 40(3); 41(2); 41(6); 41(7); 41(8).</p>

Condition 37: Code of Practice for Consumers in Vulnerable Circumstances

1. The arrangements in the Code of Practice for Consumers in Vulnerable Circumstances shall be applicable to persons occupying domestic premises¹⁴.
2. The Licensee shall (and shall procure that its agents or sub-contractors shall) comply with the obligations applicable to it under the Code of Practice for Consumers in Vulnerable Circumstances.
3. The Authority, following consultation with the Licensee, the General Consumer Council and any other person who in the opinion of the Authority is likely to be interested or affected, may from time to time make such modifications to the Code of Practice for Consumers in Vulnerable Circumstances, as the Authority considers are necessary or expedient.

4. In this Condition:

Code of Practice for Consumers in Vulnerable Circumstances means the relevant document of that name, prepared and published from time to time by the Authority, relating to the activities for protecting consumers in vulnerable circumstances.

Vulnerable or Vulnerability means 'A consumer is deemed vulnerable when their personal characteristics or circumstances reduce their ability to engage effectively and achieve fair outcomes. A vulnerable consumer is significantly less able to protect or represent their interests and significantly more likely to suffer detrimental impacts on their health, wellbeing or finances'.

Agents or Subcontractors means any person directly or indirectly authorised to represent the Licensee in its dealings with consumers or other Licensees.

¹⁴ Please note, in the appendix to the consultation on the licence modification to introduce the new CoP into NIEN's licence (Appendix 1 – NIE Networks Distribution Licence Modification Notice), paragraph 1 of Condition 37 was written as 'This Condition shall apply where the Licensee supplies, or offers to supply, electricity to Domestic Premises.' This has been amended in the final Notice to align with the appropriate wording 'The arrangements in the Code of Practice for Consumers in Vulnerable Circumstances shall be applicable to persons occupying domestic premises', as per the main consultation document.

Electricity Supply Licence Modifications

- 3.3 We are amending all electricity supply licences to replace an existing condition and remove reference to that condition throughout the licence. The new condition will reflect the introduction of the CoP for Consumers in Vulnerable Circumstances. The affected licences are outlined below:

Affected Licences	Condition
<ul style="list-style-type: none"> AES Ballylumford Limited Bord Gáis Energy Limited Budget Energy Limited Click Energy Electric Ireland (ESBIE NI Ltd) Electricity Supply Board (ESB) ElectroRoute Energy Energia Customer Solutions NI Limited firmus energy (supply) Limited Flogas Enterprise Solutions Limited Gaelectric Green Energy Limited Go Power (LCC Power Limited) LCC Group Limited Orsted Onshore Green Energy NI Limited Power NI (NIE Energy Ltd) Share Energy Trading Ltd SSE Airtricity Energy Supply Limited Statkraft Markets GmbH 3T Power Limited 	<p>Replace Condition 31 'Code of Practice on Provision of Services for persons who are of Pensionable Age or Disabled or Chronically Sick' with new Condition on 'Code of Practice for Consumers in Vulnerable Circumstances'.</p> <p>Modify Condition 35 to remove reference to Condition 31 and 'Code of Practice on Provision of Services for persons who are of Pensionable Age or Disabled or Chronically Sick'.</p>

Condition 31: Code of Practice for Consumers in Vulnerable Circumstances

1. This Condition shall apply where the Licensee supplies, or offers to supply, electricity to Domestic Premises.
2. The Licensee shall (and shall procure that its agents or sub-contractors shall) comply with the obligations applicable to it under the Code of Practice for Consumers in Vulnerable Circumstances.
3. The Authority, following consultation with the Licensee, the General

Consumer Council and any other person who in the opinion of the Authority is likely to be interested or affected, may from time to time make such modifications to the Code of Practice for Consumers in Vulnerable Circumstances, as the Authority considers are necessary or expedient.

4. In this Condition:

Code of Practice for Consumers in Vulnerable Circumstances means the relevant document of that name, prepared and published from time to time by the Authority, relating to the activities for protecting consumers in vulnerable circumstances.

Vulnerable or Vulnerability means ‘A consumer is deemed vulnerable when their personal characteristics or circumstances reduce their ability to engage effectively and achieve fair outcomes. A vulnerable consumer is significantly less able to protect or represent their interests and significantly more likely to suffer detrimental impacts on their health, wellbeing or finances’.

