

Draft Statutory Instrument.

This draft is without prejudice to further changes that may be made.

Statutory Instrument 2005 No. [1234]

The Electricity (Standards of Performance) Regulations 2005

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STATUTORY INSTRUMENTS

2005 No. [1234]

ELECTRICITY

The Electricity (Standards of Performance) Regulations 2005

*Made
Coming into force*

*[?] March 2005
1 April 2005*

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PART 1 - GENERAL

The Gas and Electricity Markets Authority, in exercise of the powers conferred by sections 39, 39A, 39B, 42A and 60 of the Electricity Act 1989[1] and all other enabling powers, after consultation with the Gas and Electricity Consumer Council, with electricity licence holders[2], and with persons and bodies appearing to be representative of persons likely to be affected by the Regulations, after considering the results of research to discover the views of a representative sample of persons likely to be so affected, and with the consent of the Secretary of State in accordance with sections 39(1) and 39A(1) of the Electricity Act 1989, makes the following Regulations –

Citation, commencement, and transitional provisions

1. – (1) These Regulations may be cited as the Electricity (Standards of Performance) Regulations 2005 and shall come into force on 1 April 2005.

(2) Where, in relation to any occasion upon which a regulation would otherwise apply, the applicable date falls before the date on which these Regulations come into force, the Electricity (Standards of Performance) Regulations 2001 as amended shall continue to apply to the exclusion of these Regulations.

Revocation

2. Subject to regulations 1 and 19, the Electricity (Standards of Performance) Regulations 2001 and the Electricity (Standards of Performance) (Amendment No. 2) Regulations 2002 are revoked.

General interpretation

3. – (1) In these Regulations, unless the context otherwise requires –

“the Act” means the Electricity Act 1989;

“applicable date” means, in relation to each occasion on which a regulation applies, the day on which that regulation first applies, or, where a prescribed period in a paragraph of a regulation is expressed in hours, the time on that day when that regulation first applies;

“appropriate meter” has the meaning given in paragraph 1 of Schedule 7 to the Act;

“the Authority” means the Gas and Electricity Markets Authority established under section 1 of the Utilities Act 2000;

“the Council” means the Gas and Electricity Consumer Council established under section 2 of the Utilities Act 2000;

“customer” means an owner or occupier of premises in Great Britain who is

supplied or requires to be supplied with electricity, and includes an electricity supplier where he is acting on behalf of such a person;

“distribution low voltage” means a nominal voltage not exceeding 1,000 volts;

“distribution services area” means, in relation to a relevant electricity distributor, the area specified or described pursuant to standard condition 2 of the standard conditions of distribution licences as incorporated in that electricity distributor’s licence;

“distributor’s fuse” means the fusible cut-out or automatic switching device of the distributor for disconnecting the supply to the customer’s premises situated nearest to the appropriate meter for the customer’s premises and on the distributor’s side thereof;

“domestic customer” means a customer supplied or requiring to be supplied with electricity at domestic premises (but excluding such customer in so far as he is supplied or requires to be supplied at premises other than domestic premises);

“domestic premises” means premises at which a supply is taken or to be taken wholly or mainly for domestic purposes;

“margins of error” means the prescribed margins of error or the agreed margins of error as defined in paragraph 13 of Schedule 7 to the Act;

“non-domestic customer” means any customer other than a domestic customer;

“pay” includes crediting the account of the customer for charges incurred or to be incurred in respect of the supply or in respect of the provision of any electricity meter, electric line or electrical plant, and “payment” shall be construed accordingly;

“prescribed period” means, in a paragraph or sub-paragraph of a regulation, the period in column 2 of Part I of Schedule 1 opposite the reference to that paragraph or sub-paragraph of the regulation in column 1 of Part I of that Schedule;

“prescribed sum” means, in a paragraph or sub-paragraph of a regulation, where the customer is a domestic customer the amount in column 3 of Part I of Schedule 1, or where the customer is a non-domestic customer the amount in column 4 of Part I of Schedule 1, in either case opposite the reference to that paragraph or sub-paragraph of the regulation in column 1 of Part I of that Schedule;

“relevant distributor” means an electricity distributor in whose licence Section C of the standard conditions of the distribution licence is in effect but only to the extent that the electricity distributor is undertaking activities within its distribution services area;

“relevant operator” means the relevant supplier or, as the case may be, the distributor and, in regulations 17, 18, 19, and 20, includes any electricity supplier;

“relevant supplier” means an electricity supplier in whose licence Section D of the standard conditions of supply licences is in effect but only to the extent that the supplier is undertaking activities within its supply services area;

“specified time” means –

(a) unless sub-paragraph (b) applies, a part (specified by the relevant operator) of a day (also specified by the relevant operator) within the prescribed period from the applicable date, being either a part which falls either wholly before one o’clock in the afternoon or wholly after noon, or a part not exceeding two hours, or

(b) such part of a day (whether or not within that period) as is requested by the customer and agreed with the relevant operator, such agreement not to be unreasonably withheld,

Provided that –

(i) a part of a day may be a specified time for the purpose of a regulation notwithstanding that it was requested, agreed or specified prior to the time at which that regulation first applied; and

(ii) the relevant operator shall not be obliged to agree a part of a day that is less than two hours;

“standard conditions of electricity distribution licences” means such conditions as may be determined by the Secretary of State for electricity distribution licences pursuant to section 33(1) of the Utilities Act 2000[4], including any amendment or modification made to those standard conditions in accordance with the Utilities Act 2000 or the Act, and a reference in a provision relating to electricity distributors to a numbered standard condition is a reference to the standard condition bearing that number in the standard conditions of electricity distribution licences;

“standard conditions of electricity supply licences” means such conditions as may be determined by the Secretary of State for electricity supply licences pursuant to section 33(1) of the Utilities Act 2000 including any amendment or modification made to those standard conditions in accordance with the Utilities Act 2000 or the Act and a reference in a provision relating to electricity suppliers to a numbered standard condition is a reference to the standard condition bearing that number in the standard conditions of electricity supply licences;

“supply services area” means, in relation to a relevant supplier, the area specified or described pursuant to standard condition 3 of the standard conditions of electricity supply licences as incorporated in that electricity supplier’s licence; and

“working hours” means the period between the times specified in Part II of Schedule 1.

(2) In these Regulations, “Schedule 1” and “Schedule 2” mean the Schedules to these Regulations.

(3) Unless the context otherwise requires, any reference in these Regulations to a numbered regulation is a reference to the regulation in these Regulations bearing that number, and any reference in a regulation to a numbered paragraph or sub-paragraph is a reference to the paragraph or sub-paragraph of the regulation bearing that number.

(4) For the purposes of these Regulations –

(a) where more than one person is a customer in respect of particular premises, a notice given by a relevant operator to one person who is a customer in respect of those premises shall be a sufficient notice to any other person who is a customer in respect of those premises at the time at which the notice is given;

(b) where a person is a customer in respect of more than one premises, a reference in a regulation to “customer” is a reference to that person in respect of each of the premises at which he is a customer to which the regulation applies;

(c) any reference to the dispatch by a relevant operator of an explanation or reply within a particular period shall not require that the explanation or reply (if in writing) is received by the customer within that period and shall be satisfied if the relevant operator provides the explanation or reply orally to the customer within that period;

(d) any reference to a customer shall (except in relation to the entitlement to any payment due from a relevant operator under these Regulations) include any person having apparent authority to represent the customer; and

(e) any reference to a customer shall not include any person who is supplied otherwise than through an appropriate meter (as prescribed in regulations made under paragraph 1A of Schedule 7 to the Act).

