



**An Bille um Rialáil Leictreachais (Leasú) (Custaiméirí
atá Soghonta ó thaobh Airgid de a Chosaint), 2023
Electricity Regulation (Amendment) (Protection of
Financially Vulnerable Customers) Bill 2023**

*Meabhrán Míniúcháin
Explanatory Memorandum*



**AN BILLE UM RIALÁIL LEICTREACHAIS (LEASÚ)
(CUSTAIMÉIRÍ ATÁ SOGHONTA Ó THAOBH AIRGID DE A
CHOSAINT), 2023**

**ELECTRICITY REGULATION (AMENDMENT) (PROTECTION
OF FINANCIALLY VULNERABLE CUSTOMERS) BILL 2023**

EXPLANATORY MEMORANDUM

Purpose of the Bill

During times of increasing energy prices, it is important that those vulnerable to energy poverty are protected. However, to date, there is no legal definition of what a vulnerable customer is in primary legislation. Statutory Instrument No. 463/2011 - European Communities (Internal Market in Electricity and Gas) (Consumer Protection) Regulations of 2011 currently provides a definition of “vulnerable customer” to be considered by the Commission for the Regulation of Utilities (CRU). The definition contained within this Statutory Instrument does not include customers who are financially vulnerable. This Bill seeks to update the definition of “vulnerable customers” in primary legislation including within it, those in receipt of social welfare income supports. With this definition in place, the CRU will be obliged to consider the financial circumstances of vulnerable customers in any policy considerations it takes and when considering the enhancement of protections of vulnerable customers.

Provisions of the Bill

Section 1 defines “Minister” and “Principal Act”.

Section 2 of the Bill seeks to amend the Principal Act, the Electricity Regulation Act 1999. Firstly, it amends section 2(1) of the Principal Act to put in place a revised definition of “vulnerable customer” to the one currently in place in Statutory Instrument No. 463/2011, thereby inserting this definition into primary legislation for the first time.

The definition is revised to expand what is meant by “vulnerable customer”, by including those individuals in receipt of social welfare income supports. This does not extend to Child Benefit or any other universal payment, rather it includes those persons who are in receipt of income supports from the Department of Social Protection as a means of support.

Inclusion of this definition in primary legislation will ensure greater protection for those vulnerable customers who are financially at risk of entering energy poverty in the context of rising energy prices. It also ensures that the CRU considers those in receipt of social welfare income supports in the course of its duties.

Section 3 seeks to amend section 9(5)(c) by adding “and those at risk of energy poverty” to the end of this paragraph. Once again, this ensures

that those at risk of energy poverty will be considered as part of the CRU's duties.

Moreover, this section seeks to further amend section 9(5) of the Principal Act by including an additional paragraph (ea) to expand the considerations by the CRU in relation to its duties. The amendment will ensure that the CRU now considers the protection of financially vulnerable customers and those at risk of energy poverty.

Section 4 will ensure the Minister makes new regulations to include the updated new definition of "vulnerable customers" immediately upon commencement of this Act. Once updated, the CRU will have to consider the expanded new definition as part of its duties relating to utility customers.

Section 5 concerns the commencement of the Act which will be cited as the "Electricity Regulation (Amendment) (Protection of Financially Vulnerable Customers) Act 2023" and shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular event.

Deputy Jennifer Whitmore,
Feabhra, 2023.