

Statutory consultation on amendments to the Electricity (Standards of Performance) Regulations 2015 for Severe Weather compensation arrangements



Making a positive difference
for energy consumers

All interested parties,

Your Ref:

Our Ref:

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Date: 4 April 2023

Dear stakeholders,

Statutory consultation on amendments to the Electricity (Standards of Performance) Regulations 2015 for Severe Weather compensation arrangements

Overview

This consultation invites views on the proposed approach to implementing the immediate recommendations from the Review of Severe Weather Compensation Arrangements for Electricity Customers, including the proposed draft statutory instrument contained with Annex A.

The draft Statutory Instrument ("SI") takes the form of amendments to the Electricity (Standards of Performance) Regulations 2015 S.I. 2015/699 and the Electricity (Connection Standards of Performance) Regulations 2015 S.I. 2015/698. A separate consultation¹, published alongside this consultation, will invite views on the proposed changes to the Electricity (Connection Standards of Performance) Regulations 2015 following our Final Determinations for the RIIO-ED2 price control. We have decided to use a single draft SI for both sets of changes in order to streamline the process.

¹ Statutory consultation on proposed amendments to the Electricity (Connection Guaranteed Standards of Performance) Regulations 2015 for payment levels adjustment, 04 April 2023

Background

Guaranteed Standards of Performance (GSOPs) set standards of performance levels that Distribution Network Operators (DNOs) are expected to meet. If the DNO fails to meet the required level of service, it could be required to pay compensation to the affected consumers. For example, the GSOPs prescribe timeframes for supply restoration to customers following Severe Weather events. These standards are set in consultation with the DNOs and other interested parties.

In late November 2021, Storm Arwen saw the worst damage and disruption to the electricity system in over 15 years. Thousands of customers in Northern England and Scotland faced power disruptions, with more than 4,000 customers off supply for between one and two weeks.

In June 2022 we published our Storm Arwen Report.² The Storm Arwen Report set out our conclusions on the DNOs responses to Storm Arwen, and on how well the DNOs met their obligations to pay compensation to impacted consumers.

As part of the response to the Storm Arwen Report, we committed to “commission a review of the GSOPs for Severe Weather” including assessing:

- storm categories
 - There are currently three storm categories (categories 1, 2, and 3, from least to most severe), which are related to the number of faults on a DNO’s network and the number of customers disconnected as a result of the storm. The level of compensation a customer is entitled to is dependent on the storm category
- the payment structure, i.e.
 - the duration of outage before a customer becomes eligible for compensation,
 - the length of time-steps between increases in compensation payable,
 - the levels of compensation payable for each time-step.

² Storm Arwen Report, 9 June 2022: <https://www.ofgem.gov.uk/publications/storm-arwen-report>

- whether it is appropriate to cap the level of compensation an individual customer can receive for a single outage. The current arrangement has a cap of £700 per customer.
- options to improve the accuracy of customer data held by DNOs and to improve the efficiency of the process for making compensation payments.

This review of the GSOPs for severe weather culminated in a report³, setting out recommendations for changes to the levels of compensation the DNOs are mandated to pay to customers experiencing power cuts caused by severe weather events. The report also made recommendations relating to changes to systems, processes, and payment methods for issuing compensation to eligible customers.

We have considered the report's recommendations⁴ and to implement the report's immediate recommendations⁵, we propose to amend the Electricity (Standards of Performance) Regulations 2015⁶ (SI 2015/699) ("2015 Regulations").

Proposed changes and reasoning

The proposed changes explained below have been applied in the draft statutory instrument, amending the 2015 Regulations, published alongside this notice. A summary of the benefits and rationale for making the change are provided below. Please see the full report on the review of Severe Weather Compensation Arrangements for Electricity Customers³ for a more comprehensive explanation and analysis behind the proposed changes.

1. **Remove storm category 3.** We consider this better reflects the intended purpose of the severe weather storm categories. This is to help ensure that compensation payments balance the need to be fair to affected customers and to

³ [Review of Severe Weather Compensation Arrangements for Electricity Customers | Ofgem](#)

⁴ Our decision to accept the reports recommendation and proposals on the amendments to the Regulations 2015 was published in November 2022 as part of the open letter Review of Severe Weather Compensation Arrangements for Electricity Customers: https://www.ofgem.gov.uk/sites/default/files/2022-11/Open%20letter%20on%20the%20review%20of%20severe%20weather%20compensation_v3.0docx_0.pdf

⁵ This set of proposed changes to the regulations pertain to recommendations 1,2,3,5 and (part of) 6. To implement the reports remaining recommendations, we will work with stakeholders to further understand the practicalities of various options and realistic timeframes for implementation.

⁶ [The Electricity \(Standards of Performance\) Regulations 2015 \(legislation.gov.uk\)](#)

be realistic in regards to DNOs achievable restoration times in challenging circumstances. Removing category 3 will simplify the Severe Weather GSOPs and ensure that customers who are off supply for long periods receive compensation payments. We believe it's important to retain Categories 1 and 2, as they sufficiently reflect the need for additional time for DNOs to restore supplies following a severe weather event. In addition to this, we have updated the average daily interruptions thresholds⁷ for Categories 1 and 2, the change is based on the 10-year historical performance (from 2012/13 to 2021/22) of the mean daily faults at distribution higher voltage of DNOs. These thresholds relate to how severe weather conditions are defined in the 2015 Regulations⁸ and are derived from the average daily fault for a given DNO's network. Updating the thresholds will ensure the categorisation of storms in the regulations is reflective of the current performance of DNOs' networks. The thresholds are aligned to the Interruption Incentives Scheme (IIS)⁹, which adopts Category 1 thresholds as exceptionality requirement for Severe Weather Events.

2. **Reduce the additional payment intervals from 12 to 6 hours**, with the compensation payable halved for each individual payment interval. Reducing the length of time-steps, between increases in compensation payable to impacted customers, reflects customer inconvenience more accurately.
3. **Introduce an inflation adjustment mechanism and update payments in line with current inflation rate** up to January 2023 based on CPIH index published by the Office for National Statistics and rounding payments, up or down, to the nearest £5. Payment have not been updated since 2015 and this will bring compensation payment levels in line with Gas GSOPs arrangements. For example, this will increase the initial payments from £70 to £90 and additional payments from £70 every 12 hours to £45 every 6 hours¹⁰. Updates of this nature, to reflect inflation at periodic intervals, are standard practice and similar amendments were made for the Gas GSOP arrangements¹¹ in 2021. The change will also mean payment caps are always multiples of payment levels, ensuring customers receive the same number of payments before reaching the caps. This

⁷ The average daily number of faults is defined in the Electricity Supply Regulations (2015) in Schedule 2, Part 3.

⁸ For an event to be considered as Severe Weather it must be more than 8 times the daily average number of faults in a 24-hour period.

⁹ The Incentives Interruption Scheme (IIS) incentivises DNOs to reduce the impact of supply interruptions by exposing them to rewards and penalties for their interruptions performance against set targets.

¹⁰ We are increasing additional payments from £70 to £90 for every 12 hours, but because we are also reducing the length of the payment intervals, from 12 to six hours, customers will get £45 for every 6 hours.

¹¹ [Decision for Statutory consultation on amendments to the gas Guaranteed Standards of Performance Statutory Instrument | Ofgem](#)

change will apply to all payments that are required under these regulations, and thus safeguard all payments to customers from the value-eroding effects of inflation.

