



DNOs, IDNOs and other interested parties

Promoting choice and value for all customers

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Dear Colleague,

Open letter on Ofgem's proposals to introduce new connections standards of performance and revise existing standards of performance for electricity distributors

Introduction

As part of the Distribution Price Control Review process (DPCR5), Ofgem has been working with industry and other stakeholders to develop new connections standards of performance that will apply to the metered and unmetered connections services provided by all licensed Electricity Distributors (DNOs). We propose to introduce these new standards via a new Statutory Instrument called The Electricity (Connection Standards of Performance) Regulations 2010 (the "New Connections Standards").

We also intend to revise the standards currently contained in The Electricity (Standards of Performance) Regulations 2005 (the "Existing Standards").

Purpose of this letter

The purpose of this letter is to consult on the New Connections Standards that have been developed since our initial proposals document and the changes to the Existing Standards (together the "Statutory Instruments"). In doing so, we set out the key features of the proposed Statutory Instruments. We also attach draft versions of the Statutory Instruments (see Annex 3) and two Annexes that describe the proposed changes in detail.

Views invited

The policy behind the New Connections Standards has been extensively discussed at an Ofgem led industry working group and consulted on as part of initial proposals. We therefore do not propose to open up further discussion on the level of the payments, and the type and scope of the standards through this consultation. The policy behind the Existing Standards was extensively discussed for DPCR4 and we are not proposing to make any significant adjustments to the standards for DPCR5.

For the avoidance of doubt the purpose of this consultation is to ensure that the drafting of the Statutory Instruments reflects and is consistent with the policy we have set out in Annex 1 and 2. In Annex 1 and 2 we have also indicated a number of policy considerations which may result in further changes to the Statutory Instruments following the close of this consultation. While these do not form part of the current consultation, we have included these for completeness.

Key features – New Connections Standards

The New Connections Standards cover the key metered and unmetered services that DNOs provide and are designed to ensure that customers receive a good level of service from their DNO. The metered standards focus on the interactions that take place between customers and DNOs at each stage of the connection process. These stages were described in our initial proposals document.¹ The unmetered standards² being formalised through the New Connections Standards cover a range of unmetered services that DNOs provide such as fault repairs, provision of quotations and physical connection works.

Set out below is a high level overview of the New Connections Standards. For a more detailed description including further possible changes that may be made to the New Connections Standards, please refer to Annex 1.

Metered connections

- The provision of budget estimates to all demand and generation customers (for <1 MVA and >1 MVA schemes).
- The provision of quotations to domestic, and non-domestic low voltage, high voltage, extra high voltage demand and generation connections.
- Post quotation acceptance arrangements that require distributors to contact customers to commence the process of agreeing dates for the connections works required.
- The commencement and completion of connections works or phases of connections works in timescales agreed with customers.
- A price accuracy scheme that compensates small service connections (<5 services) customers if they receive an inaccurate quotation.

Unmetered connections

- Fault repair categories have been lifted from the existing unmetered service level agreement (SLA) and included in the New Connections Standards (emergency response, high priority fault repairs (traffic and non-traffic light controlled), multiple unit fault repairs and single unit repairs).
- The provision of quotations for new works in the existing highway and for new highways.
- The commencement and completion of works in timescales agreed with unmetered customers.

Key features - Existing Standards

Set out below is a high level overview of the changes to the Existing Standards. For a more detailed description, including further possible changes that may be made to the Existing Standards, please refer to Annex 2.

- Removal of the estimate of charges for connections and putting it in the New Connections Statutory Instrument so that all connections standards are included in the New Connections Standards.

¹ Electricity Distribution Price Control Review Initial Proposals – Incentives and Obligations Ref: 93/09

² The unmetered standards were previously provided through a voluntary service agreement and are being formalised through the New Connections Standards.

- To clarify that prior notice of an interruption is required to be given to an affected party by a DNO.
- To update the compensation levels attached to the standards to take account of inflation over the past three years.
- To update the thresholds for normal and severe weather conditions.

Next Steps

We intend to run the consultation on the Statutory Instruments for three weeks until **26 November 2009**. Responses will be considered in developing an updated version of the Statutory Instruments for further consultation as part of the DPCR5 Final Proposals in early December.

Responses should be sent to connections@ofgem.gov.uk. Unless marked confidential, all responses will be published on Ofgem's website. Any questions on the New Connections Standards should in the first instance, be directed to Roger Morgan on 0207 901 7346 or by email to roger.morgan@ofgem.gov.uk. Questions on changes to the Existing Standards should be directed to James Hope on 020 7901 7029 or by email to james.hope@ofgem.gov.uk

Yours sincerely



Rachel Fletcher
Partner, Distribution

Annex 1 – Summary of New Connections Standards

Section 39A of the Electricity Act 1989 provides for the Authority, with the consent of the Secretary of State to make regulations for guaranteed standards of performance for electricity distributors. The standards set service levels that must be met in each individual case. If the licensee fails to provide the level of service required, it must make a payment to the customer affected until the service has been provided, subject to certain exemptions.

The new connections standards that we intend to implement through DPCR5 are summarised in the tables below.