PART 2 – SUPPLY RESTORATION STANDARDS FOR ELECTRICITY DISTRIBUTORS

Interpretation of the normal and severe weather restoration standards

4. – (1) In regulations 5, 6 and 7 –

(a) “category 1 severe weather conditions” means –

(i) conditions in which eight or more times the daily mean faults on the relevant distributor’s distribution system at distribution higher voltage

caused by weather predominantly related to lightning in a 24 hour period affect less than the category 3 threshold number of customers, or

- (ii) conditions in which eight to twelve times the daily mean faults on the relevant distributor's distribution system at distribution higher voltage caused by weather not predominantly related to lightning in a 24 hour period affect less than the category 3 threshold number of customers;
- (b) "category 2 severe weather conditions" means conditions in which thirteen or more times the daily mean faults on the relevant distributor's distribution system at distribution higher voltage in a 24 hour period caused by weather not predominantly related to lightning affect less than the category 3 threshold number of customers;
 - (c) "category 3 severe weather conditions" means conditions in which faults on the relevant distributor's system caused by weather affect a number of customers that is equal to or greater than the category 3 threshold number of customers;
 - (d) "category 3 threshold number of customers" means for each relevant distributor, the number in column 4 in the Table in Part III of Schedule 1 opposite the reference to that relevant distributor in column 1;
 - (e) "distribution higher voltage" means any nominal voltage of more than 1,000 volts up to and including 132 kilovolts in England and Wales and up to but excluding 132 kilovolts in Scotland;
 - (f) "eight times the daily mean faults at distribution higher voltage" means for each relevant distributor, the number in column 2 in the Table in Part III of Schedule 1 opposite the reference to that relevant distributor in column 1;
 - (g) "Highlands and Islands" means the following Scottish council areas: Shetland Islands, Orkney Islands, Eilean Siar (Western Isles), Highland (consisting of Caithness, Sutherland, Ross and Cromarty, Inverness, Nairn, Badenoch & Strathspey, Skye & Lochalsh, Lochaber), Argyll and Bute.
 - (h) "proportion of the prescribed sum" means either –
 - (i) a proportion of the prescribed sum determined by contractual terms put in place between the electricity distributors to whom these Regulations apply, the sum of the proportions being equal to 100 per cent of the prescribed sum; or
 - (ii) where no contractual terms have been put in place to determine the proportion of the prescribed sum to be paid by each distributor, the proportion so determined by the Authority in accordance with the practice

and procedure for determining disputes set out in Schedule 2 to these Regulations.

- (i) “relevant period” means the prescribed period commencing at –
- (i) the first time at which any distributor to whom the interruption of supply relates is informed by a customer that the supply to the customer’s premises has been discontinued,
 - (ii) the first time at which any distributor to whom the interruption of supply relates is informed by a person other than the customer or is otherwise made aware by the operation of any automatic system operated by the distributor of circumstances in which regulation 5(1), 6(1), 6(2), 6(3) or 7(1) apply or may reasonably be expected to apply to premises including the customer’s premises,
 - (iii) where interruption of supply arises from a failure, fault or damage to an underground electric line of a nominal voltage of 20 kilovolts, the time which is 12 hours after the time at which paragraph (i) or (ii) applies, and
 - (iv) with the exception of interruptions occurring in the Highlands and Islands where any steps necessary to restore the supply to the customer’s premises are prevented by ice accretion, flooding, or snow affecting a relevant part of the distributor’s system that was being used to distribute electricity to the premises immediately before the supply was interrupted, the time at which the effects of the ice accretion, flooding, or snow no longer prevent such steps from being taken.
- (j) “thirteen times the daily mean faults at distribution higher voltage” means for each relevant distributor, the number in column 3 in the Table in Part III of the Schedule 1 opposite the reference to that relevant distributor in column 1;
- (k) “total number of interrupted customers” means, for each relevant distributor, the number of customers in aggregate whose supply is interrupted as a result of a failure of, fault in, or damage to the distributor’s distribution system resulting from category 3 severe weather conditions.

(2) For the purposes of calculating and making compensation payments under regulations 5 and 6, where supply is interrupted to a customer’s premises connected to the distribution system of a distributor who is not a relevant distributor, that interruption shall be deemed to be caused by category 1, category 2 or category 3 severe weather conditions (as the case may be) if it arises from the same weather conditions that satisfied the particular requirement for the relevant distributor in whose distribution services area that

distributor operates.

Supply restoration: normal conditions

5. – (1) This paragraph applies where the supply to a customer’s premises is interrupted as a result of a failure of, fault in or damage to the distribution system of one or more distributors, except where regulation 10 applies.

(2) Where paragraph (1) applies and the interruption of supply relates to only one distributor, that distributor shall, except in any of the circumstances described in paragraph (4), pay the prescribed sum to the customer –

(a) where the supply is not restored to the customer’s premises within the relevant period; and

(b) in respect of each succeeding period of 12 hours upon the expiry of which the supply is not restored.

(3) Where paragraph (1) applies and the interruption of supply relates to more than one distributor, each of these distributors shall, except in any of the circumstances described in paragraph (4), pay a proportion of the prescribed sum to the customer –

(a) where the supply is not restored to the customer’s premises within the relevant period; and

(b) in respect of each succeeding period of 12 hours upon the expiry of which the supply is not restored.

(4) The circumstances described in this paragraph are –

(a) each of the circumstances described in regulation 8;

(b) where the supply to a customer’s premises is interrupted as a result of a failure of, fault in or damage to the distribution system of one or more distributors resulting from category 1, 2, or 3 severe weather conditions.

(5) This regulation does not apply to the Highlands and Islands.

Supply restoration: severe weather

6. – (1) This paragraph applies where the supply to a customer’s premises is interrupted as a result of a failure of, fault in or damage to the distribution system of one or more distributors resulting from category 1 severe weather conditions, except where

regulation 10 applies.

(2) This paragraph applies where the supply to a customer's premises is interrupted as a result of a failure of, fault in or damage to the distribution system of one or more distributors resulting from category 2 severe weather conditions, except where regulation 10 applies.

(3) This paragraph applies where the supply to a customer's premises is interrupted as a result of a failure of, fault in or damage to the distribution system of one or more distributors resulting from category 3 severe weather conditions, except where regulation 10 applies.

(4) Where paragraph (1) applies and the interruption of supply relates to only one distributor, the distributor shall, except in any of the circumstances described in regulation 8, pay the prescribed sum to the customer –

(a) where the supply is not restored to the customer's premises within the relevant period; and

(b) in respect of each succeeding period of 12 hours upon the expiry of which the supply is not restored,

up to a maximum of £200 per customer.

(5) Where paragraph (1) applies and the interruption of supply relates to more than one distributor, each of these distributors shall, except in any of the circumstances described in regulation 8, pay a proportion of the prescribed sum to the customer –

(a) where the supply is not restored to the customer's premises within the relevant period; and

(b) in respect of each succeeding period of 12 hours upon the expiry of which the supply is not restored,

up to a maximum of £200 per customer.

(6) Where paragraph (2) applies and the interruption of supply relates to only one distributor, the distributor shall, except in any of the circumstances described in regulation 8, pay the prescribed sum to the customer –

(a) where the supply is not restored to the customer's premises within the relevant period; and

(b) in respect of each succeeding period of 12 hours upon the expiry of which the supply is not restored,

up to a maximum of £200 per customer.

(7) Where paragraph (2) applies and the interruption of supply relates to more than one distributor, each of these distributors shall, except in any of the circumstances described in regulation 8, pay a proportion of the prescribed sum to the customer –

(a) where the supply is not restored to the customer's premises within the relevant period;
and

(b) in respect of each succeeding period of 12 hours upon the expiry of which the supply is not restored,

up to a maximum of £200 per customer.

(8) Where paragraph (3) applies and the interruption of supply relates to only one distributor, the distributor shall, except in any of the circumstances described in regulation 8, pay the prescribed sum to the customer –

(a) where the supply is not restored to the customer's premises within the period calculated by the following formula (the result of which is to represent and be expressed as a number of hours):

$$48 \times \left(\frac{\text{total number of interrupted customers}}{\text{category 3 threshold number of customers}} \right)^2$$

and

(b) in respect of each succeeding period of 12 hours upon the expiry of which the supply is not restored,

up to a maximum of £200 per customer.