4. **Increase the compensation cap.** Currently the cap is equivalent to 5.5 days off supply for a Category 1 storm and 6.5 for a Category 2 storm, this will be increase to the equivalent of 13 and 14 days respectively. This will increase the maximum compensation, per loss of power supply, from £700 to £2250. Payment caps will be directly proportional to the payment level, so they automatically increase as payment levels increase due to inflation. The change benefits customers who are off supply for longer periods of time, while also ensuring that financial risk of severe weather is capped for the DNOs for a potentially larger event than Storm Arwen. This increase captures both an extension in the number of days covered as well as the inflation update discussed above.

5. **Update the overall regulation to allow payments by bank transfer.** The 2015 Regulations only allow payments to be made via cash, cheque or credit to the account of the customer. The review recommended that the 2015 Regulations be amended to allow bank transfers and other electronic means, such as secure link. We agree enabling other payment methods and giving customers more options for payments will speed up payments. We are making this change to enable bank transfer as an interim measure and the aim is to amend the regulations to further enable the other additional payment methods. However, before we enable these additional payment methods, further work is needed to develop the solution, for example to ensure there are sufficient measures to protect customers from unintended consequences. In the meantime, we believe the additional option to pay customers via bank transfer will help speed up payments, based on the lessons learn from recent storms.

Consultation questions

- 1. Do you agree with our proposal to amend the 2015 Regulations, as set out above?**
- 2. Do any of the obligations need further clarification within the SI?**
- 3. Are the new definitions appropriate?**
- 4. Do the obligations in the draft SI reflect the the recommendations (1,2,3,5 and 6) from the Review of Severe Weather Compensation Arrangements for Electricity Customers?**
- 5. Do you agree with the updated thresholds for Categories 1 and 2?**
- 6. Do you agree with the proposed new payment levels and payment caps as set out in of the draft amended 2015 Regulations?**
- 7. Do you agree with the proposed mechanism for adjustment of payment levels and payment caps?**

Responding to this consultation and next steps

This consultation invites views on the draft SI required to implement the policy decisions. The draft SI takes the form of amendments to the existing 2015 Regulations, which set out the GSOPs for DNOs. Annex A contains the draft amendment SI. Annex B contains a mark-up of the 2015 Regulations to illustrate the changes that the amendment SI is intended to make.

Our intention is that the proposed change will come into effect in July 2023.

Responses to this consultation should be received by **2 May 2023** and should be sent, by email, to AssetRiskResilience@ofgem.gov.uk.

Yours faithfully,

Jourdan Edwards,
Interim Deputy Director, Onshore Networks

Annex A – The draft amendments Statutory Instrument

Draft amendments for the Electricity (Standards of Performance) Regulations 2015 (S.I. 2015/699) and the Electricity (Connection Standards of Performance) Regulations 2015 (S.I. 2015/698)

Amendments to the Electricity (Standards of Performance) Regulations 2015

2.— The Electricity (Standards of Performance) Regulations 2015(a) are amended as follows

(1) In paragraph (1) of regulation 3 (Interpretation)—

- (a) substitute “the Scottish Association of Citizens Advice Bureaux” with “Consumer Scotland” in the definition “consumer advocacy body”,
- (b) after “where the customer is a non-domestic customer the amount in column 4 of Part 1 of Schedule 2,” insert “or such other sum calculated in accordance with regulation 21A, in any of the aforementioned” in the definition of “prescribed sum”, and
- (c) after the definition of “prescribed sum” insert the following—

“prescribed cap” means the amount in column 4 of Part 1A of Schedule 2, or such other amount as adjusted by virtue of regulation 21A, opposite the reference to that paragraph of the regulation in column 1 of Part 1A of that Schedule;”.

(2) In regulation 4 (Supply Restoration Standards of Performance for Electricity Distributors)—

- (a) omit the definitions “category 3 severe weather conditions”, “category 3 threshold number of customers”, “total number of customers interrupted” and “upper threshold of customers” in paragraph (1), and
- (b) in paragraph (2)—
 - (i) after “who is not a designated electricity distributor” omit “— (a)”,
 - (ii) after “relevant electricity distributor operates” omit “; and”, and
 - (iii) omit sub-paragraph (2)(b)

(3) In sub-paragraph 3(b) of regulation 5 ((Supply restoration: normal conditions) after “1” insert “or”, and after “2” omit “or 3”.

(4) In sub-paragraph (2)(b) of regulation 6 (Supply restoration: normal conditions – 5,000 or more customers’ premises interrupted) substitute “a maximum of £300” with “the prescribed cap”.

(5) In regulation 7 (supply restoration: severe weather conditions) –

- (a) omit paragraphs (3), (6) and (7),
- (b) in sub-paragraph (3)(b) (as renumbered)—
 - (i) substitute “12” with “6”, and
 - (ii) substitute “700” with “prescribed cap”.
- (c) in sub-paragraph 4(b) (as renumbered)
 - (i) substitute “12” with “6”, and
 - (ii) substitute “a maximum of £700” with “the prescribed cap”.

(a) S.I. 2015/699, as amended by S.I. 2015/1544.

- (6) In regulation 9 (Exemptions from the normal and severe weather restoration standards)—
- (a) after “regulation 5(1), 6(1), 7(1), 7(2)” in paragraph (4)(a) omit “, 7(3)”, and
 - (b) after “regulation 5(1), 6(1), 7(1), 7(2)” in paragraph (4)(b) omit “, 7(3)”, and
 - (c) In sub-paragraph (12)(c)—
 - after “paragraphs (4)(a)” substitute “,” with “and” and omit “and (6)(a)”, and
 - after “paragraphs (4)(b)” substitute “,” with “and” and omit “and (6)(b)”, and
- (7) In regulation 19 (Payments)—
- (a) after “cash;” omit “or” in in sub-paragraph (8)(c)(i)
 - (b) after “or electrical plant” insert “;or” in sub-paragraph (8)(c)(ii), and
 - (c) insert a new sub paragraph “(iii) bank transfer”.
- (8) After regulation 21 insert the following—

“Indexation of prescribed caps and prescribed sums

21A.—(1) The prescribed sums for each financial year beginning with 1 April 2024 are calculated by—

- (a) adjusting the sums specified in columns 3 and 4 of Part 1 of Schedule 2 by the percentage increase or decrease in the CPIH index published for the month of January preceding the financial year for which the adjustment is made in comparison to the CPIH index published for the month of January 2023; and
- (b) rounding the resulting figure to the nearest £5.

(2) In the calculation of prescribed caps for each financial year beginning with 1 April 2024, the sums in column 2 of Part 1A of Schedule 2 are adjusted by—

- (a) the percentage increase or decrease in the CPIH index published for the month of January preceding the financial year for which the adjustment is made in comparison to the CPIH index published for the month of January 2023; and
- (b) rounding the resulting figure to the nearest £5.

(3) In this regulation, “CPIH” means the consumer prices index including owner occupiers’ housing costs (all items) published by the Office for National Statistics.”