Table 1- Metered Connections Guaranteed Standards

Service	Performance level	Payment
Provision of a budget estimate <1MVA	Within 10 working days	£50 – one off payment
Provision of a budget estimate >1MVA	Within 20 working days	£50 – one off payment
Provision of a quotation for a single LV service connection	Within 5 working days	£10 for each working day after the end of the prescribed period up to and including the day on which the quotation is dispatched
Provision of a quotation for 2 to 4 services or for 1-4 premises extension to the existing LV network	Within 15 working days	£10 for each working day after the end of the prescribed period up to and including the day on which the quotation is dispatched
Provision of an LV demand quotation	Within 25 working days	£50 for each working day after the end of the prescribed period up to and including the day on which the quotation is dispatched
Provision of an LV generation quotation	Within 45 working days	£50 for each working day after the end of the prescribed period up to and including the day on which the quotation is dispatched
Provision of a HV demand quotation	Within 35 working days	£100 for each working day after the end of the prescribed period up to and including the day on which the quotation is dispatched
Provision of a HV demand & generation quotation	Within 65 working days	£100 for each working day after the end of the prescribed period up to and including the day on which the quotation is

		dispatched
Provision of a EHV demand and generation quotation	Within 65 working days	£150 for each working day after the end of the prescribed period up to and including the day on which the quotation is dispatched
Price accuracy review scheme challenge – single service connection <70 kVA	not applicable	£250 – one off payment
Price accuracy review scheme challenge – 1 to <5 service connections <70 kVA	not applicable	£500 – one off payment
Post acceptance scheduling < 5 service connections	Within 7 working days	£10 for each working day after the end of the prescribed period up to and including the day on which contact occurs
Complete LV service connections works	In timescales agreed with the customer	£25 for each working day after the agreed date up to and including the day on which the works are completed
Post acceptance scheduling LV demand and LV generation connections	Within 7 working days	£50 for each working day after the end of the prescribed period up to and including the day on which contact occurs
Post acceptance scheduling – HV demand and HV generation connections	Within 10 working days	£100 for each working day after the end of the prescribed period up to and including the day on which contact occurs
Post acceptance scheduling – EHV demand and EHV generation connections	Within 15 working days	£150 for each working day after the end of the prescribed period up to and including the day on which contact occurs
Commence LV,HV & EHV connections works on customer’s site	In timescales agreed with the customer	£20 for each working day after the agreed date up to and including the day on which the works are commenced
Complete LV works and LV energisation works (including phased works)	In timescales agreed with the customer	£100 for each working day after the agreed date up to and including the day on which the works are completed
Complete HV works (including phased works)	In timescales agreed with the customer	£150 for each working day after the agreed date up to and including the day on which the works are completed
Complete EHV works (including phased works)	In timescales agreed with the customer	£200 for each working day after the agreed date up to and including the day on which the

		works are completed
Complete LV energisation works (including phased works)	In timescales agreed with the customer	£100 for each working day after the agreed date up to and including the day on which energisation occurs
Complete HV energisation works (including phased works)	In timescales agreed with the customer	£150 for each working day after the agreed date up to and including the day on which energisation occurs
Complete EHV energisation works (including phased works)	In timescales agreed with the customer	£200 for each working day after the agreed date up to and including the day on which energisation occurs

Table 2 - Unmetered Connections Guaranteed Standards

Emergency Fault Repair response	Attend site in 2 hours	£50 – one off payment
High Priority Fault Repair – Traffic Light Controlled	2 calendar days	£10 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
High Priority fault repair – non Traffic Light Controlled	Within 10 working days	£10 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
Multiple Unit Fault Repair	Within 20 working days	£10 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
Single Unit Fault Repair	Within 25 working days	£10 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
Provision of a quotation New Works order (1 to 100 units)	Within 25 working days	£10 for each working day after the end of the prescribed period up to and including the day the quotation is dispatched
New works Order – new site	Commence and complete in timescales agreed with the customer	£10 for each working day after the agreed date up to and including the day on which the works are completed

New works order – existing adopted highway	Within 35 working days	£10 for each working day after the end of the prescribed period up to and including the day on which the works are completed
Where a DNO fails to make a payment under the regulations	10 working days	£50 – one off payment

Policy Considerations since Initial Proposals, reflected in the New Connections Standards

Ofgem has consulted on the package of connections standards as part of the price control review process. Our Initial Proposals document³ set out the scope and range of the standards. Following initial proposals we have worked closely with the DNOs and other stakeholders to develop the policy that underpins the application of the standards. As a result of these discussions we have made a number of changes to the standards regime.

We have set out and discussed below these key changes as well as identifying issues that remain outstanding at the time of this consultation which may also require us to make further changes to the New Connections Standards.

Scope of standards

In their responses to initial proposals and through the industry working group a number of DNOs expressed concerns about the range and scope of the standards. In particular, DNOs suggested that the proposed standards would increase the complexity of the connections process, which may detract from DNOs' delivery of key services to customers. The industry working group has reviewed the standards and further discussions have taken place to consolidate and merge these where possible. We have amended the description for 'Post-acceptance scheduling' to reflect concerns from DNOs that it may not be possible to agree dates for the commencement and completion of connections works within 7, 10 and 15 working days of a customer's acceptance of a quotation. Regulations 8 and 9 have been amended accordingly to 'commence the process of agreeing a schedule of dates for commencement and completion and energisation of the works referenced in the accepted quotation.'

We have also merged some of the metered standards which may reduce the reporting burden and administration of the regime. We have not reduced the scope of the standards as the categories and services we have identified are crucial to customers who source connections from DNOs.

The unmetered standards have not been merged as the working group considered that there wasn't scope to do this due to the differences in the range of unmetered services which did not lend itself to further consolidation.

The metered standards that have been merged are set out below:

Quotations

- The standards for EHV demand and EHV generation schemes have been merged as they both have a 65 working day timescale.