Agents or Subcontractors means any person directly or indirectly authorised to represent the Licensee in its dealings with consumers or other Licensees.

Gas Conveyance Licence Modifications

- 3.4 We are amending all gas conveyance (distribution) licences to insert a new condition to reflect the introduction of the CoP for Consumers in Vulnerable Circumstances. The affected licences are outlined below:

Affected Licences	Condition
<ul style="list-style-type: none"> Phoenix Natural Gas Limited – Distribution 	Introduction of new Condition 2.21 ‘Code of Practice for Consumers in Vulnerable Circumstances’.
<ul style="list-style-type: none"> firmus Energy Ltd – Distribution 	
<ul style="list-style-type: none"> SGN Natural Gas Limited – Distribution 	

	<p>Throughout the licence replace reference to “Consumer Council” or “Consumer Council for Northern Ireland” with “General Consumer Council”. This occurs in the following conditions: 1.5; 1.51; 1.14.3(b); 1.14.3(c)(i)(B); 1.14.4(a); 1.14.6(ii); 1.14.6(ii)(A); 1.14.6(ii)(B); 2.1A.2; 2.2A.2(b); 2.3.6(b); 2.3.6(c); 2.3.6(d); 2.3.6(e); 2.4.19(b); 2.4.19(c); 2.4.19(d); 2.4.19(e); 2.9.3; 2.9B.2; 2.9B.4; 2.9B.5; 2.9B.8(a)(i); 2.20(2).</p>
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Condition 2.21: Code of Practice for Consumers in Vulnerable Circumstances

1. The arrangements in the Code of Practice for Consumers in Vulnerable Circumstances shall be applicable to persons occupying domestic premises.
2. The Licensee shall (and shall procure that its agents or sub-contractors shall) comply with the obligations applicable to it under the Code of Practice for Consumers in Vulnerable Circumstances.
3. The Authority, following consultation with the Licensee, the General Consumer Council and any other person who in the opinion of the Authority is likely to be interested or affected, may from time to time make such modifications to the Code of Practice for Consumers in Vulnerable Circumstances, as the Authority considers are necessary or expedient.

4. In this Condition:

Code of Practice for Consumers in Vulnerable Circumstances

means the relevant document of that name, prepared and published from time to time by the Authority, relating to the activities for protecting consumers in vulnerable circumstances.

Vulnerable or Vulnerability

means ‘A consumer is deemed vulnerable when their personal characteristics or circumstances reduce their ability to engage effectively and achieve fair outcomes. A vulnerable consumer is significantly less able to protect or represent their interests and significantly more likely to suffer detrimental

impacts on their health, wellbeing or finances’.

Agents or Subcontractors means any person directly or indirectly authorised to represent the Licensee in its dealings with consumers or other Licensees.

Gas Supply Licence Modifications

3.5 We are amending all gas supply licences to replace an existing condition and remove reference to that condition throughout the licence. The new condition will reflect the introduction of the CoP for Consumers in Vulnerable Circumstances. We will also amend any references to CCNI that are not consistent with the terminology used in the definition under Condition 1.1. The affected licences are outlined below:

Affected Licences	Condition
<ul style="list-style-type: none"> SSE Airtricity Gas Supply (NI) Ltd 	Replace Condition 2.11 ‘Code of Practice on Provision of Services for persons who are of Pensionable Age or Disabled or Chronically Sick’ with new Condition on ‘Code of Practice for Consumers in Vulnerable Circumstances’.
<ul style="list-style-type: none"> firmus energy (Supply) Ltd – Ten Towns 	
<ul style="list-style-type: none"> firmus energy (Supply) Ltd – Greater Belfast Area 	
<ul style="list-style-type: none"> Flogas Enterprise Solutions Limited 	
<ul style="list-style-type: none"> Electric Ireland 	
<ul style="list-style-type: none"> Go Power 	Modify condition 2.13 to remove reference to Condition 2.11 and ‘Code of Practice on Provision of Services for persons who are of Pensionable Age or Disabled or Chronically Sick’.
<ul style="list-style-type: none"> Flogas Natural Gas Limited 	
<ul style="list-style-type: none"> Energia 	
<ul style="list-style-type: none"> Power NI Energy Limited 	
<ul style="list-style-type: none"> SSE Airtricity Energy Supply (NI) Ltd 	
<ul style="list-style-type: none"> SSE Energy Supply Limited 	Modify condition 1.11 to align CCNI reference to the definition provided in condition 1.1 of ‘General Consumer Council’.
<ul style="list-style-type: none"> Shell Energy Europe Limited 	
<ul style="list-style-type: none"> Viridian Energy Limited 	
<ul style="list-style-type: none"> Bord Gáis Energy Ltd 	
<ul style="list-style-type: none"> AES Ballylumford Limited 	
<ul style="list-style-type: none"> British Gas Trading Limited 	
<ul style="list-style-type: none"> Coolkeeragh ESB Limited 	
<ul style="list-style-type: none"> ElectroRoute Energy Trading Limited 	
<ul style="list-style-type: none"> ESB Gas Supply Licence 	
<ul style="list-style-type: none"> EP NI Energy Limited 	