- (9) For the table in Part 1 of Schedule 2 substitute the following table—

<i>(1)</i> <i>Regulation</i>	<i>(2)</i> <i>Prescribed period</i>	<i>(3)</i> <i>Prescribed sum</i> <i>domestic customers</i> <i>(£)</i>	<i>(4)</i> <i>Prescribed sum</i> <i>non-domestic</i> <i>customers (£)</i>
5(2)(a)	12 hours	95	190
5(2)(b)	(12 hours)	45	45
6(2)(a)	24 hours	95	190
6(2)(b)	(12 hours)	45	45
7(4)(a)	24 hours	90	90
7(4)(b)	(6 hours)	45	45
7(5)(a)	48 hours	90	90
7(5)(b)	(6 hours)	45	45
8(2)	24 hours	95	190
10(4)	(a relevant year)	95	95
11(3)	3 hours on a working day, four hours on any other day	40	40
12(4)	2 days	40	75
12(5)	5 days	40	75
12(6)	2 days	40	75
13(2)	7 working days	40	40
13(4)(a)	NA	40	40
13(4)(b)	5 working days	40	40
17(3)(b)	NA	40	40
17(4)(b)	NA	40	40
19(4)	10 working days	40	40
19(5)	10 working days	40	40

(10) After Part 1 in Schedule 2 insert—

“PART 1A
Prescribed caps applicable to all electricity distributors

<i>(1)</i> <i>Regulation</i>	<i>(2)</i> <i>Sum</i>	<i>(3)</i> <i>Multiplier</i>	<i>(4)</i> <i>Prescribed Cap</i>
6(2)(b)	95	4	£380
7(4)(b)	90	25	£2250
7(5)(b)	90	25	£2250

(11) For the table in Part 3 of Schedule 2 substitute the following table—

<i>“(1)</i> <i>Designated electricity distributor</i>	<i>(2)</i> <i>Eight times the mean daily faults at distribution higher voltage</i>	<i>(3)</i> <i>Thirteen times the mean daily faults higher voltage</i>
ENWL	57	93
NPGN	37	60
NPGY	42	68
WMID	68	111
EMID	54	88
SWALES	43	70
SWEST	71	115
LPN	17	27
SPN	66	107
EPN	93	151
SPD	72	116
SPMW	66	108
SSEH	67	109
SSES	78	127

Amendment to The Electricity (Connection Standards of Performance) Regulations 2015

3.— The Electricity (Connection Standards of Performance) Regulations 2015⁽¹⁶⁾ are amended as follows.

- (1) In the definition of “prescribed sum” in regulation 2 (1) (Interpretation), after “Schedule 1” insert “, or such other sum calculated in accordance with regulation 17A,”.
- (2) In sub-paragraph (4) (a) of regulation 16 (Extensions of time)—
 - (a) after categories 1” omit substitute “,” with “ and”. and
 - (b) after “2” omit “or 3”.
- (3) After regulation 17 (Timing of notification) insert the following—

“Indexation of prescribed sums

17A.—(1)The prescribed sums for each financial year beginning with 1 April 2024 are calculated by

- (a) adjusting the sums specified in column 3 of Schedule 1 by the percentage increase or decrease in the CPIH index published for the month of January preceding the financial year for which the adjustment is made in comparison to the CPIH index published for the month of January 2023; and
- (b) rounding the resulting figure to the nearest £5.

(2) In this regulation, “CPIH” means the consumer prices index including owner occupiers’ housing costs (all items) published by the Office for National Statistics”

For the table in Part 1 of Schedule 2 substitute the following table—

<i>“(1) Regulation</i>	<i>(2) Prescribed period</i>	<i>(3) Prescribed sum domestic customers</i>	<i>(4) Payment Date</i>
4(2)	10 working days	£80	the working day on which the budget estimate should have been dispatched
4(3)	20 working days	£80	the working day on which the budget estimate should have been dispatched
5(2)	5 working days	£20 for each working day after the end of the prescribed period up to and including the day on which the quotation is dispatched	the working day on which the quotation is dispatched

⁽¹⁶⁾ S.I. 2015/698, as amended by S.I. 2015/1544.

5(3)	15 working days	£20 for each working day after the end of the prescribed period up to and including the day on which the quotation is dispatched	the working day on which the quotation is dispatched
6(2)	25 working days	£80 for each working day after the end of the prescribed period up to and including the day on which the quotation is dispatched	the working day on which the quotation is dispatched
6(3)	35 working days	£170 for each working day after the end of the prescribed period up to and including the day on which the quotation is dispatched	the working day on which the quotation is dispatched
6(4)	65 working days	£250 for each working day after the end of the prescribed period up to and including the day on which the quotation is dispatched	the working day on which the quotation is dispatched
7(3)	not applicable	£420	the working day on which the quotation is found, in accordance with the quotation accuracy scheme, to have been inaccurate or incomplete
7(4)	not applicable	£840	the working day on which the quotation is found, in accordance with the quotation accuracy scheme, to have been inaccurate or incomplete
8(2)	7 working days	£20 for each working day after the end of the prescribed period up to and including the day on which contact occurs	the working day on which contact occurs
8(3)	the agreed date	£45 for each working day after the agreed date up to and including the day on which the works are completed	the working day on which the works are completed

9(2)	7 working days	£80 for each working day after the end of the prescribed period up to and including the day on which contact occurs	the working day on which contact occurs
9(3)	10 working days	£170 for each working day after the end of the prescribed period up to and including the day on which contact occurs	the working day on which contact occurs
9(4)	15 working days	£250 for each working day after the end of the prescribed period up to and including the day on which contact occurs	the working day on which contact occurs
9(5)	the agreed date	£30 for each working day after the agreed date up to and including the day on which the works at the premises are commenced	the working day on which the works at the premises are commenced
9(6)	the agreed date	£170 for each working day after the agreed date up to and including the day on which the works are completed	the working day on which the works are completed
9(7)	the agreed date	£250 for each working day after the agreed date up to and including the day on which the works are completed	the working day on which the works are completed
9(8)	the agreed date	£340 for each working day after the agreed date up to and including the day on which the works are completed	the working day on which the works are completed
9(9)	the agreed date	£170 for each working day after the agreed date up to and including the day on which energisation occurs	the working day on which energisation occurs

9(10)	the agreed date	£250 for each working day after the agreed date up to and including the day on which energisation occurs	the working day on which energisation occurs
9(11)	the agreed date	£340 for each working day after the agreed date up to and including the day on which energisation occurs	the working day on which energisation occurs
10(2)	2 hours	£80	the working day after the day on which the emergency attendance should have taken place
10(3)	2 calendar days	£20 for each working day after the end of the prescribed period up to and including the day on which the fault rectification works are completed	the working day on which the fault rectification works are completed
10(4)	10 working days	£20 for each working day after the end of the prescribed period up to and including the day on which the fault rectification works are completed	the working day on which the fault rectification works are completed
10(5)	20 working days	£20 for each working day after the end of the prescribed period up to and including the day on which the fault rectification works are completed	the working day on which the fault rectification works are completed
10(6)	25 working days	£20 for each working day after the end of the prescribed period up to and including the day on which the fault rectification works are completed	the working day on which the fault rectification works are completed
11(2)	25 working days	£20 for each working day after the end of the prescribed period up to and including the day the quotation is dispatched	the working day on which the quotation is dispatched

12(2)	the agreed date	£20 for each working day after the agreed date up to and including the day on which the works are completed	the working day on which the works are completed
12(3)	35 working days	£20 for each working day after the end of the prescribed period up to and including the day on which the works are completed	the working day on which the works are completed
14(1)	10 working days	£80	not applicable

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



Martin Cave
A member of the Gas and Electricity Markets Authority

□ □ 2023

I consent

Grant Shapps
Minister of State
Department for Energy Security and Net Zero

Date

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Electricity (Standards of Performance) Regulations 2015 (S.I. 2005/699), which prescribe the sums that electricity suppliers and 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, subject to certain exemptions.

The main changes are—

- (a) amending the guaranteed standards of performance by reducing the additional payment intervals from 12 to 6 hours, with the compensation payable halved for each individual payment interval;
- (b) updating the overall regulations to allow all prescribed payments to be made by bank transfer;
- (c) increasing the prescribed sums and the prescribed caps for severe weather events; and
- (d) introducing a mechanism for the prescribed sums and the prescribed caps to increase in line with CPIH and rounded to the nearest £5.