(9) Where paragraph (3) applies and the interruption of supply relates to more than one distributor, each of these distributors shall, except in any of the circumstances described in regulation 8, pay a proportion of the prescribed sum to the customer –

(a) where the supply is not restored to the customer's premises within the period calculated by the following formula (the result of which is to represent and be expressed as a number of hours):

$$48 \times \left(\frac{\text{total number of interrupted customers}}{\text{category 3 threshold number of customers}} \right)^2$$

and

(b) in respect of each succeeding period of 12 hours upon the expiry of which the supply is not restored,

up to a maximum of £200 per customer.

(10) This regulation does not apply to the Highlands and Islands.

[Ofgem is giving further consideration as to whether there should be a cap on the size of events that are covered by the arrangements as discussed in the open letter].

[The treatment of the Highlands and Islands will be given further consideration in light of the responses to the open letter]

Supply restoration: Highlands and Islands

7. – (1) This paragraph applies where the supply to a customer's premises in the Highlands and Islands is interrupted as a result of a failure of, fault in or damage to the distribution system of one or more distributors, except where regulation 10 applies.

(2) Where paragraph (1) applies and the interruption of supply relates to only one distributor, that distributor shall, except in any of the circumstances described in paragraph (4), pay the prescribed sum to the customer –

(a) where the supply is not restored to the customer's premises within the relevant period; and

(b) in respect of each succeeding period of 12 hours upon the expiry of which the supply is not restored.

(3) Where paragraph (1) applies and the interruption of supply relates to more than one distributor, each of these distributors shall, except in any of the circumstances described in paragraph (4), pay a proportion of the prescribed sum to the customer –

(a) where the supply is not restored to the customer's premises within the relevant period; and

(b) in respect of each succeeding period of 12 hours upon the expiry of which the supply is not restored.

(4) The circumstances described in this paragraph are –

(a) the circumstances described in regulation 8(2) to (4); and

(b) each of the circumstances described in regulation 20.

Exemptions from the normal and severe weather supply restoration standards

8. – (1) The circumstances contained in paragraphs (2) to (9) are the circumstances described in this regulation.

(2) It was not reasonable in all the circumstances for the distributor to be aware that the supply had not been restored;

(3) That –

(a) the premises to which the supply was discontinued are situated on an island,

(b) the supply to premises on that island is normally provided through an electric line situated on or under the sea bed,

(c) the failure, fault or damage occurred in that part of the electric line which is situated below the high water mark of spring tides, and

(d) no alternative means is normally available to the distributor to supply the premises on that island;

(4) The distributor to whose network the customer is connected has not received a claim for compensation from the customer in respect of the circumstance referred to in regulation 5(1), 6(1), 6(2), 6(3) or 7(1) within a period of one month from the date upon which the supply was restored to the customer's premises;

(5) The customer informs the distributor before the contravention time that the customer does not wish the distributor to take any action, or any further action in relation to the matter;

(6) The customer agrees with the distributor that the action taken by the distributor before the contravention time shall be treated as the taking by the distributor of the action required by the regulation and, where the action taken by the distributor includes a promise to perform any action (whether before or after the contravention time), the distributor duly perform that promise;

(7) It was not reasonably practicable for the distributor to take the action required by the regulation before the contravention time as a result of –

(a) industrial action by the employees of the distributor,

(b) the act or default of a person other than an officer, employee or agent of the distributor or other distributor to whom the interruption to supply relates, or a person acting on behalf of an agent of the distributor or other distributor to whom

the interruption to supply relates,

(c) the inability of the distributor to obtain any necessary access to any premises (which may include his own premises),

(d) the existence of circumstances by reason of which the distributor could reasonably expect that if he took the action he would or would be likely to be in breach of an enactment,

[(e) the existence of an event specified by the Secretary of State as an emergency within the meaning of section X or Y of the Civil Contingencies Act 2005], or

[This paragraph is being given further consideration.]

(f) circumstances of an exceptional nature beyond the control of the distributor (other than severe weather or the effects of severe weather or those set out in sub-paragraphs (7) (a) to (e) of this regulation

and the distributor had taken all such steps as it was reasonable to take both to prevent the circumstances from occurring and to prevent them from having that effect;

(8) The relevant distributor reasonably considers that the information given by the customer is frivolous or vexatious; or

(9) The customer has –

(a) committed an offence under paragraph 6 of Schedule 6 or paragraph 11 of Schedule 7 to the Act; or

(b) failed to pay any charges due to the distributor after receiving a notice under sub-paragraph 2(2) of Schedule 6 to the Act,

and the action taken or not taken by the distributor was in exercise of his powers under the relevant paragraph or sub-paragraph.

(10) In this regulation -

(a) “contravention time” means -

(i) in relation to regulation 5, the expiry of the relevant period referred to in sub-paragraphs 2(a) and 3(a) and (where applicable) of each period referred to in sub-paragraphs 2(b) and 3(b) of that regulation; and

(ii) in relation to regulation 6, the expiry of the relevant periods referred to in sub-paragraphs 4(a), 5(a), 6(a), 7(a), 8(a) and 9(a) and (where applicable) of each period referred to in sub-paragraphs 4(b), 5(b), 6(b), 7(b), 8(b) and 9(b) of that

regulation.

(b) each reference to “distributor” includes (where the case requires) a reference to more than one distributor.

Supply restoration: multiple interruptions

9. – (1) This regulation applies where the supply to a customer’s premises is interrupted for four periods, each of not less than three hours, during a relevant year.

(2) For the purposes of paragraph (1) –

(a) where successive interruptions are caused by or arise during actions taken by the distributor to effect temporary or permanent restoration of the supply to the premises or to other premises affected by the event which caused the interruption of supply to the premises, any temporary restoration of supply for a period not exceeding three minutes shall be ignored in calculating the period of the interruption;

(b) the period of an interruption shall be deemed to start at the first time at which any distributor to whom the interruption to supply relates:

(i) is informed by a customer that the supply to the customer’s premises has been interrupted, or

(ii) is informed by a person other than the customer or is otherwise made aware by the operation of any automatic system operated by the distributor of circumstances in which the supply to the customer’s premises has been interrupted or may reasonably be expected to have been interrupted; and

(c) an interruption in any of the circumstances described in paragraph (3) shall not be treated as an interruption.

(3) The circumstances described in this paragraph are –

(a) within the period of three hours after the interruption began:

(i) the customer informed the distributor that the customer did not wish the distributor to take any action or any further action,

(ii) the customer agreed with the distributor that the action taken by the distributor before the expiry of that period should be treated as the taking by the distributor of the action required to cause the interruption to cease and, where that action included a promise to perform any action (whether within or after the expiry of that period)

the distributor duly performed that promise, or

(iii) it was not reasonably practicable for the distributor to take the action required to cause the interruption to cease as a result of the existence of circumstances by reason of which the relevant operator could reasonably have expected that if he took that action he would have been or would be likely to have been in breach of an enactment;

(b) the distributor had given to the customer prior notice of its intention to interrupt the supply to the customer's premises;

(c) the interruption was a result of the failure of, fault in or damage to the transmission system to which the distributor's distribution system was connected or of a generating station connected to that transmission system;

(d) the interruption was a result of the failure of a generating station connected to the distributor's distribution system;

(e) the interruption was one where regulation 5, 6, 7 or 10 applies;

(f) the interruption was a result of the act or default of the electricity supplier to the premises or of the customer;

(g) the cause of the interruption resulted in the interruption of supply to more than 500,000 customers in Great Britain as notified by the Authority to the licensee;

(h) *the interruption was a result of [an event specified by the Secretary of State as an emergency under section X or Y of the Civil Contingencies Act 2005].*

[This paragraph is being given further consideration.]

(4) Where this regulation applies and the interruptions relates to only one distributor, the distributor shall, except in any of the circumstances described in paragraph (6), pay the prescribed sum to the customer.

(5) Where this regulation applies and the interruptions relate to more than one distributor, each of these distributors shall, except in any of the circumstances described in paragraph (6), pay a proportion of the prescribed sum to the customer.