Post quotation scheduling

³ Electricity Distribution Price Control review Initial Proposals – Incentives and Obligations Ref: 93/09

- The standards for LV demand and LV generation schemes have been merged as they both have a 7 working day timescale.
- The standards for HV demand and HV generation schemes have been merged as they both have a 10 working day timescale.
- The standards for EHV demand and EHV generation schemes have been merged as they both have a 15 working day timescale.

Price Accuracy Review scheme

In initial proposals we explained that we would develop further our plans to implement a Price Accuracy Review Scheme (the "Scheme"). Features of the Scheme are discussed below.

The obligation for DNOs to develop such a Scheme for the Authority's approval will be set out in proposed standard licence condition 15A. Each DNO will be obliged to submit for the Authority's approval a Scheme and make this available to customers. The Scheme that the Authority will be asked to approve will set out the steps a customer must follow to raise a price accuracy challenge. Only customers providing up to 4 small service connections will be eligible to challenge the accuracy of their quotation through this Scheme.

The Scheme will need to be supported by a charging template that provides sufficient detail of a DNO's charges to enable a customer to challenge its quotation. Currently there is insufficient information provided in quotations and within charging statements to facilitate a challenge process. The industry working group is currently developing the level of detail DNOs should provide in the quotations. This is likely to offer detail of charges (including non-contestable charges) in small price ranges to enable small service connection customers as well as larger connection customers (those outside of the accuracy scheme) to cross reference their quotation against a DNO's charging template. Further development on the price accuracy scheme is taking place in the industry working group and an update will be set out in final proposals.

The draft New Connections Standards also includes an obligation on a DNO to make a one-off payment if it has provided an inaccurate quotation to customers who are eligible to challenge the accuracy of its quotation.

Standards with an agreed date

A number of the metered and unmetered standards require the DNO to meet timescales agreed with the customer, rather than to meet any predefined timescale for providing the service. This concept applies generally to the delivery phases of connections development. It is often the case that agreed dates can vary during the build phase of a connection, for example, the customer may realise that the site will not be ready for the DNO to commence a phase of works. Where this is the case and customers and DNOs seek to revise an agreed date, this is not treated as an exemption from the standards. The onus would be on both parties to attempt to agree a revised date for the phase of works or specific service that is required. Therefore, standards where an agreed date applies are subject to specific exemption as set out in regulation 16 and are referred in the standards as 'Extensions of time'. All other standards would be subject to the exemptions as detailed in regulation 15.

Policy Considerations since Initial Proposals, not yet reflected in the New Connections Standards

Please note that the following changes are not yet reflected in the drafting on the New Connections Standards, and do not form part of this consultation but are flagged here for completeness. We will provide our position on these potential changes in our Final Proposals document and consult on any subsequent amendments to the New Connections Standards thereafter.

Planning of unmetered works

DNOs have argued that an exemption should be applied that limits their exposure to large volumes of requests for new unmetered connections. Some DNOs suggested that a 12 per cent tolerance should be introduced based on the volumes of orders for new columns over a 12 month period. For example, if a local authority submits orders for 1,200 columns over a 12 month rolling period the 12 per cent tolerance that would apply in any given month would be 144 columns. If a local authority submits in a month a request for 180 columns, 36 columns would be exempt from the standards. This is a relatively new issue that has been raised. The industry working group has discussed the merits of this proposal, however, a number of DNOs consider that a 12 per cent tolerance is too high and suggested a lower value.

Price accuracy review scheme

The New Connections Standards limit the scheme to 1-4 small service connections below 70 kVA. A number of DNOs have recently suggested that the drafting should refer to 3 phase whole current metering connections rather than a kVA limit as 70 kVA does not reflect a standard approach across all DNOs. We believe that it is sensible to reflect in the Statutory Instrument a standard industry definition that would apply across all DNOs.

Commencement date

A key issue concerning the new connections regulations is the proposed commencement date. DNOs suggest that to implement the standards will require significant IT systems development and have therefore proposed a 1 January 2011 commencement date. Customers in the industry working group consider that a 1 July 2010 commencement date should be achievable by the DNOs. In the attached regulations we have square bracketed the commencement date and we intend to discuss this matter further and reach a position in this respect in the run up to the publication of the DPCR5 Final Proposals document.

Capping the standards

DNOs have argued strongly for caps to be placed on the payments that can be made to a customer under the connections standards. The working group has discussed this issue a number of times. Ofgem does not propose to cap each individual standard as we believe that the delivery of the services is within the control of DNOs and the New Connections Standards sets out the range of exemptions that can be applied. We are giving consideration to whether there should be an overall cap on the DNO liability under the new standards and will set out our decision in Final Proposals.

Annex 2 – Summary of changes to the Existing Standards

Policy Considerations since Initial Proposals, reflected in the New Connections Standards

Ofgem is proposing to revoke and re-enact the provisions of the Existing Standards from 1 April 2010. The changes that are being proposed are:

- to remove the ‘Estimate of charges for connection’ standard (Regulation 11 of the 2005 Regulations) and associated cross references. In order to bring all connection standards together in one Statutory Instrument, we propose to move it to sit with all the connections standards that are being introduced in the New Connections Standards;
- to clarify that prior notice of an interruption is required to be given to the affected party by a DNO in respect of *planned* interruptions under Regulation 12 of the Existing Regulations. There is a contrary view that such notice is required when customers are switched from a temporary supply, such as a generator, back to the mains supply, where the temporary supply was only put on as the result of an initial unplanned interruption;
- to update the compensation levels attached to the standards to take account of inflation over the past three years as proposed in chapter 15 of the Electricity Distribution Price Control Initial Proposals, Incentives and Obligations paper dated 3 August 2009 (Ref: 93/09). In addition, we also propose to update the compensation levels attached to the individual standards of performance applicable to certain suppliers in the same regard. The final compensation levels will reflect the numbers published in Final Proposals and will take into account inflation between April 2005 and November 2009.
- to update the thresholds for normal and severe weather conditions as proposed in chapter 15 of the Electricity Distribution Price Control Initial Proposals, Incentives and Obligations paper dated 3 August 2009 (Ref: 93/09). In addition, we also propose to update the figures for the upper threshold number of customers; and
- to reflect any DNO company name changes.