These Regulations amend the Electricity (Connection Standards of Performance) Regulations 2015, which prescribe the sum that an electricity distributor must pay to a customer or relevant authority as appropriate by way of compensation for failure to meet specified standards of performance in respect of the connection services to be provided by electricity distributor.

The main changes are—

- (a) updating the prescribed sums; and
- (b) introducing a mechanism for the prescribed sums to increase in line with CPIH and rounded to the nearest £5.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

Annex B – The draft amendments Statutory Instrument

2015 No. 699

The Electricity (Standards of Performance) Regulations 2015

Made	- - - -	13th March 2015
Coming into force	- -	1st April 2015

The Gas and Electricity Markets Authority (the “Authority”) makes the following Regulations in exercise of the powers conferred by sections 39, 39A, 39B, 42A and 60 of the Electricity Act 1989 (“the Act”). In accordance with section 40B(1) of the Act, the Authority has considered the results of research to discover the views of a representative sample of persons likely to be affected by these Regulations. In accordance with section 40B(4) of the Act, the Authority has consulted Citizens Advice and Citizens Advice Scotland,

electricity licence holders, and persons and bodies appearing to be representative of persons likely to be affected by these Regulations. The Secretary of State has consented to making these Regulations in accordance with sections 39(1), 39A(1) and 39B(3) and (5) of the Act-

PART I

General

Citation, commencement and transitional provisions

1.—(1) These Regulations may be cited as the Electricity (Standards of Performance) Regulations 2015 and shall come into force on 1st April 2015.

(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 2010(a) shall continue to apply to the exclusion of these Regulations.

Revocation

2. Subject to regulations 1 and 20, the Electricity (Standards of Performance) Regulations 2010 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 sub-paragraph 1(6) of Schedule 7 to the Act;

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

“consumer advocacy body” means the National Association of Citizens Advice Bureaux or ~~the Scottish Association of Citizens Advice Bureaux~~ Consumer Scotland;

“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 it is acting on behalf of such a person;

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

“directly connected”, in relation to premises, means so connected to an electricity distributor’s distribution system that the final connection to the premises is from that system;

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

“distribution services area” means, in relation to a designated electricity distributor, the area specified as such by the Authority under, as may be appropriate:

- a) standard condition 2 (Application of Section C) of the licensee’s Electricity Distribution Licence in the form in which that licence was in force at 31 May 2008; or
- b) standard condition 3 (Application of the Section B standard conditions) of this licence on or after 1 June 2008.

“distributor’s fuse” means the fusible cut-out or automatic switching device of the electricity 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 insofar 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” in relation to any paragraph or sub-paragraph of these regulations means the period in column 2 of Part I of Schedule 1 opposite the reference to that paragraph or sub- paragraph in column 1 of that Part;

“prescribed sum” means, 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 or such other sum calculated in accordance with regulation 21A, in any of the aforementioned, in either case opposite the reference to that paragraph or sub- paragraph of the regulation in column 1 of Part I of that Schedule;

“prescribed cap” means the amount in column 4 of Part 1A of Schedule 2, or such other amount as adjusted by virtue of regulation 21A, opposite the reference to that paragraph of the regulation in column 1 of Part 1A of that Schedule

“Priority Services Register”, means a list established and maintained by an electricity distributor which contains the details of Priority Services Register Customers;

“Priority Services Register Customer”, means a domestic customer who:

- a) is of pensionable age, disabled, or chronically sick, and
- b) because he has special communication needs or is dependent on electricity for medical reasons, requires certain information and advice about interruptions in the supply of electricity to his premises; and
- c) has either:
 - (i) personally asked the licensee to add his name to the Priority Services Register, or
 - (ii) had a person acting on his behalf ask for his name to be added to it, or
 - (iii) had a Relevant Supplier ask for his name to be added to it.

“relevant operator” means the relevant supplier or, as the case may be, the relevant electricity distributor or the electricity distributor and, in regulations 19, 20, 21, and 22, includes any electricity supplier;

“relevant supplier” means an electricity supplier in whose licence Section D of the standard conditions of electricity supply licences had effect immediately prior to 1 August 2007 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 (which has been specified by the relevant operator) of a day (which has also been so 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, including any amendment or modification made to those standard conditions in accordance with the Act, the Utilities Act 2000 or the Energy Act 2004(a), 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 Act, the Utilities Act 2000 or the Energy Act 2004, 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 immediately prior to 1 August 2007; 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 in either case that Schedule 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 set of 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;
- (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 1(1A) of Schedule 7 to the Act(a)); and
- (f) any customer identified as being a Priority Services Register Customer, and who experiences a qualifying interruption, shall be entitled to an automatic payment from his electricity distributor of the prescribed sum in respect of regulations 5, 6, 7 and 8, where no exemptions under those regulations apply.

PART II

Supply restoration standards of performance for electricity distributors

Supply Restoration Standards of Performance for Electricity Distributors

4.—(1) In this regulation and regulations 5, 6, 7, 8 and 10— (a)

“category 1 severe weather conditions” means—

- (i) conditions in which eight or more times the daily mean faults on the designated electricity 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 or more but fewer than thirteen times the daily mean faults on the designated electricity 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 designated electricity 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;

- ~~(e) "category 3 severe weather conditions" means conditions in which faults on the designated electricity distributor's distribution system caused by weather interrupt 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 designated electricity distributor, the number in column 4 in the Table in Part III of Schedule 1 opposite the reference to that 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 designated electricity distributor, the number in column 2 in the Table in Part III of Schedule 1 opposite the reference to that distributor in column 1;
- (g) "relevant electricity distributor", in relation to any customer, means;
- (i) the electricity distributor to whose distribution system that customer's premises are directly connected, or
 - (ii) where that distributor is entitled to rely on the exemption described at paragraph 9 of regulation 10 and has so notified the other electricity distributor to whom that paragraph refers, that other electricity distributor;
- (h) "relevant period" means the prescribed period commencing at the earlier of—
- (i) the first time at which an electricity distributor is informed by a customer that the supply to that customer's premises has been discontinued; or
 - (ii) the first time at which an electricity distributor is informed by a person other than that customer or is otherwise made aware by the operation of any automatic system operated by that distributor of circumstances in which regulation 5(1), 6(1), 7(1), 7(2) or 7(3) applies or may reasonably be expected to apply to premises including the customer's premises;;
- (i) "thirteen times the daily mean faults at distribution higher voltage" means, for each designated electricity distributor, the number in column 3 in the table in Part III of the Schedule 1 opposite the reference to that distributor in column 1; and
- (j) "total number of customers interrupted" means, for each designated electricity distributor for the purposes of regulation 7(6) and 7(8), the total number of customers whose supplies are interrupted by the category 3 weather conditions in that distributor's distribution services area; ~~and~~
- ~~(k) "upper threshold number of customers" means, for each designated electricity distributor, the number in column 5 in the table in Part III of Schedule 1 opposite the reference to that distributor in column 1.~~

(2) For the purposes of calculating and making compensation payments under regulations 5, 6, 7 and 8 where supply is interrupted to a customer's premises that are directly connected to the distribution system of a relevant electricity distributor who is not a designated electricity distributor;

- ~~(a) that interruption shall be deemed to have been caused by the same category of event applicable to the designated electricity distributor in whose distribution services area that relevant electricity distributor operates; and~~
- ~~(b) the application of the formula in regulation 7(6)(a) shall be based on the total number of customers interrupted in the designated distributor's distribution services area in which that relevant electricity distributor operates.~~

Supply restoration: normal conditions

5.—(1) This paragraph applies to a relevant electricity distributor where the supply to a customer's premises is interrupted as a result of a failure of, fault in or damage to that distributor's distribution system (except where regulation 12 applies).