(6) The circumstances described in this paragraph are –

(a) the distributor to whose network the customer is connected has not received a claim for compensation from the customer within a period of three months after the expiry of the relevant year in which this regulation

applies;

(b) the interruptions as a result of which this regulation applies were not all in respect of the supply to the same premises; or

(c) the customer (or where more than one person is or has been the customer, at least one such person) was not the customer of the premises to which the supply was interrupted on the occasion of each of the interruptions as a result of which this regulation applies.

(7) In this regulation, “relevant year” means a period of 12 months commencing on 1 April.

(8) Each reference to “distributor” includes (where the case requires) a reference to more than one distributor.

PART 3 – OTHER INDIVIDUAL STANDARDS OF PERFORMANCE FOR ELECTRICITY DISTRIBUTORS

Distributor’s fuse

10. – (1) This regulation applies where a distributor is informed by telephone call by a customer that, or of circumstances suggesting that, the distributor’s fuse has operated so as to disconnect the supply to the customer’s premises.

(2) For the purposes of paragraph (1), where information is received by a distributor outside working hours it shall be deemed to have been received at the commencement of the next following working hours.

(3) Where, within the prescribed period from the applicable date, an appropriate person fails to attend at the premises where the distributor’s fuse is situated for the purpose of replacing or reinstating the distributor's fuse and restoring the supply, the distributor shall, except in any of the circumstances described in paragraph (4), pay to the customer the prescribed sum.

(4) The circumstances described in this paragraph are –

(a) each of the circumstances described in regulation 20;

(b) that the customer requested the distributor not to restore the supply; and

(c) that the distributor's fuse had not operated so as to disconnect the supply.

(5) In this regulation, “appropriate person” means a person employed or authorised by a

distributor to restore the supply where the distributor's fuse has operated.

Estimate of charges for connection

11. – (1) This regulation applies where –

(a) a customer gives a notice under section 16A(1) of the Act (including a notice modifying any previous notice) and requests that the distributor provides an estimate;

(b) the supply is to be provided at distribution low voltage; and

(c) the distributor receives from the customer the information relating to the provision of the connection which is or could reasonably be expected to be within the knowledge of the customer and is reasonably required by the distributor to enable him to provide the estimate.

(2) Where this regulation applies and paragraph (4) applies and the distributor fails to dispatch an estimate to the customer within the prescribed period from the applicable date, the distributor shall, except in any of the circumstances described in regulation 20, pay to the customer the prescribed sum.

(3) Where this regulation applies but paragraph (4) does not apply, and the distributor fails to dispatch an estimate to the customer within the prescribed period from the applicable date, the distributor shall, except in any of the circumstances described in paragraph (5), pay to the customer the prescribed sum.

(4) This paragraph applies where it is reasonable for the distributor to believe that it will not be necessary to carry out any significant work other than the provision of a service line and a distributor's fuse to enable the connection to be given.

(5) The circumstances described in this paragraph are –

(a) each of the circumstances described in regulation 20; and

(b) that the distributor reasonably believes that the premises referred to in the notice form or will form part of a development scheme comprising five or more premises.

(6) In providing an estimate referred to in sub-paragraph (1), the distributor –

(a) may reserve the right to vary the amount stated in the estimate having regard to the actual costs incurred by him in carrying out the work, but, if he does so, the estimate shall include a reference to any matters which the distributor considers may

cause the amount to be varied significantly; and

(b) shall state the terms for payment of the amount in the estimate and for any variation of that amount.

(7) In this regulation –

(a) “estimate” means a statement in writing of the amount which the distributor reasonably expects he will require the customer to pay under sub-section 19(1) of the Act or under regulations made under sub-section (2) of that section having regard to the information which is known or ought reasonably to be known by the distributor in relation to the carrying out of that work; and

(b) “service line” means a distribution low voltage electric line or any part of the line which will, at the time it is provided, be used only for supplying a single customer, excluding any part of the line which, at the time it is provided, is intended by the distributor to be used to enable him to provide a connection to premises (other than the customer’s premises) in respect of which the distributor has received or would reasonably expect within the following 12 months to receive a notice under section 16A of the Act.

Notice of supply interruption

12. – (1) Paragraph (4) applies where a distributor interrupts the supply to a customer’s premises connected to its own network for an authorised purpose.

(2) Paragraph (5) applies where a distributor interrupts the supply to a customer’s premises connected to one or more other electricity distributor’s networks for an authorised purpose.

(3) Paragraph (6) applies where a distributor has received notice within the prescribed period that supplies to a customer’s premises connected to its network will be interrupted or are expected to be interrupted for an authorised purpose by another electricity distributor.

(4) Where this paragraph applies and the distributor –

(a) has failed to give to the customer prior notice of not less than the prescribed period, stating the day on which the supply is or is expected to be interrupted; or

(b) interrupts the supply on a day other than a day stated in the notice,

the distributor shall, except in any of the circumstances described in paragraph (7), pay to the customer the prescribed sum.

(5) Where this paragraph applies and the distributor –

(a) has failed to give the other distributor prior notice of not less than the prescribed period, stating the day upon which the supply is or is expected to be interrupted, for onward transmission to the customer; or

(b) interrupts the supply on a day other than a day stated in the notice,

the distributor shall, except in any of the circumstances described in paragraph (7), pay to the customer the prescribed sum.

(6) Where this paragraph applies and the distributor has failed to give the customer connected to its own network prior notice of not less than the prescribed period, stating the day on which supply is expected to be interrupted, the distributor shall, except in any of the circumstances prescribed in paragraph (7), pay to the customer the prescribed sum.

(7) The circumstances described in this paragraph are –

(a) each of the circumstances described in paragraphs (3), (6) and (7) of regulation 20; and

(b) that the distributor to whose distribution system the customer is connected has not received a claim for compensation from the customer in respect of the failure(s) referred to in paragraph (4), (5) and (6) within a period of one month from the applicable date.

(8) In this regulation, “authorised purpose” means testing or any other purpose connected with the carrying on of the activities which he is authorised by his licence to carry on in relation to his electric lines and electrical plant (other than the distributor’s fuse).

(9) Each reference to “distributor” includes (where the case requires) a reference to more than one distributor.

Voltage complaint

13. – (1) This regulation applies where a distributor is notified by a customer that –

(a) the customer believes that the supply to the premises is being or has been given at a voltage outside the limits of the permitted variations; or

(b) an event has occurred in relation to the supply and a distributor might reasonably expect the cause of the event to have been a supply given at a voltage outside the limits of the permitted variations.

(2) Where this regulation and paragraph (3) apply, and the distributor fails within the prescribed period from the applicable date to offer to the customer to visit the customer's premises to investigate the matter during a specified time, the electricity distributor shall, except in any of the circumstances described in paragraph (5), pay to the customer the prescribed sum.

(3) This paragraph applies where the distributor is reasonably satisfied that he is unable to provide an explanation of the probable reason for the matter notified under paragraph (1) without visiting the customer's premises.

(4) Where this regulation applies and the distributor –

(a) where paragraph (3) applies, fails to visit the customer's premises during the specified time, he shall pay to the customer the prescribed sum; or

(b) where paragraph (3) does not apply, fails to dispatch to the customer an explanation of the probable reason for the matter notified under paragraph (1) within the prescribed period from the receipt of the notification, he shall pay to the customer the prescribed sum,

except in either case in any of the circumstances described in paragraph (5).

(5) The circumstances described in this paragraph are each of the circumstances described in regulation 20 provided that, in relation to paragraph (6) of that regulation, the distributor gave the customer not less than one working day's prior warning (whether or not in writing) that he would be unable to visit during the specified time or the circumstances in which that paragraph applied occurred at a time when it was not reasonably practicable to give such a warning.

(6) In this regulation, "permitted variations" has the same meaning as in regulations made under section 29 of the Act[7].