The revised arrangements are to be set out in a new Statutory Instrument that supersedes the Existing Regulations. A draft of this Statutory Instrument accompanies this letter with the proposed changes marked up (except for the consequential numbering and cross-reference changes on removal of Regulation 11). Please note that Ofgem may instead consider making an amending Statutory Instrument which amends the existing 2005 Regulations rather than a new Statutory Instrument because the amendments proposed at this stage are not extensive and therefore may not warrant a new Statutory Instrument.

Policy Considerations since Initial Proposals, not yet reflected in the New Connections Standards

Please note the following changes are under consideration but are not yet reflected in the draft of the Existing Standards. We will provide our view on these potential changes in the Electricity Distribution Price Control Final Proposals and consult on any subsequent amendments to the 2005 Regulations thereafter:

- To limit DNOs’ exposure to large one-off events. In the Electricity Distribution Price Control Initial Proposals, Incentives and Obligations paper dated 3 August 2009 (Ref: 93/09) we invited views as to whether this was appropriate and if so how it would be

best achieved (i.e. a cap per customer, a limit of DNO exposure to individual one-off events, or a limit on DNO exposure on a cumulative annual basis).

- To treat rota disconnection events independently of the multiple interruptions standards so that DNOs are encouraged to share the available reduced capacity amongst customers during large one-off events. In the Electricity Distribution Price Control Initial Proposals, Incentives and Obligations paper dated 3 August 2009 (Ref: 93/09) we invited views as to whether incidents associated with rota disconnections should be treated independently of the multiple interruptions standard.

ANNEX 3 – Statutory Instruments

2010 No. 1234

ELECTRICITY

The Electricity (Connection Standards of Performance) Regulations 2010

Made

Day Month 2010

Coming into force

[] 2010

ARRANGEMENT OF REGULATIONS

PART I

General provisions

1. Citation and commencement
2. Interpretation
3. Application

PART II

Services and standards for metered connections

4. Provision of budget estimates
5. Provision of quotations: small project demand connections
6. Provision of quotations: demand connections (other than small project demand connections), and generation
7. Provision of quotations: price accuracy scheme
8. Post-acceptance scheduling and completion of works: low voltage (fewer than five service connections)
9. Post-acceptance scheduling and completion of works: low voltage (five or more service connections), high voltage and extra-high voltage

PART III

Services and standards for unmetered connections

10. Fault repairs
11. Provision of quotations for new works
12. Commencement and completion of new works

PART IV

Governance and other issues

13. Disputes
14. Payments
15. Exemptions
16. Extensions of time
17. Timing of notification
18. Notice of rights

SCHEDULE 1

Data for the Purpose of Calculating Payments

SCHEDULE 2

Connection Standards of Performance: Practice and Procedure for Determinations

The Gas and Electricity Markets Authority, in exercise of the powers conferred by sections 39A, 39B, 40B and 60 of the Electricity Act 1989 and all other enabling powers, after consultation with the National Consumer Council, with electricity licence holders, and with persons and bodies appearing to be representative of persons likely to be affected by these regulations, after considering the results of research to discover the views of a representative sample of persons likely to be so affected, and with the consent of the Secretary of State in accordance with sections 39A(1) and 39B(3) and (5) of the Electricity Act 1989, hereby makes the following regulations.

PART I

General provisions

Citation and commencement

1. – (1) These regulations may be cited as the Electricity (Connection Standards of Performance) Regulations 2010.

(2) They come into force on [] and have effect in Great Britain.

Interpretation

2. – (1) In these regulations, unless the context otherwise requires –

“the Act” means the Electricity Act 1989.

“agreed date” means, in respect of the commencement or the completion of any works, the date (if any) agreed between the electricity distributor and the customer or the relevant authority (as applicable) by which the works are to be commenced or completed (as applicable), as such date is subsequently varied by agreement between them or revised in accordance with regulation 16.

“applicable date” means, in relation to each occasion on which a regulation applies, the day on which that regulation first applies.

“associated works” means any works required in order to provide a connection to an electricity distributor’s distribution system, including any necessary reinforcement works or diversionary works.

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

“budget estimate” means a statement in writing, which may be produced by means of a desktop exercise not involving a site visit or system studies, of the amount that the electricity distributor reasonably estimates it would require the customer to pay in respect of a connection if the customer was to require the electricity distributor to offer terms for making such a connection under section 16A(1) of the Act.

“completion” means, in respect of any works, the substantial completion of those works.

“contact” means:

- (a) to place a telephone call, post a letter, send an e-mail, or initiate any other appropriate means of communication, in each case to a number or address specified by the customer for that purpose (as envisaged by regulations 8(1)(d), 9(1)(d) and 12(1)(d)); and
- (b) in the case of communication by telephone, where the customer does not answer a telephone call, either to make a reasonable number of attempts to speak to the customer by telephone or to leave a message where it is possible to do so.

“the Council” means the National Consumer Council, as established under section 1 of the Consumers, Estate Agents and Redress Act 2007.