(2) Where paragraph (1) applies, that distributor shall, except in any of the circumstances described in paragraph (3), 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) The circumstances described in this paragraph are—

(a) each of the circumstances described in regulation 6 and regulation 10; and

(b) where the supply to the customer's premises is interrupted as a result of a failure of, fault in or damage to the relevant electricity distributor's distribution system resulting from category 1, ~~or 2, or~~ ~~3~~ severe weather conditions.

Supply restoration: normal conditions – 5,000 or more customers' premises interrupted

6.—(1) This paragraph applies to a relevant electricity distributor where the supply to 5,000 or more customers' premises is interrupted as a result of a single failure of, fault in or damage to that distributor's distribution system.

(2) Where paragraph (1) applies, that distributor shall, except in any of the circumstances described in paragraph (3)(a) and (b), pay the prescribed sum to any customer whose premises are included within the 5,000 or more customers' premises referred to in paragraph (1)—

(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 ~~the prescribed cap a maximum of £300~~ per customer.

(3) The circumstances described in this paragraph are—

(a) each of the circumstances described in regulation 10, with the exception of 10(8)(b), 10(8)(c) and 10(8)(e);

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

Supply restoration: severe weather conditions

7.—(1) This paragraph applies to a relevant electricity distributor where the supply to a customer's premises is interrupted as a result of a failure of, fault in or damage to that distributor's distribution system resulting from category 1 severe weather conditions (except where regulation 12 applies).

(2) This paragraph applies to a relevant electricity distributor where the supply to a customer's premises is interrupted as a result of a failure of, fault in or damage to that distributor's distribution system resulting from category 2 severe weather conditions (except where regulation 12 applies).

~~(3) This paragraph applies to a relevant electricity distributor where the supply to a customer's premises is interrupted as a result of a failure of, fault in or damage to that distributor's distribution system resulting from category 3 severe weather conditions (except where regulation 12 applies).~~

(4) Where paragraph (1) applies, that distributor shall, except in each of the circumstances described in regulation 10, 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 ~~6+2~~ hours upon the expiry of which the supply is not restored,

up to ~~the prescribed cap a maximum of £700~~ per customer.

(5) Where paragraph (2) applies, that distributor shall, except in each of the circumstances described in regulation 10, 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 ~~6+2~~ hours upon the expiry of which the supply is not

restored,

up to a maximum of £ ~~the prescribed cap~~ 700 per customer.

~~(6) Where paragraph (3) applies, that distributor shall, except in each of the circumstances described in regulation 10, 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 application of the following formula (the result of which is to represent and be expressed as a number of hours);~~

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

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 £700 per customer.~~

~~(7) Paragraph (6) of this regulation does not apply for any relevant electricity distributor where any designated electricity distributor experiences category 3 severe weather conditions in which the total number of customers interrupted is equal to or greater than the upper threshold number of customers due to the same weather event.~~

Supply restoration: rota disconnection

8.—(1) This paragraph applies to a relevant electricity distributor where supply to a customer's premises is interrupted as a result of rota disconnection on that distributor's distribution system resulting from a failure of, fault in or damage to that distributor's distribution system.

(2) Where paragraph (1) applies, that distributor shall, except in any of the circumstances described in regulation 10, pay the prescribed sum to the customer where the supply is not restored to the customer's premises within the prescribed period.

(3) For the purposes of paragraphs (1) and (2)—

(a) "rota disconnection" means the deliberate disconnection of customers' electricity supplies by the relevant electricity distributor for a set duration on a rota basis so as to reduce the demand for electricity to the level of capacity that is available;

(b) where there is more than one interruption that relates to the same rota disconnection event, supply shall be deemed not to have been restored to a customer's premises within the prescribed period if the total length of those interruptions is greater than or equal to the prescribed period.

(4) Where there are one or more interruptions that relate to the same rota disconnection event and the total length of those interruptions is not greater than or equal to the prescribed period but is equal to or greater than 3 hours, then that shall be deemed to be one period of interruption for the purposes of regulation 11(1) subject to the other provisions of regulation 11.

Exemptions from the normal and severe weather restoration standards

9.—(1) The circumstances described in this regulation are those set out in paragraphs (2) to (11).

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

(3) That—

(a) the premises to which the supply was interrupted 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 that is situated below the high-water mark of spring tides; and

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

(4) The customer at premises at which the supply was interrupted was not a Priority Services Register Customer and, within a period of three months from the date upon which the supply was restored to those premises, the relevant electricity distributor to whose network the customer's premises are connected has:

(a) despite its reasonable endeavours, been unable to identify the customer to whom compensation in respect of the circumstance referred to in regulation 5(1), 6(1), 7(1), 7(2), ~~7(3)~~ or 8(1) was due; or

(b) not received a claim for compensation from the customer in respect of the circumstance referred to in regulation 5(1), 6(1), 7(1), 7(2), ~~7(3)~~ or 8(1).

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

(6) The customer agrees with the relevant electricity distributor that the action taken by that 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 performs that promise.

(7) The failure of, fault in, or damage to the relevant electricity distributor's distribution system, or that distributor's inability to take the action required by the regulation in relation to such failure, fault, or damage before the contravention time, was the result of an event for which emergency regulations have been made under Part 2 of the Civil Contingencies Act 2004(a).

(8) It was not reasonably practicable for the relevant electricity distributor to take the action required by the regulation before the contravention time as a result of—

- (a) industrial action by the employees of that distributor;
- (b) the act or default of a person other than an officer, employee or agent of the relevant electricity distributor or any other electricity distributor, or of a person acting on behalf of an agent thereof;
- (c) the inability of that distributor to obtain any necessary access to any premises (which may include its own premises);
- (d) the existence of circumstances by reason of which that distributor could reasonably expect that if it took the action it would or would be likely to be in breach of an enactment (including any directions given by the Secretary of State under section 96 of the Act(a)); or
- (e) circumstances of an exceptional nature beyond the control of the relevant electricity distributor (other than severe weather or the effects of severe weather or those circumstances set out in paragraphs 8(a) to (d) of this regulation),

and the relevant electricity distributor had in each case 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.

(9) Where the interruption of supply to the customer's premises would not have occurred but for a failure of, fault in, or damage to the distribution system of another electricity distributor.

(10) The relevant electricity distributor reasonably considers that the information given by the customer is frivolous or vexatious.

(11) The customer has committed an offence under paragraph 6 of Schedule 6 to the Act(b) and the action taken or not taken by the relevant electricity distributor was in exercise of its powers under that paragraph.

