

SSE Airtricity Gas Supply (NI) Limited Deemed Gas Contract Scheme

In accordance with paragraph 1 Condition 2.1 of its Gas Supply Licence, SSE Airtricity Gas Supply (NI) Limited is required to make a scheme for determining the terms and conditions of its Deemed Contracts.

SSE Airtricity is a trading name of SSE Airtricity Gas Supply (NI) Limited which is a member of the SSE Group. The Registered Office of SSE Airtricity Gas Supply (NI) Limited is 3rd Floor Millennium House 19-25 Great Victoria Street Belfast Northern Ireland BT2 7AQ Registered in Northern Ireland No. NI032810.

1. BACKGROUND

- A. In accordance with Section 12 of the Energy Act (Northern Ireland) 2011 (the "Act"), SSE Airtricity Gas Supply (NI) Limited is required to provide for deemed contracts for supply of gas where a gas supplier supplies gas to any premises otherwise than pursuant to a contract.
- B. Section 12 of the Act requires each gas supplier to make a Scheme for determining the terms and conditions which are to be incorporated into the Deemed Contracts.

2. INTERPRETATION

Words and phrases in the Act, the Gas Regulations and/or the Terms and Conditions of Supply available on our website to this Scheme and not otherwise defined in this Scheme shall have the same meaning when used in this Scheme.

Where there is any inconsistency between any of the provisions of this Scheme, the Gas Regulations and the Terms and Conditions of Supply, the provisions of the Scheme shall prevail.

Nothing in this Scheme is intended:

- a) To qualify, limit or exclude any rights to which SSE Airtricity Gas Supply (NI) Limited or a Customer are entitled to enforce by virtue of any provision of the Gas Supply Licence or the Act, or shall be treated as having any such effect; or
- b) To go beyond or be incompatible with the purposes for which this Scheme may be made, or shall be treated as doing so.

3. DEFINITIONS

"Customer" means a domestic or non-domestic customer as within the meaning of the Gas Supply Licence;

"Deemed Contract" A contract between SSE Airtricity Gas Supply (NI) Limited and a Customer deemed to have been made under Section 12 of the Energy Act (Northern Ireland) 2011, for supply of gas by a supplier to any premises other than pursuant to a contract.

"Domestic Customer" means a customer supplied with gas at a premises where the supply of gas is taken wholly or mainly for a domestic purpose;

"Gas Order" means the Gas (Northern Ireland) Order 1996;

"Gas Supply Licence" means the Gas Supply Licence granted to SSE Airtricity Gas Supply (NI) Limited by the Utility Regulator.

"Last Resort Supply Direction" means a direction given by the Utility Regulator to a gas supplier requiring it to make available a supply of gas to premises previously supplied by another supplier;

"Network Operator" means Phoenix Natural Gas Limited, Firmus Energy, SGN Natural Gas or its successors, transferees or assignees or any other organisation which at any time acts as operator of the pipeline system forming the gas distribution networks that SSE Airtricity Gas Supply (NI) Limited use.

"Non-domestic Customer" has the meaning given to such term as in the Gas Supply Licence;

"Principal Terms" has the same meaning as in the Gas Supply Licence;

"Scheme" means these Terms and Conditions pursuant to Section 12 of the Act;

"Terms and Conditions of Supply" means the general terms and conditions of SSE Airtricity Gas Supply (NI) Limited available on our website; and

"Utility Regulator" means the Northern Ireland Authority for Utility Regulation.

4. DEEMED CONTRACT SCHEME

- Any Customer being supplied with gas by SSE Airtricity Gas Supply (NI) Limited other than in pursuance of a contract shall be deemed to have contracted with SSE Airtricity Gas Supply (NI) Limited for a supply of gas in accordance with this Scheme.
- Domestic Customers the subject of a Deemed Contract agree to adhere to the provisions and obligations of the Scheme together with the Terms and Conditions of Supply. For a copy of the Terms and Conditions of Supply under a Deemed Contract please see www.airtricitygasni.com or contact our Customer Service Department to obtain a copy.
- Non-Domestic Customers the subject of a Deemed Contract agree to adhere to the provisions and obligations of the Scheme together with the Terms and Conditions of Supply. For a copy of the Terms and Conditions of Supply under a Deemed Contract please see www.airtricitygasni.com or contact our Customer Service Department to obtain a copy.
- Any Deemed Contract under this Scheme will terminate automatically in the event that a Last Resort Supply Direction is given by the Utility Regulator to another Gas Supplier in relation to the premises supplied under that Deemed Contract.
- Where a Customer is being supplied by SSE Airtricity Gas Supply (NI) Limited with gas under a Deemed Contract as a result of a Last Resort Supply Direction being issued in relation to this premise, paragraph 2.1.3 of the Gas Supply Licence shall not apply until that direction stops having effect.
- Where a Customer intends the premises to be supplied with gas under a contract of supply agreed with SSE Airtricity Gas Supply (NI) Limited or any other gas supplier, the Deemed Contract will continue to have effect until SSE Airtricity Gas Supply (NI) Limited or the other Gas Supplier, as appropriate, begins to supply gas to the premises under such contract of supply.
- Where SSE Airtricity Gas Supply (NI) Limited supplies gas to a Customer under a Deemed Contract, no termination fee or other compensation will apply solely due to the Customer terminating the Deemed Contract. Notwithstanding the foregoing the Customer will remain liable for any consumption or charges outstanding at the premises under the Deemed Contract until such charges are fully discharged.
- Where SSE Airtricity Gas Supply (NI) Limited supplies gas to a Customer's premises under a Deemed Contract, all reasonable steps will be taken to:
 - Provide that Customer with a notice confirming that the Customer's premises is being supplied under a Deemed Contract;
 - Setting out the Principal Terms of the Deemed Contract together with the terms applicable to the Scheme;
 - Informing the Customer that contracts with terms and conditions that may be different from the terms and conditions of Deemed Contracts may be available from SSE Airtricity Gas Supply (NI) Limited and of how further information about such terms may be obtained; and
 - Enter into a contract for supply with the Customer as soon as reasonably practicable.
- SSE Airtricity Gas Supply (NI) Limited will provide a copy of the Deemed Contract on request to a Customer within a reasonable period of time after receiving the request.
- SSE Airtricity Gas Supply (NI) Limited shall determine the quantity of gas supplied to a Customer's premises by estimating the consumption of gas at the premises from the commencement date until such time as the Customer's supply meter has been read or the Customer ceases to be supplied by SSE Airtricity Gas Supply (NI) Limited.
- This Scheme shall commence and take effect from the date that a premise is supplied gas by SSE Airtricity Gas Supply (NI) Limited other than in pursuance of a contract. The relevant tariff/ charges applicable to a Deemed Contract may be found by contacting our Customer Service Department by telephone on 0345 900 5253.
- This Scheme is governed by the laws of Northern Ireland, and the courts of Northern Ireland shall have exclusive jurisdiction in relation to this Scheme.