“customer” means an owner or occupier of premises in Great Britain who is supplied or requires to be supplied with electricity by an electricity supplier, and includes an electricity supplier where it is acting on behalf of such a person.

“demand connection” means a connection the purpose of which is to enable premises to receive a supply of electricity from an electricity distributor’s distribution system.

“diversionary works” means works to move any electric lines or electrical plant in order to facilitate the extension, redesign or redevelopment of any premises on which such lines or plant are located and to which they are connected.

“extra-high voltage” means a nominal voltage of more than 22,000 volts up to and including 132,000 volts in England and Wales and up to but excluding 132,000 volts in Scotland.

“generation connection” means a connection the purpose of which is to enable an electricity distributor’s distribution system to receive a supply of electricity from premises.

“high voltage” means a nominal voltage of more than 1,000 volts but not more than 22,000 volts.

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

“premises” includes any distribution system.

“prescribed period” means, in relation to any paragraph or sub-paragraph of these regulations, the period specified in column 2 of Schedule 1 against the reference to that paragraph or sub-paragraph in column 1 of that Schedule.

“prescribed sum” means, in relation to any paragraph or sub-paragraph of these regulations, the amount set out in column 3 of Schedule 1 against the reference to that paragraph or sub-paragraph in column 1 of that Schedule.

“price accuracy scheme” means, in respect of an electricity distributor, a scheme, including a process through which a customer can challenge whether it has received an accurate quotation, published by the electricity distributor pursuant to its distribution licence.

“quotation” means the notice required to be given by an electricity distributor in accordance with section 16A(5) of the Act.

“reinforcement works” means works required on an electricity distributor’s distribution system to accommodate a new or a modified connection.

“service connection” means a dedicated connection at low voltage to single premises, whether for demand or generation.

“small project demand connection” means a demand connection to enable a supply to be provided at low voltage to fewer than five premises, where the total requested capacity of those connections is less than 70 kVA.

(2) Unless otherwise provided in these regulations, words or expressions defined for the purposes of any of the conditions of a distribution licence granted or treated as granted under the Act have the same meaning when used in these regulations.

(3) In these regulations, “Schedule 1” and “Schedule 2” mean, as appropriate, Schedule 1 and Schedule 2 to these regulations.

(4) 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 bearing that number in the regulation.

(5) For the purposes of these regulations—

(a) where a person is a customer in respect of multiple 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; and

- (b) any reference to a customer (except in relation to the entitlement to any payment due from an electricity distributor under these regulations) includes any person having apparent authority to represent the customer.

Application

3. – (1) A number of these regulations apply where an electricity distributor has received a notice pursuant to section 16A(1) of the Act from a customer who requires or may require a connection to be made by the electricity distributor pursuant to section 16(1) of the Act.

(2) Where relevant, these regulations apply whether or not the connection that was contemplated by the customer is subsequently made.

PART II

Services and standards for metered connections

Provision of budget estimates

4. – (1) This regulation applies to an electricity distributor where –

- (a) a customer requests that the electricity distributor provides a budget estimate in respect of a connection of the customer's premises to the electricity distributor's distribution system; and
- (b) the electricity distributor receives from the customer –
 - (i) the information relating to the provision of the connection that is or could reasonably be expected to be within the knowledge of the customer and that the electricity distributor reasonably requires to enable it to provide the budget estimate; and
 - (ii) payment of the electricity distributor's reasonable charge for providing the budget estimate.

(2) Where this regulation applies and paragraph (4) applies and the electricity distributor fails to dispatch a budget estimate to the customer within the prescribed period from the applicable date, the electricity distributor must, except in any of the circumstances described in regulation 15, pay to the customer the prescribed sum.

(3) Where this regulation applies but paragraph (4) does not apply, and the electricity distributor fails to dispatch a budget estimate to the customer within the prescribed period from the applicable date, the electricity distributor must, except in any of the circumstances described in regulation 15, pay to the customer the prescribed sum.

(4) This paragraph applies where the requested capacity of the connection that is the subject of the budget estimate request is less than 1 MVA.

(5) In providing a budget estimate the electricity distributor must –

- (a) include a reference to any matters that the electricity distributor considers might cause the amount of the budget estimate to be varied significantly in a quotation provided in accordance with section 16A(5)(b) of the Act;

- (b) set out the further information that would be needed to satisfy the requirements of a notice provided in accordance with section 16A(1) of the Act, or describe the assumptions on which the budget estimate is based; and
- (c) indicate whether any associated works would be required in respect of the relevant connection.

Provision of quotations: small project demand connections

5. – (1) This regulation applies to an electricity distributor where –

- (a) a customer gives a notice under section 16A(1) of the Act (including a notice modifying any previous notice) requesting the offer of terms for making a connection;
- (b) the connection to which the notice relates is a small project demand connection; and
- (c) the electricity distributor receives from the customer:
 - (i) the information relating to the provision of the connection that is or could reasonably be expected to be within the knowledge of the customer and that the electricity distributor reasonably requires to enable it to provide the quotation; and
 - (ii) payment of any charge that the electricity distributor is entitled to levy for providing the quotation.

(2) Where this regulation applies and paragraph (4) applies and the electricity distributor fails to dispatch a quotation to the customer within the prescribed period from the applicable date, the electricity distributor must, except in any of the circumstances described in regulation 15, pay to the customer the prescribed sum.

(3) Where this regulation applies but paragraph (4) does not apply, and the electricity distributor fails to dispatch a quotation to the customer within the prescribed period from the applicable date, the electricity distributor must, except in any of the circumstances described in regulation 15, pay to the customer the prescribed sum.