(12) In this regulation—

“contravention time” means—

- (a) in relation to regulation 5, the expiry of the relevant period referred to in sub-paragraph 2(a) and (where applicable) of each period referred to in sub-paragraph 2(b) of that regulation;
- (b) in relation to regulation 6, the expiry of the relevant period referred to in sub-paragraph 2(a) and (where applicable) of each period referred to in sub-paragraph 2(b) of that regulation;

- (c) in relation to regulation 7, the expiry of the relevant periods referred to in subparagraphs 4(a), 5(a), ~~and 6(a)~~ and (where applicable) of each period referred to in subparagraphs 4(b), 5(b) ~~and 6(b)~~ of that regulation; and
- (d) in relation to regulation 8, the expiry of the prescribed period referred to in paragraph (2) of that regulation; and

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

Supply restoration: multiple interruptions

10.—(1) This regulation applies to an electricity distributor where the supply to a customer’s premises that are directly connected to that electricity distributor’s distribution system 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 any electricity distributor to effect temporary or permanent restoration of the supply to those premises or to other premises affected by the event that 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 the distributor–
 - (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 electricity 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 an electricity 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 distributor could reasonably have expected that if it took that action it would have been or would be likely to have been in breach of an enactment (including any directions given by the Secretary of State under section 96 of the Act);
- (b) the distributor had given to the customer prior notice of its intention or any other electricity distributor’s intention to interrupt the supply to the customer’s premises;
- (c) the interruption was a result of a failure of, fault in or damage to either the transmission system to which the electricity distributor’s distribution system or another electricity distributor’s distribution system was connected or a generating station connected to that transmission system;
- (d) the interruption was a result of a failure of, fault in or damage to a generating station connected to the distributor’s distribution system or another electricity distributor’s distribution system;
- (e) the interruption was one where regulation 5, 6, 7, 8 or 12 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 distributor; or
- (h) the interruption, or the inability of an electricity distributor to take the action required in order to cause the interruption to cease before the expiry of the period of three hours after the interruption began, was the result of an event for which emergency regulations have been made under Part 2 of the Civil Contingencies Act 2004.
- (4) Where this regulation applies, the distributor shall, except in any of the circumstances described in paragraph (5), pay the prescribed sum to the customer.
- (5) The circumstances referred to in paragraph (4) are—
- (a) that the electricity distributor 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) that the interruptions as a result of which this regulation applies were not all in respect of the supply to the same premises; or
- (c) that the customer (or where more than one person is the customer, at least one such person) was not the customer at the premises to which the supply was interrupted on the occasion of each of the interruptions as a result of which this regulation applies.
- (6) In this regulation, “relevant year” means a period of 12 months commencing on 1 April.

PART III

Other individual standards of performance for electricity distributors

Distributor’s fuse

11.—(1) This regulation applies to an electricity distributor where that distributor is informed by a telephone call, text message or email, made by a customer whose premises are directly connected to that distributor’s distribution system that, or of circumstances suggesting that, the distributor’s fuse has operated so as to disconnect the supply to those premises.

(2) For the purposes of paragraph (1), where information is received by the distributor 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 distributor’s fuse is situated for the purpose of replacing or reinstating that 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 referred to in paragraph (3) are—

- (a) each of the circumstances described in regulation 22;
- (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 the distributor to restore the supply where the distributor’s fuse has operated.

(6) For the purposes of paragraph (1), the information received by the distributor must be to its specified contact points, for receiving such information.

Notice of supply interruption

12.—(1) Paragraph (4) applies to an electricity distributor where, for an authorised purpose, that distributor interrupts the supply to a customer's premises that are directly connected to its distribution system.

(2) Paragraph (5) applies to an electricity distributor where, for an authorised purpose, that distributor interrupts the supply to a customer's premises that are directly connected to the distribution system of another electricity distributor.

(3) Paragraph (6) applies to an electricity distributor where that distributor has received notice from another electricity distributor within the prescribed period under paragraph (5) that supplies to a customer's premises that are directly connected to its distribution system 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 electricity 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 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 22;
- (b) that the interruption was caused by the removal of a temporary supply that had been installed following an interruption of supply to the customer's premises while supply was being restored to the premises; and
- (c) that the distributor to whose distribution system the customer's premises are directly connected has not received a claim for compensation from the customer in respect of the failure(s) referred to in paragraphs (4), (5) and (6) within a period of one month from the applicable date.

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

Voltage complaint

13.—(1) This regulation applies to an electricity distributor where that distributor is notified by a customer whose premises are directly connected to its distribution system 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 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 it 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, it 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, it 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 22 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 it 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(a).

PART IV

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 17 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 22; and
- (b) in respect of a query under sub-paragraph (1)(b)(ii), that the relevant supplier has previously made a payment to the customer under paragraph (6) of regulation 21 relating to the matter.

PART V

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 that 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 it 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, it 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, it 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 22, 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 it 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.

Pre-payment 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 pre-payment meter either that the pre-payment meter is not operating so as to permit a supply to be given to the customer's premises in the manner for which that meter 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 pre-payment meter is installed in order to repair or replace it so as to permit a supply to be given to those premises in the manner for which that meter 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 22;
 - (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 pre-payment 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 an electricity supplier to repair and replace pre-payment meters.

PART VI

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 that the relevant operator is required or authorised to carry on under its licence and that requires access to be afforded to its representative or for which it would otherwise be reasonable to expect the customer to be present.

(1A) But this regulation does not apply to a visit arising out of the application of the Electricity (Connection Standards of Performance) Regulations 2015(a).

(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 any of the circumstances described in paragraph (5),-

- (a) pay to the customer the prescribed sum which applies if the relevant operator is a supplier; or
- (b) pay to the customer the prescribed sum which applies if the relevant operator is a distributor.

(3) Where this regulation applies and the relevant operator fails to keep a timed appointment, the relevant operator shall, except in any of the circumstances described in paragraph (5),-

- (a) pay to the customer the prescribed sum which applies if the relevant operator is a supplier; or
- (b) pay to the customer the prescribed sum which applies if the relevant operator is a distributor

(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)(a) or (b) in respect of that timed appointment.

(5) The circumstances described in this paragraph are—

- (a) each of the circumstances described in regulation 22, 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 it 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 12, 15, 17 or 18; 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(b).

(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 (which has been specified by the relevant operator) of a day (that has also been so specified) within a reasonable period from the applicable date, having regard to the purpose of the visit, being either a part that 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 under any provision of these regulations is referred to the Authority for determination under section 39B(1) of the Act(a), 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 where an electricity distributor is obliged under any of regulations 5 to 8 (inclusive) and 14 to make a payment to a customer whose premises are directly connected to the distribution system of another electricity distributor.

(2) Paragraph (5) applies—

- (a) where an electricity distributor is obliged to make a payment to a customer whose premises are directly connected to its distribution system under any of regulations 5 to 8 (inclusive), 11, 12, 14, 15 and 19; or
- (b) where an electricity distributor receives a payment from another electricity distributor for onward transmission to a customer whose premises are directly connected to its network.

(3) Paragraph (6) applies—

- (a) where a relevant supplier or electricity supplier is obliged to make a payment to a customer under any of regulations 16 to 19 (inclusive); or
- (b) where an electricity supplier receives a payment from an electricity distributor for onward transmission to the electricity supplier's customer.

(4) Where this paragraph applies and the distributor fails to make the payment to the customer or to the other distributor for onward transmission to the customer of the sum to which he is entitled, in either case as soon as is reasonably practicable in relation to regulation 7 and within the prescribed period from the applicable date in relation to any other regulations, the distributor shall, except in any of the circumstances described in paragraph (7), pay the prescribed sum to the customer or that other distributor for onward transmission to the customer.

(5) Where this paragraph applies and the distributor fails to make the payment to the customer or the customer's electricity supplier for onward transmission to the customer of the sum to which he is entitled, in either case as soon as is reasonably practicable in relation to regulation 7 and within the prescribed period from the applicable date in relation to any other regulation, the distributor shall, except in any of the circumstances described in paragraph (7), pay the prescribed sum to the customer.

(6) Where this paragraph applies and the supplier fails within the prescribed period from the applicable date to make the payment to the customer of the sum to which he is entitled, the supplier shall, except in any of the circumstances described in paragraph (7), pay the prescribed sum to the customer.

(7) The circumstances described in this paragraph are—

- (a) each of the circumstances described in regulation 22; 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.

(8) Where a relevant operator is required to make a payment under these Regulations—

- (a) in relation to any premises at which more than one person is a customer, a payment to any one or more of the customers in respect 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; ~~or~~
- (iii) bank transfer.

(9) Where all or part of the prescribed sum is paid by an electricity distributor to a customer under these Regulations, such a payment shall not prejudice that distributor from recovering that payment (or part of that payment) from another electricity distributor where that other distributor is found to be wholly or partly responsible for the liability arising under these Regulations.