PART 4 – INDIVIDUAL STANDARDS OF PERFORMANCE FOR RELEVANT SUPPLIERS

Charges and payments

14. – (1) This regulation applies where a customer informs a relevant supplier –

(a) that the customer requests a change in the method by which he makes payment to the relevant supplier in respect of the supply; or

(b) of a query as to –

(i) the correctness of an account relating to the supply presented to the customer by the relevant supplier (other than in circumstances in which regulation 15 applies), or

(ii) whether, in relation to the matter or matters described by the customer, any payment ought to be made to the customer and the matter is one to which these regulations apply or appear to apply.

(2) Where this regulation applies, the relevant supplier shall, except in any of the circumstances described in paragraph (3), pay to the customer the prescribed sum if the relevant supplier fails –

(a) in the case of a request under sub-paragraph (1)(a) and where the relevant supplier does not expect to be able to approve the request, to dispatch a substantive reply to the customer within the prescribed period from the date of receipt of the information;

(b) in the case of a query under sub-paragraph (1)(b), to dispatch a substantive reply to the customer within the prescribed period from the date of receipt of the information; or

(c) in the case of a query under sub-paragraph (1)(b)(i) to which the relevant supplier's reply states that the customer is entitled to a payment from the relevant supplier, to make payment by cash, cheque, bank transfer or postal order to the customer of the amount due within the prescribed period from the date of dispatch of the relevant supplier's reply.

(3) The circumstances described in this paragraph are –

(a) each of the circumstances described in regulation 20; and

(b) in respect of a query under sub-paragraph (1)(b)(ii) that the relevant supplier has previously dispatched a notice under paragraph (2) of regulation 19 relating to the matter.

PART 5 – INDIVIDUAL STANDARDS OF PERFORMANCE FOR ELECTRICITY SUPPLIERS

Meter disputes

15. – (1) This regulation applies where an electricity supplier is notified by a domestic customer –

(a) that the customer considers that an appropriate meter is or may have been operating outside the margins of error; or

(b) that circumstances exist which an electricity supplier might reasonably expect to have been caused by the meter operating outside the margins of error.

(2) Where this regulation and paragraph (3) apply, and the electricity supplier

fails within the prescribed period from the applicable date to offer to visit the customer's premises to investigate the matter during a specified time, the electricity supplier shall, except in any of the circumstances described in paragraph (5), pay to the customer the prescribed sum.

(3) This paragraph applies where the electricity supplier is reasonably satisfied that he is unable to provide an explanation to the customer of the probable reason for the matters notified under paragraph (1) without visiting the customer's premises.

(4) Where this regulation applies and the electricity supplier –

(a) where paragraph (3) applies, fails to visit the customer's premises during the specified time, he shall pay to the customer the prescribed sum; or

(b) where paragraph (3) does not apply, fails to dispatch to the customer an explanation of the probable reason for the matter notified under paragraph (1) within the prescribed period from the receipt of the notification, he shall pay to the customer the prescribed sum;

except in either case in any of the circumstances described in paragraph (5).

(5) The circumstances described in this paragraph are each of the circumstances described in regulation 20, provided that, in relation to paragraph (6) of that regulation, the electricity supplier gave the customer not less than one working day's prior warning (whether or not in writing) that he would be unable to visit during the specified time or the circumstances referred to in that paragraph occurred at a time when it was not reasonably practicable to give such a warning.

Prepayment meters

16. – (1) This regulation applies where an electricity supplier is informed (other than by post) by a domestic customer who takes his supply through a prepayment meter either that that meter is not operating so as to permit a supply to the customer's premises in the manner for which it was designed, or of circumstances suggesting that it is not so operating.

(2) For the purposes of paragraph (1), where information is received by an electricity supplier outside working hours it shall be deemed to have been received at the commencement of the next following period of working hours.

(3) Where, within the prescribed period from the applicable date, an appropriate person fails to attend at the premises where the prepayment meter is installed in order to repair or replace it so as to permit a supply in the manner for which it was designed, the electricity supplier shall, except in any of the circumstances described in paragraph (4), pay to the customer the prescribed sum.

- (4) The circumstances described in this paragraph are –
- (a) each of the circumstances described in regulation 20;
 - (b) that the customer requested the electricity supplier not to attend the premises;
 - (c) that the customer requested the electricity supplier not to restore the supply; and
 - (d) that the prepayment meter was found to be operating in the manner for which it was designed.

(5) In this regulation, “appropriate person” means a person employed or authorised by a electricity supplier to repair and replace prepayment meters.

PART 6 – COMMON OBLIGATIONS

Appointments

17. – (1) This regulation applies where –

- (a) the customer informs the relevant operator that the customer wishes the relevant operator to visit the customer’s premises; or
- (b) the relevant operator informs the customer that the relevant operator wishes to visit the customer’s premises,

being in either case a visit in connection with the activities which the relevant operator is required or authorised to carry on under his licence and which requires access to be afforded to his representative or for which it would otherwise be reasonable to expect the customer to be present.

(2) Where this regulation applies and the relevant operator fails within a reasonable period from the applicable date to offer a timed appointment, the relevant operator shall, except in the circumstances described in paragraph (5), pay to the customer the prescribed sum.

(3) Where this regulation applies and the relevant operator fails to keep a timed appointment, the relevant operator shall, except in the circumstances described in paragraph (5), pay to the customer the prescribed sum.

(4) Where a timed appointment is made for more than one purpose, the relevant operator shall not be required to pay more than one prescribed sum under paragraph (3) in respect of that timed appointment.

(5) The circumstances described in this paragraph are –

(a) each of the circumstances described in regulation 20, provided that in paragraph (6) of that regulation, the relevant operator gave the customer not less than one working day's prior warning (whether or not in writing) that he would be unable to keep the timed appointment or the circumstances referred to in that paragraph occurred at a time when it was not reasonably practicable to give such a warning;

(b) that the visit is for the purpose of responding to information received under regulations 10, 13, 15, or 16; and

(c) that the visit is wholly or mainly in connection with disconnecting the premises in exercise of the power contained in paragraph 2(1) of Schedule 6 to the Act[8].

(6) In this regulation, “timed appointment” means an appointment to make a visit to a customer's premises commencing –

(a) unless sub-paragraph (b) applies, during a part (specified by the relevant operator) of a day (also specified by the relevant operator) within a reasonable period from the applicable date, having regard to the purpose of the visit, being either a part which falls either wholly before one o'clock in the afternoon or wholly after noon, or a part not exceeding two hours; or

(b) during such part of a day as is requested by the customer and agreed with the relevant operator, such agreement not to be unreasonably withheld, provided that the relevant operator shall not be obliged to agree a part of a day that is less than two hours.

Disputes

18. - Where a dispute is referred to the Authority for determination under sub-section 39B(1)(a) of the Act, the dispute shall be determined in accordance with the practice and procedure set out in Schedule 2 to these Regulations.

Payments

19. – (1) Paragraph (4) applies –

(a) where a distributor is obliged to make a payment to a customer connected to its distribution network under any of regulations 5 to 7 (inclusive), 9 to 13 (inclusive) and 17; or

(b) where a distributor is obliged by paragraph (7) to pass on a payment made by

another distributor to a customer connected to its distribution network.

(2) Paragraph (6) applies where a distributor is obliged to make a payment or part of a payment to a customer connected to another distributor's distribution network under regulations 5 to 7 (inclusive), 9 and 12.

(3) Paragraph (8) applies –

(a) where a relevant supplier or electricity supplier is obliged to make a payment to a customer under any of regulations 14 to 17 (inclusive); or

(b) where an electricity supplier is obliged by paragraph (5) to pass on a payment made by a relevant distributor to the electricity supplier's customer.

(4) Where this paragraph applies and the distributor fails within the prescribed period from the applicable date to dispatch a notice to the customer or electricity supplier advising that the payment is due to the electricity supplier's customer and to make payment to the customer or electricity supplier for onward transmission to the customer of the sum to which he is entitled, the distributor shall, except in any of the circumstances described in paragraph (9), pay to the customer or electricity supplier the prescribed sum for onward transmission to the customer.

(5) Where paragraph (4) applies and the distributor makes a payment to the electricity supplier for onward transmission to the customer, the electricity supplier shall pass on the payment made by the distributor to the customer.