(4) This paragraph applies where the requested offer of terms relates to the provision of a single connection at low voltage.

Provision of quotations: demand connections (other than small project demand connections) and generation connections

6. – (1) This regulation applies to an electricity distributor where –

- (a) a customer gives a notice under section 16A(1) of the Act (including a notice modifying any previous notice) requesting the offer of terms for making a connection;
- (b) the connection to which the notice relates is a generation connection, or a demand connection other than a small project demand connection; and
- (c) the electricity distributor receives from the customer –

- (i) the information relating to the provision of the connection that is or could reasonably be expected to be within the knowledge of the customer and that the electricity distributor reasonably requires to enable it to provide the quotation; and
- (ii) payment of any connection offer expenses in accordance with regulations made under section 16A(4A) of the Act.

(2) Where this regulation applies and one of paragraphs (3) to (7) applies, and the electricity distributor fails to dispatch a quotation to the customer within the prescribed period from the applicable date, the electricity distributor must, except in any of the circumstances described in regulation 15, pay to the customer the prescribed sum.

(3) This paragraph applies where the requested quotation relates to the provision of a new or modified demand connection, and where the highest voltage of the assets involved in providing such connection, and any associated works, is low voltage.

(4) This paragraph applies where the requested quotation relates to the provision of a new or modified generation connection, and where the highest voltage of the assets involved in providing such connection, and any associated works, is low voltage.

(5) This paragraph applies where the requested quotation relates to the provision of a new or modified demand connection, and where the highest voltage of the assets involved in providing such connection, and any associated works, is high voltage [(including low-voltage connections involving high-voltage work)].

(6) This paragraph applies where the requested quotation relates to the provision of a new or modified generation connection, and where the highest voltage of the assets involved in providing such connection, and of any associated works, is high voltage [(including low-voltage connections involving high-voltage work)].

(7) This paragraph applies where the requested quotation relates to the provision of a new or modified connection, and where the highest voltage of the assets involved in providing such connection, and any associated works, is extra-high voltage [(including low-voltage, and high-voltage connections involving extra-high-voltage work)].

Provision of quotations: price accuracy scheme

7. – (1) This regulation applies to an electricity distributor where –

- (a) the electricity distributor has provided a customer with a quotation, and that quotation is a quotation to which the electricity distributor's price accuracy scheme applies;
- (b) the customer challenges the quotation under the price accuracy scheme; and
- (c) the quotation is found, in accordance with the price accuracy scheme, to have been too high.

(2) Where this regulation applies the electricity distributor shall refund to the customer the amount of any overpayment made by the customer in respect of the quotation.

(3) Where this regulation applies, and the quotation relates to a single service connection with a capacity of less than 70 kVA, the electricity distributor must pay to the customer the prescribed sum.

(4) Where this regulation applies, and the quotation relates to more than one service connection but fewer than five service connections and the total capacity of those service connections does not exceed 70 kVA, the electricity distributor must pay to the customer the prescribed sum.

Post-acceptance scheduling and completion of works: low voltage (fewer than five service connections)

8. – (1) This regulation applies to an electricity distributor where it receives –

- (a) a customer's unqualified written acceptance of a quotation relating to fewer than five demand service connections within the requisite timescale referenced by the electricity distributor in that quotation;
- (b) any reasonable security required by the electricity distributor under section 20(1) of the Act;
- (c) unqualified written acceptance of any additional terms of connection proposed by the electricity distributor under section 21 of the Act; and
- (d) details of any reasonable means by which the customer may be contacted in Great Britain by the electricity distributor during a normal working day in respect of the quotation.

(2) Where this regulation applies and the electricity distributor fails within the prescribed period from the applicable date to contact the customer to commence the process of agreeing a schedule of dates for commencement and completion of the works referenced in the accepted quotation, the electricity distributor must, except in any of the circumstances described in regulation 15, pay to the customer the prescribed sum.

(3) Where this regulation applies and the electricity distributor fails to complete the works (or a phase of the works) provided for in the accepted quotation by the agreed date, the electricity distributor must pay to the customer the prescribed sum.

Post-acceptance scheduling and completion of works: low voltage (five or more service connections, high voltage and extra-high voltage)

9. – (1) This regulation applies to an electricity distributor where it receives –

- (a) a customer's unqualified written acceptance of a quotation relating to five or more service connections or to connections at high voltage or extra-high voltage within the requisite timescale referenced by the electricity distributor in that quotation;
- (b) any reasonable security required by the electricity distributor under section 20(1) of the Act;
- (c) unqualified written acceptance of any additional terms of connection proposed by the electricity distributor under section 21 of the Act; and

(d) details of any reasonable means by which the customer may be contacted in Great Britain by the electricity distributor during a normal working day in respect of the quotation.

(2) Where this regulation applies and one of paragraphs (3) to (5) applies, and the electricity distributor fails within the prescribed period from the applicable date to contact the customer to commence the process of agreeing a schedule of dates for commencement, completion and energisation of the works referenced in the accepted quotation, the electricity distributor must, except in any of the circumstances described in regulation 15, pay to the customer the prescribed sum.

(3) This paragraph applies where the accepted quotation relates to the provision of a new or modified connection, and where the highest voltage of the assets involved in providing such connection, and any associated works, is low voltage.

(4) This paragraph applies where the accepted quotation relates to the provision of a new or modified connection, and where the highest voltage of the assets involved in providing such connection, and any associated works, is high voltage [(including low-voltage connections involving high-voltage work)].