Exemptions

20.—(1) The circumstances described in this regulation are those set out in paragraphs (2) to (4) and (6) to (8).

(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 that 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 15(1), 16(1) or 17(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 of a person acting on behalf of an agent thereof;
- (d) the inability of the relevant operator to obtain any necessary access to any premises (which may include its own premises);
- (e) the existence of circumstances by reason of which the relevant operator could reasonably expect that if it took the action it would or would be likely to be in breach of an enactment (including any directions given by the Secretary of State under section 96 of the Act~~(a)~~);
- (f) the effects of an event for which emergency regulations have been made under Part 2 of the Civil Contingencies Act 2004~~(b)~~; or
- (g) other circumstances of an exceptional nature beyond the control of the relevant operator, and the relevant operator had in each case 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(c) or paragraph 11 of Schedule 7(d) 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 its powers under that paragraph or sub-paragraph.

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

- (a) in relation to regulation 14, the time at which the supply was interrupted; and
- (b) 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.—(1) For the purpose of regulations 15, 16 and 17 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.

Indexation of prescribed caps and prescribed sums

21A.—(1) The prescribed sums for each financial year beginning with 1 April 2024 are calculated by—

(a) adjusting the sums specified in columns 3 and 4 of Part 1 of Schedule 2 by the percentage increase or decrease in the CPIH index published for the month of January preceding the financial year for which the adjustment is made in comparison to the CPIH index published for the month of January 2023; and

(b) rounding the resulting figure to the nearest £5.

(2) In the calculation of prescribed caps for each financial year beginning with 1 April 2024, the sums in column 2 of Part 1A of Schedule 2 are adjusted by—

(a) the percentage increase or decrease in the CPIH index published for the month of January preceding the financial year for which the adjustment is made in comparison to the CPIH index published for the month of January 2023; and

(b) rounding the resulting figure to the nearest £5.

(3) In this regulation, “CPIH” means the consumer prices index including owner occupiers’ housing costs (all items) published by the Office for National Statistics.

Notice of rights

22.—(1) In respect of the rights prescribed for the benefit of customers under regulations 5, 6, 7, 8, 10, 11, 12, 14 and 15 and 19 to 23 (inclusive), an electricity distributor shall prepare and from time to time revise a statement describing those rights and the effect of section 39A(5) of the Act(a) in a form that is standardised with that of other electricity distributors and has a content that the electricity 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 consumer advocacy bodies, before it 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 that supplies electricity to premises that are directly connected to the electricity 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 that 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 electricity distributor open to the public in the normal course of the electricity 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 16 to 23 (inclusive) a relevant supplier, and in respect of those rights under regulations 17 to 23 (inclusive) an electricity supplier, shall prepare and from time to time revise a statement describing the rights prescribed for the benefit of customers under those regulations and the effect of section 39(4) of the Act**(b)** in a form and having a content that 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 consumer advocacy bodies, before it 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 (as the case may be) 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 its obligation under sub-paragraph (b) or (d) of paragraph (2) by dispatching the statement that it has prepared to the class of customer to which the statement relates.

(5) An electricity supplier shall at least once in any period of 12 months dispatch to each of its domestic customers the information in any statement sent to it by an electricity distributor pursuant to paragraph (1)(b), 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.

PART VII

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), 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 that 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 consumer advocacy bodies, before it makes it available to customers;
- (b) at least once in any period of 12 months dispatch to each domestic customer of the 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 supplier may prepare a separate statement for domestic and non-domestic customers.

(3) A relevant supplier may satisfy its obligation under sub-paragraph (b) or (d) of paragraph (1) by dispatching the statement it 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



Martin Cave
A member of the Gas and Electricity Markets
Authority

x xx 2023

I consent

Grant Shapps
Minister of State
Department for Energy Security and Net Zero

date

SCHEDULE 1— [...]

SCHEDULE 2

Data for the Purpose of Calculating Payments

PART I

Prescribed periods and prescribed sums applicable to all relevant operators

<u>(1)</u> <u>Regulation</u>	<u>(2)</u> <u>Prescribed period</u>	<u>(3)</u> <u>Prescribed sum</u> <u>domestic customers</u> <u>(£)</u>	<u>(4)</u> <u>Prescribed sum</u> <u>non-domestic</u> <u>customers (£)</u>
<u>5(2)(a)</u>	<u>12 hours</u>	<u>95</u>	<u>190</u>
<u>5(2)(b)</u>	<u>(12 hours)</u>	<u>45</u>	<u>45</u>
<u>6(2)(a)</u>	<u>24 hours</u>	<u>95</u>	<u>190</u>
<u>6(2)(b)</u>	<u>(12 hours)</u>	<u>45</u>	<u>45</u>
<u>7(4)(a)</u>	<u>24 hours</u>	<u>90</u>	<u>90</u>
<u>7(4)(b)</u>	<u>(6 hours)</u>	<u>45</u>	<u>45</u>
<u>7(5)(a)</u>	<u>48 hours</u>	<u>90</u>	<u>90</u>
<u>7(5)(b)</u>	<u>(6 hours)</u>	<u>45</u>	<u>45</u>
<u>8(2)</u>	<u>24 hours</u>	<u>95</u>	<u>190</u>
<u>10(4)</u>	<u>(a relevant year)</u>	<u>95</u>	<u>95</u>
<u>11(3)</u>	<u>3 hours on a</u> <u>working day, four</u> <u>hours on any other</u> <u>day</u>	<u>40</u>	<u>40</u>
<u>12(4)</u>	<u>2 days</u>	<u>40</u>	<u>75</u>
<u>12(5)</u>	<u>5 days</u>	<u>40</u>	<u>75</u>
<u>12(6)</u>	<u>2 days</u>	<u>40</u>	<u>75</u>
<u>13(2)</u>	<u>7 working days</u>	<u>40</u>	<u>40</u>
<u>13(4)(a)</u>	<u>NA</u>	<u>40</u>	<u>40</u>
<u>13(4)(b)</u>	<u>5 working days</u>	<u>40</u>	<u>40</u>

<u>17(3)(b)</u>	<u>NA</u>	<u>40</u>	<u>40</u>
<u>17(4)(b)</u>	<u>NA</u>	<u>40</u>	<u>40</u>
<u>19(4)</u>	<u>10 working days</u>	<u>40</u>	<u>40</u>
<u>19(5)</u>	<u>10 working days</u>	<u>40</u>	<u>40</u>

PART 1A

Prescribed caps applicable to all electricity distributors

<u>(1)</u> <u>Regulation</u>	<u>(2)</u> <u>Sum</u>	<u>(3)</u> <u>Multiplier</u>	<u>(4)</u> <u>Prescribed Cap</u>
<u>6(2)(b)</u>	<u>95</u>	<u>4</u>	<u>£380</u>
<u>7(4)(b)</u>	<u>90</u>	<u>25</u>	<u>£2250</u>
<u>7(5)(b)</u>	<u>90</u>	<u>25</u>	<u>£2250</u>

