**Schedule 5**

**SUPPLY METER POINT OBJECTION CODE FOR**

**NON-DOMESTIC CONSUMERS**

**AS CONTEMPLATED UNDER**

**SECTION L CLAUSE 9 OF THE**

**GAS DISTRIBUTION NETWORK CODES**

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#  Introduction

1.1 The purpose of this Supply Meter Point Objection Code (SMP Objection Code) agreed by Users of the Natural Gas networks in Northern Ireland and approved by the Northern Ireland Authority for Utility Regulation, is to facilitate the smooth transfer of customers from one supplier to another. For the avoidance of doubt, unless otherwise stated, any terms used within this SMP Objection Code shall have the same meaning as is defined under the Network Codes, or the standard conditions of licenses which are issued and modified in accordance with Article 11 of the Gas (Northern Ireland) Order 1996.

1.2 This SMP Objection Code in conjunction with the Network Codes (in particular Section L Clause 9) outlines the process that must be followed by the Existing Registered User in order to properly submit an objection to the Network Operator (the “Operator”) against a non-domestic customer moving to a new User (the “Proposing User”) i.e. object to a Supply Meter Point Confirmation as submitted to the Operator by the Proposing User. Specifically this Objection Code sets out the only criteria by which the Existing Registered User at a Supply Meter Point can object to a non-domestic customer switching to a new User (the “Proposing User”).

1.3 For the purpose of this SMP Objection Code “non-domestic consumer” means person supplied with gas, who is not otherwise defined as a “domestic consumer”.

# 2. Key milestones in the change of supplier process

## 2.1 Key milestones in the change of supplier process are outlined in Section L: Paragraph 9 of the Network Codes.

**3. Process to be followed by all suppliers**

3.1 Where the Existing Registered User makes a request to the network Operator to prevent the supplier transfer to the Proposing User stating the grounds for such a request, the Existing Registered User shall at the same time as making that request to the network Operator, send notification to the customer that it has made a request to prevent the supplier transfer to the Proposing User, the grounds for the request and how the customer may dispute or resolve such grounds.

3.2 Where the Existing Registered User has prevented a Proposed User transfer at the request of a customer, the incumbent Existing Registered User should keep evidence of the customer’s request and reasons for the request for at least 12 months.

# 4. Objection reasons for non-domestic consumers

4.1 The Existing Registered User shall not be permitted to prevent the transfer of any customer to a Proposing User, other than in the following circumstances:

1. the Proposing User has agreed with the Existing Registered User that the proposed user transfer has been initiated in error;
2. the customer states not to have entered into a signed contract[[1]](#footnote-1) with the Proposing User and has requested the Existing Registered User not to proceed with a supply transfer;
3. the customer is bound by the provisions of a gas supply contract1 which the customer has accepted with the Existing Registered User and this contract1 will neither expire nor terminate on or before the Supply Meter Point Registration Date;
4. the non-domestic customer has outstanding debt with the Existing Registered User at the Supply Meter Point;
5. the customer was involved in a Supplier of Last Resort (SoLR) event[[2]](#footnote-2) and the Existing Registered User is the SoLR Supplier. Where this is the case, the SoLR Supplier will only be permitted to object to the transfer of the customer if:
6. the customer was transferred to the SoLR Supplier as a result of the direction under the Gas (Supplier of Last Resort) Regulations 2009; and
7. the customer’s annual consumption is less than the price-regulated[[3]](#footnote-3) threshold[[4]](#footnote-4); and
8. the SMP Confirmation date is within 90 days of the SoLR event being initiated; and
9. the SMP Confirmation was not in progress when the Existing Registered User was appointed the SoLR Supplier.

 The SoLR Supplier must refer to section 2.1 to 2.3 of Annex 5 of the Retail Market Procedure for Supplier of Last Resort Events in the Northern Ireland Gas Industry for further detail.

For the purpose of this code debt is defined as:

*Where the customer has failed to pay charges for the supply of gas to those premises or any premises previously owned[[5]](#footnote-5) or occupied by him in respect of which such charges are payable which –*

*i) are due to the Existing Registered user and have been demanded in writing* (by means of an invoice)*; and*

1. *have remained unpaid for 42 days from the invoice date.*
1. The supplier is not required to have a signed contract with every customer. [↑](#footnote-ref-1)
2. A SoLR event occurs where the Utility Regulator revokes a gas supplier’s licence and gives a direction to another supplier to become the SoLR Supplier pursuant to the [Gas (Supplier of Last Resort) Regulations (Northern Ireland) 2009](http://www.legislation.gov.uk/nisr/2009/412/made/data.pdf). [↑](#footnote-ref-2)
3. The price regulated threshold is set by the Utility Regulator in the supply price controls for SSE Airtricity Gas Supply (NI) Ltd and firmus energy (Supply) Ltd. Note that the SoLR supplier will refer to the relevant Distribution Network Operator’s Confirmation System to verify the Annual Quantity of a meter point to determine whether the customer is under or over the price-regulated threshold before raising a lock-in objection. [↑](#footnote-ref-3)
4. Note that some Daily Metered sites have sub-deduct meters that are Non-Daily Metered (NDM). If any such site is involved in a SoLR event the SoLR supplier will not be permitted to object to a customer transfer for the NDM sub-deduct meters, regardless of the consumption at each NDM sub-deduct meter. [↑](#footnote-ref-4)
5. For those organisations who have multiple sites the individual site will be treated as a separate entity. [↑](#footnote-ref-5)