(5) This paragraph applies where the accepted quotation relates to the provision of a new or modified connection, and where the highest voltage of the assets involved in such provision and any associated works, is extra-high voltage [(including low-voltage, and high-voltage connections involving extra-high-voltage work)].

(6) Where this regulation applies and the electricity distributor fails to begin the works (or a phase of the works) provided for in the accepted quotation by the agreed date, the electricity distributor must pay to the customer the prescribed sum.

(7) Where this regulation applies and the accepted quotation provides for the completion of works that fall within a description in one of paragraphs (8) to (13), and where the electricity distributor fails to complete those works (or a phase of those works) by the agreed date, the electricity distributor must pay to the customer the prescribed sum.

(8) The works described in this paragraph are connection works that involve only low-voltage works.

(9) The works described in this paragraph are connection works that include high-voltage works (but not extra-high-voltage works).

(10) The works described in this paragraph are connection works that include extra-high-voltage works.

(11) The works described in this paragraph are energisation works that involve only low-voltage works.

(12) The works described in this paragraph are energisation works that involve high-voltage works (but not extra-high-voltage works).

(13) The works described in this paragraph are energisation works that involve extra-high-voltage works.

PART III

Services and standards for unmetered connections

Fault repairs

10. – (1) This regulation applies to an electricity distributor where it receives notice, from the owner of street lighting or street furniture that receives a supply of electricity through an unmetered connection, and where that connection is not the subject of a separate repair-related commercial agreement between the electricity distributor and the owner, of a fault repair that needs to be carried out in respect of the connection.

(2) Where this regulation applies and the notice received by the electricity distributor calls for an emergency response, and the electricity distributor fails to attend on site within the prescribed period from the receipt of the notice and carry out works to remove immediate danger to the public or to property arising from the electricity distribution network, the electricity distributor must, except in any of the circumstances described in paragraph (8), pay to the owner of the premises the prescribed sum.

(3) Where this regulation applies and one of paragraphs (4) to (7) applies and the electricity distributor fails to complete fault rectification works within the prescribed period from the receipt of the notice, the electricity distributor must, except in any of the circumstances described in paragraph (8), pay to the owner of the premises the appropriate prescribed sum.

(4) This paragraph applies where the notice received by the electricity distributor calls for a high priority fault repair involving traffic lights.

(5) This paragraph applies where the notice received by the electricity distributor calls for a high priority fault repair not involving traffic lights.

(6) This paragraph applies where the notice received by the electricity distributor calls for a multiple-unit fault repair.

(7) This paragraph applies where the notice received by the electricity distributor calls for a single-unit fault repair.

(8) The circumstances described in this paragraph are –

- (a) each of the circumstances described in regulation 15; [and
- (b) any others?]

Provision of quotations for new works

11. – (1) This regulation applies to an electricity distributor where –

- (a) an authority with responsibility for street lighting or street furniture within the electricity distributor’s distribution services area (“a relevant authority”) gives a notice under section 16A(1) of the Act (including a notice modifying any previous notice) requesting the offer of terms for making an unmetered connection;
- (b) the unmetered connection to which the notice relates is to enable a supply to be provided to no more than 100 units of street lighting or other street furniture; and
- (c) the electricity distributor receives from the relevant authority –
 - (i) the information relating to the provision of the connection that is or could reasonably be expected to be within the knowledge of the relevant authority and that the electricity distributor reasonably requires to enable it to provide the quotation; and

- (ii) payment of any connection offer expenses in accordance with regulations made under section 16A(4A) of the Act.

(2) Where this regulation applies and the electricity distributor fails to dispatch a quotation to the relevant authority within the prescribed period from the applicable date, the electricity distributor must, except in any of the circumstances described in regulation 15, pay to the relevant authority the prescribed sum.

Commencement and completion of new works

12. – (1) This regulation applies to an electricity distributor where it receives –

- (a) a relevant authority's unqualified written acceptance of a quotation relating to no more than 100 units of street lighting or other street furniture requiring an unmetered connection within the requisite timescale referenced by the electricity distributor in that quotation;
- (b) any reasonable security required by the electricity distributor under section 20(1) of the Act;
- (c) unqualified written acceptance of any additional terms of connection proposed by the electricity distributor under section 21 of the Act; and
- (d) details of the reasonable means by which the relevant authority may be contacted in Great Britain by the electricity distributor during a normal working day in respect of the quotation.

(2) Where this regulation applies and –

- (a) the new connection works provided for in the accepted quotation are to be carried out on a new site; and
- (b) the electricity distributor fails to complete those works by the agreed date,
the electricity distributor must, except in any of the circumstances described in paragraph (4), pay to the relevant authority the prescribed sum.

(3) Where this regulation applies and –

- (a) the works are to be carried out in an existing adopted highway; and
- (b) the electricity distributor fails to complete those works within the prescribed period from the applicable date,
the electricity distributor must, except in any of the circumstances described in paragraph (4), pay to the relevant authority the prescribed sum.

(4) The circumstances described in this paragraph are –

- (a) each of the circumstances described in regulation 15;
- (b) where the works relate to unmetered connections that are managed, or are to be managed pursuant to Private Finance Initiative projects; and
- (c) [any others?]

PART IV

Governance and other issues

Disputes

13. Where a dispute under any provision of these regulations is referred to the Authority for determination under section 39B(1) of the Act, the dispute is to be determined in accordance with the practice and procedure set out in Schedule 2.

Payments

14.—(1) This regulation applies to an electricity distributor where it is obliged to make a payment to a customer or a relevant authority (as appropriate) under any of regulations 4 to 12 (inclusive) and the electricity distributor fails to make the payment to the customer or relevant authority (as appropriate) within the prescribed period from the applicable date.