<u>(1)</u> <u>Regulation</u>	<u>(2)</u> <u>Prescribed period</u>	<u>(3)</u> <u>Prescribed sum domestic customer</u>	<u>(4)</u> <u>Prescribed sum non-domestic customer</u>
<u>5(2)(a)</u>	<u>12 hours</u>	<u>£75</u>	<u>£150</u>
<u>5(2)(b)</u>		<u>£35</u>	<u>£35</u>
<u>6(2)(a)</u>	<u>24 hours</u>	<u>£75</u>	<u>£150</u>
<u>6(2)(b)</u>		<u>£35</u>	<u>£35</u>
<u>7(4)(a)</u>	<u>24 hours</u>	<u>£70</u>	<u>£70</u>
<u>7(4)(b)</u>		<u>£70</u>	<u>£70</u>
<u>7(5)(a)</u>	<u>48 hours</u>	<u>£70</u>	<u>£70</u>
<u>7(5)(b)</u>		<u>£70</u>	<u>£70</u>
<u>7(6)(a)</u>		<u>£70</u>	<u>£70</u>
<u>7(6)(b)</u>		<u>£70</u>	<u>£70</u>
<u>8(2)</u>	<u>24 hours</u>	<u>£75</u>	<u>£150</u>
<u>11(4)</u>		<u>£75</u>	<u>£75</u>

12(3)	three hours on a working day	£30	£30
12(3)	four hours on any other day	£30	£30
14(4)	two days	£30	£60
14(5)	five days	£30	£60
14(6)	two days	£30	£60
15(2)	seven working days	£30	£30
15(4)(a)		£30	£30
15(4)(b)	five working days	£30	£30
16(2)(a)	five working days	£22	£22
16(2)(b)	five working days	£22	£22
16(2)(c)	five working days	£22	£22
17(2)	seven working days	£22	£22
17(4)(a)		£22	£22
17(4)(b)	five working days	££22	£22
18(3)	three hours on a working day	£22	£22
18(3)	four hours on any other day	£22	£22
19(2)(a)		£22	£22
19(2)(b)		£30	£30
19(3)(a)		£22	£22
19(3)(b)		£30	£30
21(4)	10 working days	£30	£30
21(5)	10 working days	£30	£30
21(6)	10 working days	£22	£22

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

This sets out, for each designated electricity distributor, eight and thirteen times the mean daily faults at distribution higher voltage, the category 3 threshold number of customers and the upper- threshold number of customers.

<u>(1)</u> <u>Designated electricity distributor</u>	<u>(2)</u> <u>Eight times the mean daily faults at distribution higher voltage</u>	<u>(3)</u> <u>Thirteen times the mean daily faults higher voltage</u>
<u>ENWL</u>	<u>57</u>	<u>93</u>
<u>NPGN</u>	<u>37</u>	<u>60</u>
<u>NPGY</u>	<u>42</u>	<u>68</u>
<u>WMID</u>	<u>68</u>	<u>111</u>
<u>EMID</u>	<u>54</u>	<u>88</u>
<u>SWALES</u>	<u>43</u>	<u>70</u>
<u>SWEST</u>	<u>71</u>	<u>115</u>
<u>LPN</u>	<u>17</u>	<u>27</u>
<u>SPN</u>	<u>66</u>	<u>107</u>
<u>EPN</u>	<u>93</u>	<u>151</u>
<u>SPD</u>	<u>72</u>	<u>116</u>
<u>SPMW</u>	<u>66</u>	<u>108</u>
<u>SSEH</u>	<u>67</u>	<u>109</u>
<u>SSES</u>	<u>78</u>	<u>127</u>

(1)	(2)	(3)	(4)	(5)
Designated electricity distributor	Eight times the mean daily faults at distribution higher voltage	Thirteen times the mean daily faults at distribution higher voltage	Category 3 threshold number of customers	Upper-threshold number of customers
ENWL	55	90	258,000	442,000
NPGN	37	60	219,000	375,000
NPGY	40	65	431,000	739,000
WMID	63	103	353,000	605,000
EMID	64	104	452,000	775,000
SWALES	41	67	213,000	366,000
SWEST	60	98	283,000	486,000
LPN	14	23	321,000	550,000
SPN	54	88	297,000	509,000
EPN	91	148	559,000	959,000
SPD	76	124	230,000	394,000
SPMW	68	111	175,000	301,000
SSEH	60	97	133,000	228,000
SSES	67	109	402,000	689,000

SCHEDULE 2

Standards of Performance – Practice and Procedure for Determinations

Determination of disputes

1.—(1) This Schedule applies where a dispute to which regulation 20 applies has arisen under any provision of these Regulations between a relevant operator and a customer or between relevant

operators.

(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 a consumer advocacy body; 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.

Timetable for the 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 referring party or parties.

Procedure for the determination of individual disputes

3.—(1) Where an individual dispute is referred to the Authority, 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; and

(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 before the date expressly stated in the notice;

(c) inform the parties of any specific information that the Authority is requesting as part of the written statement prepared in accordance with paragraph 7; 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 to the dispute shall provide the Authority with—

(a) the information specified in sub-paragraph (2)(c);

(b) any other information that they consider relevant to the dispute.

(4) If the Authority decides it is necessary to obtain third-party advice in relation to technical issues or any other issues that may arise during the determination, it shall request it and 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 any time after receiving a written statement the Authority may, if it considers it appropriate to do so, request an oral hearing in accordance with paragraph 9.

(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 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, notify the Authority of any issue or information within that statement that should be excluded because such issue or information is of a confidential nature.

(9) The Authority shall, upon receipt of any notification under sub-paragraph (8), make the necessary adjustments to the final determination statement and then publish that statement on its website in accordance with sub-paragraph (2)(d).

Determination of multiple disputes

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

Timetable for determination of multiple disputes

5.—(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 4.

(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 10.

Procedure for the determination of multiple disputes

6.—(1) Where the Authority considers it appropriate to consolidate disputes under paragraph 4, the Authority shall send to the parties a notice of procedure for the determination of those 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 before the date expressly stated in the notice;
- (c) inform the parties of any specific information that the Authority is requesting in accordance with paragraph 11; 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 to the dispute shall provide the Authority with—

- (a) the information specified in sub-paragraph (2)(c); and
- (b) 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, if it considers it fitting to do so, prepare a list of consolidated groups and then consult as to whether those consolidated groups are appropriate.

(5) When consulting under sub-paragraph (4), 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; and
- (b) invite those persons to comment to the Authority within a period from the publication of the proposals that is specified therein.

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

(7) 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 10.

(8) Following the appointment of the customer representatives for the consolidated groups, those customer representatives and the relevant operators shall prepare a written statement.

(9) Upon receipt of the written statements, the Authority may decide that it is necessary to obtain third-party advice in relation to technical issues or any other issues that may arise during the determination. 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).

(10) At any time after receiving the written statement the Authority may request an oral hearing in accordance with paragraph 9.

(11) 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 statement to the customer representatives and the relevant operators for comment.

(12) When the Authority has received comments from the customer representatives and the relevant operators, and is satisfied that it has sufficient information to make the determination decision, it shall issue a final determination statement for a consolidated group or each consolidated group where there is more than one.

(13) The customer representatives and the relevant operators shall within one week of receiving a final determination statement notify the Authority of any issue or information within that statement that should be excluded because such issue or information is of a confidential nature.

(14) The Authority shall, upon receipt of any notification under sub-paragraph (13), make the necessary adjustments to the final determination statement and then publish that statement on its website in accordance with what it has set out under sub-paragraph (2)(d).

Written statements

7.—(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.

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

Production of documents and other evidence

8.—(1) The Authority may, by notice, ask a party to a dispute to produce such documentation (including other 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 make copies of a document produced to it under this paragraph.

Oral hearings

9.—(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 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 the customer or a person attending the hearing as a representative of the relevant operator to give evidence or 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.

Customer representatives for multiple disputes

10.—(1) Where disputes are consolidated into categories under paragraph 4, 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

11.—(1) The Authority may 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 as the Authority may reasonably require to enable it to make the determination decision.

(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.

Payment to customers

12. 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.

Set-off

13. 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

14.—(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.

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