(6) Where this paragraph applies and a distributor fails within the prescribed period from the applicable date to dispatch a notice to the other distributor advising that a payment or part payment is due to a customer connected to that distributor's network and to make payment to that distributor for onward transmission to the customer of the sum to which he is entitled, the distributor shall, except in any of the circumstances described in paragraph (9), pay to that distributor the prescribed sum for onward transmission to the customer.

(7) Where paragraph (6) applies and a distributor makes a payment to another distributor for onward transmission to the customer, that distributor shall pass the payment on to the customer by the means described in paragraph (4).

(8) Where this paragraph applies and the supplier fails within the prescribed period from the applicable date to dispatch a notice to the customer advising that the payment is due to the customer and to make payment to the customer of the sum to which he is entitled, the relevant operator shall, except in any of the circumstances described in paragraph (9), pay to the customer the prescribed sum.

(9) The circumstances described in this paragraph are –

(a) each of the circumstances described in regulation 20; and

(b) that there is a genuine dispute between the relevant operator and the customer as to whether the relevant operator is obliged to make the payment or where there is a dispute as to the proportion of the prescribed sum that should be paid by each distributor under regulations 5, 6 or 7.

(10) Where a relevant operator is required to make a payment under these Regulations –

(a) in relation to any premises of which more than one person is a customer, a payment to any one or more of the customers of those premises shall be a complete discharge of the obligation of the relevant operator to make the payment to all the customers of those premises;

(b) nothing in, or done by a relevant operator in consequence of, these Regulations shall determine who is beneficially entitled to any payment made in pursuance of these Regulations; and

(c) nothing in these Regulations shall permit a relevant operator to make a payment other than by means of –

(i) a cheque or cash; or

(ii) a credit to the account of the customer for charges incurred or to be incurred in respect of the supply or the provision of any electricity meter, electric line, or electrical plant.

Exemptions

20. – (1) The circumstances contained in paragraphs (2) to (4) and (6) to (8) are the circumstances described in this regulation.

(2) The customer informs the relevant operator before the contravention time that the customer does not wish the relevant operator to take any action, or any further action in relation to the matter.

(3) The customer agrees with the relevant operator that the action taken by the relevant operator before the contravention time shall be treated as the taking by the relevant operator of the action required by the regulation and, where the action taken by the relevant operator includes a promise to perform any action (whether before or after the contravention time), the relevant operator duly performs that promise.

(4) Where information is or is required to be provided by the customer to the relevant operator, the information is provided to an address or by use of a telephone number other than the address or telephone number which the relevant operator has advised the customer is appropriate for receipt of information of that type or, in the case of information given by telephone for the purpose of regulations 13(1), 14(1) or 15(1), was given outside such reasonable hours as the relevant operator has advised the customer are the hours during

which the telephone number will be available for the receipt of information of that type.

(5) For the purposes of paragraph (4) the relevant operator may advise the customer by publishing the address, the telephone number, or the hours in such a manner as may be appropriate for the purpose of bringing the advice to the attention of customers likely to be affected by it.

(6) It was not reasonably practicable for the relevant operator to take the action required by the regulation before the contravention time as a result of –

- (a) severe weather conditions;
- (b) industrial action by the employees of the relevant operator;
- (c) the act or default of a person other than an officer, employee or agent of the relevant operator, or a person acting on behalf of an agent of the relevant operator;
- (d) the inability of the relevant operator to obtain any necessary access to any premises (which may include his own premises);
- (e) the existence of circumstances by reason of which the relevant operator could reasonably expect that if he took the action he would or would be likely to be in breach of an enactment;
- [(f) the existence of an event specified by the Secretary of State as an emergency within the meaning of section X or Y of the Civil Contingencies Act 2005;] or*

This paragraph is being given further consideration.

- (g) other circumstances of an exceptional nature beyond the control of the relevant operator,

and the relevant operator had taken all such steps as it was reasonable to take both to prevent the circumstances from occurring and to prevent them from having that effect.

(7) The relevant operator reasonably considers that the information given by the customer is frivolous or vexatious.

(8) The customer has –

- (a) committed an offence under paragraph 6 of Schedule 6 or paragraph 11 of Schedule 7 to the Act; or
- (b) failed to pay any charges due to the relevant operator after receiving a notice under sub-paragraph 2(2) of Schedule 6 to the Act,

and the action taken or not taken by the relevant operator was in exercise of his powers

under the relevant paragraph or sub-paragraph.

(9) In this regulation, “contravention time” means –

(a) in relation to regulation 7, the expiry of the relevant period referred to in sub-paragraphs 2(a) and 3(a) and (where applicable) of each period referred to in sub-paragraphs 2(b) and 3(b) of that regulation;

(b) in relation to regulation 12, the time at which the supply was interrupted; and

(c) in relation to any other regulation, the time at which, if this regulation did not apply, the relevant operator would become liable to pay the prescribed sum to the customer.

Timing of notification

21. For the purpose of regulations 11, 13, 14, and 15, where the requirements of paragraph (1) of any of those regulations are satisfied after 4 pm on a working day or at any time on any other day, they shall be deemed to have been satisfied on the next following working day.

PART 7 – OVERALL STANDARDS OF PERFORMANCE

Notice of rights

22. – (1) In respect of the rights prescribed for the benefit of customers under regulations 5 to 13 (inclusive) and 17 to 21 (inclusive) a distributor shall prepare and from time to time revise a statement describing those rights and the effect of section 39A(5) of the Act in a form which is standardised with other distributors and having a content which a distributor could reasonably expect would be within the understanding of customers to which the statement relates and shall –

(a) give a copy of the statement, and of any revision of the statement to the Authority and to the Council, before he sends it to the electricity suppliers referred to in sub-paragraph (b);

(b) at least once in any period of 12 months dispatch to each electricity supplier which supplies electricity to premises connected to the distributor’s distribution system for onward transmission to the electricity supplier’s customers a copy of the statement (in the form current at the time it is provided);

(c) make a copy of the statement (in its current form) available on its website and for inspection by any person at any premises of or occupied by the distributor open to the public in the normal course of the distributor’s business during the normal opening hours of the premises; and

(d) dispatch a copy of the statement (in its current form) to any person who requests

it.

(2) In respect of the rights prescribed for the benefit of customers under regulations 14 to 21 (inclusive) a relevant supplier, and in respect of those rights under regulations 15 to 21 (inclusive) an electricity supplier, shall prepare and from time to time revise a statement describing the rights prescribed for the benefit of customers under these Regulations and the effect of section 39(4) of the Act in a form and having a content which a relevant supplier or an electricity supplier (as the case may be) could reasonably expect would be within the understanding of customers to which the statement relates and shall –

(a) give a copy of the statement, and of any revision of the statement to the Authority and to the Council, before he makes it available to customers;

(b) at least once in any period of 12 months dispatch to each domestic customer of the relevant supplier or electricity supplier a copy of the statement (in the form current at the time it is provided), provided that where in relation to any premises more than one person is a domestic customer, the obligation shall be satisfied by dispatching a copy of each such statement to any one of them;

(c) make a copy of the statement (in its current form) available for inspection by any person at any premises of or occupied by the supplier open to the public in the normal course of the supplier's business during the normal opening hours of the premises; and

(d) dispatch a copy of the statement (in its current form) to any person who requests it.

(3) A relevant operator may prepare a separate statement for domestic and non-domestic customers.

(4) A relevant supplier or an electricity supplier (as the case may be) may satisfy his obligation under sub-paragraph (b) or (d) of paragraph (2) by dispatching the statement he has prepared to the class of customer to whom it relates.

(5) An electricity supplier shall at least once in any period of 12 months dispatch to each domestic customer of the electricity supplier the information in any statement sent to him by a distributor pursuant to paragraph (1) in respect of the customers connected to that distributor's distribution system, provided that where in relation to any premises more than one person is a domestic customer, the obligation shall be satisfied by dispatching such information to any one of them.