• EP Commodities	
• Ceres Energy Limited	

Condition 2.11: Code of Practice for Consumers in Vulnerable Circumstances

1. This Condition shall apply where the Licensee supplies, or offers to supply, gas to Domestic Premises.
2. The Licensee shall (and shall procure that its agents or sub-contractors shall) comply with the obligations applicable to it under the Code of Practice for Consumers in Vulnerable Circumstances.
3. The Authority, following consultation with the Licensee, the General Consumer Council and any other person who in the opinion of the Authority is likely to be interested or affected, may from time to time make such modifications to the Code of Practice for Consumers in Vulnerable Circumstances, as the Authority considers are necessary or expedient.

4. In this Condition:

Code of Practice for Consumers in Vulnerable Circumstances

means the relevant document of that name, prepared and published from time to time by the Authority, relating to the activities for protecting consumers in vulnerable circumstances.

Vulnerable or Vulnerability

means 'A consumer is deemed vulnerable when their personal characteristics or circumstances reduce their ability to engage effectively and achieve fair outcomes. A vulnerable consumer is significantly less able to protect or represent their interests and significantly more likely to suffer detrimental impacts on their health, wellbeing or finances'.

Agents or Subcontractors

means any person directly or indirectly authorised to represent the Licensee in its dealings with consumers or other Licensees.

- 3.6 The specific licence conditions for each licensee and the required legal notices are set out in the separate appendices to this paper.

Reasons

- 3.7 We developed the CoP for Consumers in Vulnerable Circumstances with the aim to address the gaps and inconsistencies in the regulatory frameworks between DNOs and suppliers and across regulated sectors in regard to the support and protections for consumers in vulnerable circumstances. The new CoP will also ensure that the support and protections offered to Northern Ireland consumers are consistent, adequately promoted, and reflective of best practice exemplars seen in GB and across other jurisdictions and regulated sectors.
- 3.8 We consider that the best approach to delivering the CoP is to place a licence condition on licensees to comply with the CoP for Consumers in Vulnerable Circumstances. This approach has been fully supported from the responses received through our consultation process.

Effects

- 3.9 The Code of Practice for Consumers in Vulnerable Circumstances will place obligations on all utility suppliers and DNO's in Northern Ireland across electricity, gas and water through principles and required measures to better identify, support and protect consumers in vulnerable circumstances. This will ensure that all domestic utility consumers receive an enhanced level of consumer protection across electricity, gas and water. Electricity and gas suppliers and all DNOs will also be able to differentiate themselves through 'better practice' by going above and beyond the core obligations in the Code of Practice to offer enhanced consumer protections.

4. Next Steps

- 4.1 This paper sets out UR's decision on modifications to implement the condition 'Code of Practice for Consumers in Vulnerable Circumstances'. The modifications will take effect from 25 November 2024.
- 4.2 Once the Code of Practice for Consumers in Vulnerable Circumstances condition is implemented, licensees will be expected to be compliant with the requirements within the Code of Practice for Consumers in Vulnerable Circumstances.

5. Appendices

Appendix Number	Description
Appendix 1	NIE Networks Distribution Licence Decision Notice
Appendix 2	Electricity Suppliers Licence Decision Notice
Appendix 3	Gas Suppliers Licence Decision Notice
Appendix 4	Gas Conveyance (Distribution) Licence Decision Notice
Appendix 5	Code of Practice for Consumers in Vulnerable Circumstances