Overall standards of performance

Information to be given to customers about overall performance

23. – (1) In respect of the overall standards of performance determined by the Authority under section 40 of the Act, a relevant supplier shall prepare and from time to time revise a statement describing those standards and the levels of performance achieved as respects those standards in a form and having a content which a relevant supplier could reasonably expect would be within the understanding of customers to which the statement relates and shall –

(a) give a copy of the statement, and of any revision of the statement, to the Authority and to the Council, before he makes it available to customers;

(b) at least once in any period of 12 months dispatch to each domestic customer of the electricity supplier a copy of the statement (in the form current at the time it is provided), provided that where in relation to any premises more than one person is a domestic customer, the obligation shall be satisfied by dispatching a copy of each such statement to any one of them;

(c) make a copy of the statement (in its current form) available for inspection by any person at any premises of or occupied by the supplier open to customers in the normal course of the supplier's business during the normal opening hours of the premises; and

(d) dispatch a copy of the statement (in its current form) to any person who requests it.

(2) A relevant operator may prepare a separate statement for domestic and non-domestic customers.

(3) A relevant supplier may satisfy his obligation under sub-paragraph (b) or (d) of paragraph (2) by dispatching the statement he has prepared to the class of customer to whom it relates.

The seal of the Gas and Electricity Markets Authority here affixed is authenticated by the signature of

ABC

A member of the Authority

1 March 2005

I Consent

XYZ

Minister of State for Industry and Energy, Department of Trade and Industry

1 March 2005

SCHEDULE 1

Data for the purpose of calculating payments

PART I

Prescribed periods and prescribed sums applicable to all relevant operators

<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>
<i>Regulation</i>	<i>Prescribed period</i>	<i>Prescribed sum domestic customer</i>	<i>Prescribed sum non- domestic customer</i>
5(2)(a)	18 hours	£50	£100
5(2)(b)		£25	£25
5(3)(a)	18 hours	£50	£100
5(3)(b)		£25	£25
6(4)(a)	24 hours	£25	£25
6(4)(b)		£25	£25
6(5)(a)	24 hours	£25	£25
6(5)(b)		£25	£25
6(6)(a)	48 hours	£25	£25
6(6)(b)		£25	£25
6(7)(a)	48 hours	£25	£25

6(8)(a)		£25	£25
6(8)(b)		£25	£25
6(9)(a)		£25	£25
6(9)(b)		£25	£25
7(2)(a)	18 hours	£50	£100
7(2)(b)		£25	£25
7(3)(a)	18 hours	£50	£100
7(3)(b)		£25	£25
9(4)		£50	£50
9(5)		£50	£50
10(3)	3 hours on a working day	£20	£20
10(3)	4 hours on any other day	£20	£20
11(2)	5 working days	£40	£40
11(3)	15 working days	£40	£40
12(4)	2 days	£20	£20
12(5)	5 days	£20	£20
12(6)	2 days	£20	£20
13(2)	7 working days	£20	£20
13(4)(a)		£20	£20
13(4)(b)	5 working days	£20	£20
14(2)(a)	5 working days	£20	£20
14(2)(b)	5 working days	£20	£20
14(2)(c)	5 working days	£20	£20
15(2)	7 working days	£20	£20

15(4)(b)	5 working days	£20	£20
16(3)	3 hours on a working day	£20	£20
16(3)	4 hours on any other day	£20	£20
17(2)		£20	£20
17(3)		£20	£20
19(4)	10 working days	£20	£20
19(6)	10 working days	£20	£20
19(8)	10 working days	£20	£20

PART II

7.00 am and 7.00 pm on each working day and 9.00 am and 5.00 pm on any other day

PART III

The category 3 threshold number of customers and eight and thirteen times the mean daily faults at distribution higher voltage for each relevant distributor.

(1)	(2)	(3)	(4)
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<i>Relevant distributor</i>	<i>Eight times the mean daily faults at distribution higher voltage</i>	<i>Thirteen times the mean daily faults at distribution higher voltage</i>	<i>Category 3 threshold number of customers</i>
Central Networks West plc	63	103	348,000
Central Networks East plc	58	95	410,000
United Utilities Electricity plc	47	77	262,000
Northern Electric Distribution Limited	36	59	218,000
Yorkshire Electricity Distribution Limited	35	57	347,000
Western Power Distribution (South West) plc	54	88	270,000
Western Power Distribution (South Wales) plc	46	75	208,000
EDF Energy Networks (LPN) plc	10	17	331,000
EDF Energy Networks (SPN) plc	46	74	284,000
EDF Energy Networks (EPN) plc	72	117	484,000
SP Distribution Limited	79	129	226,000
SP Manweb plc	61	99	188,000
Scottish Hydro-Electric Power Distribution Limited	61	99	119,000
Southern Electric Power Distribution plc	62	101	417,000

SCHEDULE 2

Standards of Performance – Practice and Procedure for Determinations

Determination of disputes

1. – (1) This Schedule applies where a dispute has arisen under regulation 18 of the Regulations between a relevant operator and a customer or between relevant operators. Such disputes include cases where the Authority is requested to determine the proportion of the prescribed sum to be paid by each distributor under regulation 4 of the Regulations.

(2) A dispute to which this Schedule applies –

(a) may be referred to the Authority by any party or, with the agreement of any party, by the Consumer Council; and

(b) on such reference, shall be determined by order made by the Authority.

(3) In making an order under this Schedule, the Authority shall include in the order the reasons for reaching its decision with respect to a dispute.

(4) An order under this Schedule shall be final and shall be enforceable –

(a) in England and Wales, as if it were a judgement of a county court; and

(b) in Scotland, as if it were an extract registered decree arbitral bearing a warrant for execution issued by the sheriff.

Timetable for determination of individual disputes

2. – (1) The Authority shall determine a dispute to which this Schedule applies before the end of eighty working days from the date when the dispute was referred to the Authority.

(2) If the Authority is satisfied that there are good reasons for departing from the requirements of sub-paragraph (1), the period in which a dispute may be determined may be extended with the consent of the customer.

Notice of procedure for the determination of individual disputes

3. (1) – Where an individual dispute is referred to the Authority by the Regulations, the Authority shall, at the outset, send to the parties a notice of procedure for the determination of individual disputes.

(2) The notice under sub-paragraph (1) shall –

- (a) set out a timetable by which each part of the procedure for the determination of individual disputes under this Schedule is to take place;
- (b) provide a list of any documentation or other evidence that the Authority has received in connection with the dispute and inform the parties that such documentation or other evidence may be disclosed to other parties to the dispute unless it is specifically classed as confidential by the party to whom it belongs;
- (c) inform the parties of any specific information that the Authority is requesting as part of the written statement prepared in accordance with paragraph (4); and
- (d) explain the manner in which the Authority intends to publish the determination decision.

(3) Upon receipt of a notice under sub-paragraph (1) the parties shall prepare a written statement in accordance with paragraph (4).

(4) Upon receipt of a written statement provided in accordance with paragraph (4), the Authority may decide that it is necessary to obtain third party advice. If third party advice is requested, then the Authority shall inform the parties to the dispute of that request and indicate in writing how that request will affect the timetable outlined in the notice issued under sub-paragraph (1).

(5) At anytime after receiving a written statement in accordance with paragraph (4), the Authority may, if it considers appropriate, request an oral hearing in accordance with paragraph (6).

(6) If the Authority is satisfied that it has sufficient information to determine a dispute, it shall prepare a draft determination statement containing the submissions of the parties and then send that draft determination statement to the parties for comment.

(7) When the Authority has received comments from the parties, and is satisfied that it has sufficient information to make the determination decision, it shall prepare and then issue to the parties a final determination statement.

(8) The parties shall within one week of receiving a final determination statement, inform the Authority of any issues or information within that statement that should be excluded due to the issues or information being of a confidential nature.

(9) The Authority shall, upon receipt of any confidential issues or information under sub-paragraph (8), make the necessary adjustments to the final determination statement and then publish that final determination statement on their website.

Written statements

4. – (1) The Authority may, by notice, ask any party to a dispute to produce a written statement with respect to a matter specified in the notice.

(2) The power to ask for the production of a written statement includes power to specify the time and place at which it is to be produced.

(3) No person is to be compelled under this paragraph to produce a written statement with respect to any matter about which he could not be compelled to give evidence in civil proceedings in the High Court or Court of Session.

Production of documents

5. – (1) The Authority may, by notice, ask a party to a dispute to produce such evidence, in such form and at such time as it directs, as the Authority may reasonably require to enable it to make the determination decision.

(2) The power to ask for the production of a document is a power to ask for its production –

(a) at the time and place specified in the notice; and

(b) in a legible form.

(3) No person is to be compelled under this paragraph to produce a document that he could not be compelled to produce in civil proceedings in the High Court or Court of Session.

(4) The Authority may take copies of a document produced to it under this paragraph.

Oral hearings

6. – (1) For the purposes of this Schedule, an oral hearing may be held, and evidence may be heard at such a hearing from any party to a dispute.

(2) The Authority may, by notice, request that any party to a dispute –

(a) to attend at a time and place specified in the notice; and

(b) at that time and place, to give evidence to any person appointed by the Authority to conduct the oral hearing.

(3) At any oral hearing, the Authority may request that the customer or a person attending the hearing as a representative of the relevant operator to give evidence or to make representations or observations.

(4) If any party fails to attend a hearing to be subjected to a requirement under sub-paragraph (3), the Authority may determine the dispute without hearing his evidence, representations, or observations.

(5) No person is to be compelled under this paragraph to give evidence which he could not be compelled to give in civil proceedings in the High Court or Court of Session.

Determination of multiple disputes

7. – (1) The Authority may, if it considers it appropriate to do so, consolidate into one or more categories (in each case a ‘consolidated group’) similar or related disputes for the purposes of determining those disputes.

(2) Before consolidating disputes into a category under sub-paragraph (1), the Authority shall –

(a) publish and explain its proposals in a manner which it believes will bring them to the attention of persons most likely to be affected;

(b) invite those persons to comment to the Authority within a specified period from the publication of the proposals as specified in that publication; and

- (c) have regard to comments duly received.

(3) A determination made by the Authority or an authorised person for one or more consolidated groups shall apply, in respect of each consolidated group, to each individual dispute in that group.

Notice of procedure for the determination of multiple disputes

8. (1) – Where multiple disputes are referred to the Authority by these Regulations, the Authority shall, at the outset, send to the parties a notice of procedure for the determination of multiple disputes.

(2) The notices under sub-paragraph (1) shall –

- (a) set out a timetable by which each part of the procedure for the determination of multiple disputes under this Schedule is to take place;
- (b) provide a list of any documentation or other evidence that the Authority has received in connection with the dispute and inform the parties that such documentation or other evidence may be disclosed to other parties to the dispute unless it is specifically classed as confidential by the party to whom it belongs;
- (c) inform the parties of any specific information that the Authority is requesting in accordance with paragraph (10);
- (d) explain the manner in which the Authority intends to publish the determination decision.

(3) Upon receipt of a notice under sub-paragraph (1) the parties to the dispute shall provide the Authority with –

- (a) the details specified in sub-paragraph (2)(c);
- (b) the details of any other party to the dispute;
- (c) any other information that they consider relevant to the dispute.

(4) Upon receipt of the information provided in accordance with sub-paragraph (3), the Authority may, as set out in paragraph (7), prepare a list of consolidated groups and then consult as to whether those consolidated groups are appropriate.

(5) Upon receipt of the responses to the consultation under sub-paragraph (4) the Authority shall have regard to those responses before finalising the consolidated groups.

(6) When the Authority has decided on the consolidated groups for the purpose of determining multiple disputes, it shall appoint customer representatives as required by paragraph (9).

(7) Following the appointment of the customer representatives for the consolidated groups those customer representatives and the relevant operators shall prepare a written statement in accordance with paragraph (4).

(8) Upon receipt of a written statement provided in accordance with paragraph (4), the Authority may decide that it is necessary to obtain third party advice. If third party advice is requested, then the Authority shall inform the customer representatives and the relevant operators of that request and indicate in writing how that request will affect the timetable outlined in the notice issued under sub-paragraph (1).

(9) At anytime after receiving the written statements in accordance with paragraph (4) the Authority may request an oral hearing in accordance with paragraph (6).

(10) If the Authority is satisfied that it has the necessary information, it shall prepare a draft determination statement containing the submissions of the customer representatives and the relevant operators and then send that draft determination statement to the customer representatives and the relevant operators for comment.

(11) When the Authority has received comments from the customer representatives and the relevant operator, and is satisfied that it has sufficient information to make the determination decision, it shall issue a final determination statement for each consolidated group.

(12) The customer representatives and the relevant operators shall within one week of receiving a final determination statement inform the Authority of any issues or information within that statement that should be excluded due to the issues or information being of a confidential nature.

(13) The Authority shall, upon receipt of the confidential issues or information under sub-paragraph (12), make the necessary adjustments to the final determination statement and then publish that final determination statement on their website

Customer representatives for multiple disputes

9. – (1) Where disputes are consolidated into categories under paragraph (7), the Authority shall nominate one or more customers to be representatives of each consolidated group.

(2) A customer nominated to be a representative of a consolidated group under this paragraph shall only become a representative if he consents to do so.

Collection of information in multiple disputes

10. – (1) The Authority may, where a customer is not required to produce a written statement under paragraph (3), by notice ask any customer who is a party to a dispute falling within a consolidated group to produce such information with respect to a matter specified in the notice.

(2) The power to require the production of information under this paragraph includes the power to specify the time and place at which it is to be produced.

(3) No person is to be compelled under this paragraph to produce information with respect to any matter about which he could not be compelled to give evidence in civil proceedings in the High Court or Court of Session.

Timetable for determination of multiple disputes

11. – (1) The Authority, when determining disputes falling within a consolidated group, shall determine those disputes before the end of six months from the date when they were consolidated into that group by the Authority under paragraph (7).

(2) If the Authority is satisfied that there are good reasons for departing from the requirements of sub-paragraph 1, the period in which disputes falling within a consolidated group may be determined may be extended by notice to the representatives of any such group nominated under paragraph (9).

Set-off

12. – Where a dispute is determined by an order requiring a relevant operator to make a payment to the customer and the relevant operator fails to make that payment, the customer may set-off the amount so ordered to be paid against any charges that are owed by the customer to the relevant operator.

Costs

13. – (1) An order determining a dispute may include a provision requiring the relevant operator or the customer to pay a sum in respect of the costs or expenses incurred by the Authority.

(2) In including in an order under sub-paragraph (1) any such provision as to costs, the Authority shall have regard to the conduct and means of the parties and any other relevant circumstances.

(3) An order determining a dispute shall not (where there is more than one customer at the premises) determine who is beneficially entitled to any payment required to be made by the order

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations re-enact the Electricity (Standards of Performance) Regulations 2001 and the Electricity (Standards of Performance) (Amendment No. 2) Regulations 2002 with amendments.

They prescribe the sum which suppliers or distributors must pay to a customer by way of compensation for failure to meet specified standards of performance in respect of the services to be provided by such suppliers or distributors. The sum payable differs between domestic and non-domestic customers, and between standards.

The main changes in the new Regulations are:

- separating the existing 18 hour guaranteed standard of performance for supply restoration for electricity distributors (other than in the Highlands and Islands) into 2 standards covering normal and severe weather conditions respectively (regulations 5 and 6);

- extending the application of the guaranteed standards to all distributors (including independent distribution network operators (IDNOs) and distribution network operators (DNOs) operating out of area; and
- the introduction of a new schedule setting out a more comprehensive practice and procedure for determining standards of performance disputes (Schedule 2 to the Regulations).

The Electricity (Standards of Performance) Regulations 2001 and the Electricity (Standards of Performance) (Amendment No. 2) Regulations 2002 are revoked (regulation 2), subject to the transitional provisions in regulation 1.