(2) Where this regulation applies, the electricity distributor must, except in any of the circumstances described in paragraph (3), pay the prescribed sum to the customer or relevant authority as appropriate.

(3) The circumstances described in this paragraph are –

- (a) each of the circumstances described in regulation 15;
- (b) that there is a genuine dispute between the electricity distributor and the customer or relevant authority as to whether the electricity distributor is obliged to make the payment; and
- (c) that the electricity distributor does not have, for the customer or relevant authority (as appropriate), a postal address in Great Britain or bank account details to which the payment could be sent, and has made reasonable endeavours to obtain such an address or details.

(4) Nothing in, or done by an electricity distributor in consequence of, these regulations can determine who is beneficially entitled to any payment made in pursuance of these regulations.

(5) Nothing in these regulations permits an electricity distributor to make a payment other than by means of –

- (a) a cheque or cash; or
- (b) a credit to the account of the customer or relevant authority by way of set off for charges incurred or to be incurred in respect of the provision of any connection to the electricity distributor's distribution system.

(6) Where the electricity distributor makes a payment under these regulations by way of a cheque, that payment shall be deemed to have been made one working day after the cheque was posted to the recipient.

Exemptions

15.—(1) The circumstances described in this regulation are those set out in paragraphs (2) to (4) and (6) to (8); provided that the circumstances set out in paragraphs (6) to (8) will only apply where the electricity distributor makes reasonable efforts to notify the customer or the relevant

authority (as appropriate) of the occurrence of such circumstances as soon as reasonably practicable after their occurrence.

(2) The customer or relevant authority (as appropriate) informs the electricity distributor before the contravention time that he or it does not wish the electricity distributor to take any action, or any further action, in relation to the matter.

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

(4) Where information or a request is (or is required to be) provided by the customer or relevant authority (as appropriate), and the information is provided to an address or email account or by use of a telephone number other than the address, email account, or telephone number that the electricity distributor has advised the customer or relevant authority is appropriate for the receipt of information of that type or, in the case of information given by telephone for the purpose of regulation 10(2), was given outside such reasonable hours as the electricity distributor has advised the relevant authority 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 electricity distributor may advise the customer or relevant authority (as appropriate) by publishing the address, the email account, 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 or relevant authorities likely to be affected by it.

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

- (a) industrial action by employees of the relevant operator;
- (b) the act or default of a person other than an officer, employee or agent of the electricity distributor, or of a person acting on behalf of an agent of the electricity distributor;
- (c) the inability of the electricity distributor to obtain any necessary access to any premises (which may include its own premises);
- (d) the existence of circumstances by reason of which the electricity 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);
- (e) the effects of an event for which emergency regulations have been made under Part 2 of the Civil Contingencies Act 2004; or
- (f) any other circumstances beyond the reasonable control of the electricity distributor.

(7) The electricity distributor reasonably considers that the information given by the customer or the relevant authority (as appropriate) is frivolous or vexatious.

(8) The electricity distributor reasonably considers that the customer or relevant authority (as appropriate) has committed an offence under paragraph 6 of Schedule 6 to the Act, or under paragraph 11 of Schedule 7.

(9) In this regulation, “contravention time” means the time at which, if this regulation did not apply, the electricity distributor would become liable to pay the prescribed sum to the customer or relevant authority as appropriate.

Extensions of time

16.–(1) Where one or more of the circumstances referred to in paragraph (1) of regulation 15 or described in paragraph (4) arises, an agreed date will be extended by such reasonable period (or to such reasonable date) as the electricity distributor may specify.

(2) Provided the electricity distributor specifies such period or date within a reasonable period of time after the circumstance in question arises, the electricity distributor may specify such period or date before or after the date that would otherwise have been the agreed date.

(3) The period or date so specified will only be effective if the electricity distributor contacts the customer or relevant authority (as appropriate) to communicate the period or date so specified.

(4) The circumstances described in this paragraph are as follows:

- (a) severe weather conditions that either of themselves prevent the electricity distributor from carrying out the requisite work or, being of any of the categories 1, 2 or 3 of severity as defined in the Electricity (Standards of Performance) Regulations 2010, cause the electricity distributor, acting reasonably, to postpone preplanned works in order to restore supplies to customers as quickly as possible;
- (b) a network system emergency that causes the electricity distributor, acting reasonably, to redirect its resources and thereby prevents it from completing any action required by these regulations;
- (c) delays imposed by a requirement to obtain a permit for street works under the Traffic Management Act 2004;
- (d) delays in obtaining any necessary consents or rights, and/or in acquiring any necessary interest in land, in relation to the location of electric lines and electrical plant needed to provide the connection;
- (e) that works that are stated in the accepted quotation to be prerequisite to the commencement or completion of the works, and that are not the responsibility of the electricity distributor, have not been completed in the agreed manner or within the time agreed;
- (f) that any other matters stated in the accepted quotation to be prerequisite to the commencement or completion of the works, and that are not the responsibility of the electricity distributor, have not been satisfied in the manner or within the time envisaged by the accepted quotation; and
- (g) [any others?]

Timing of notification

17.–(1) For the purposes of regulations 4 to 9 (inclusive), 11, and 12, 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 are deemed to have been satisfied on the next following working day.

Notice of rights

6(2) with 6(3)	25 working days	£50 for each working day after the end of the prescribed period up to and including the day on which the quotation is dispatched
6(2) with 6(4)	45 working days	£50 for each working day after the end of the prescribed period up to and including the day on which the quotation is dispatched
6(2) with 6(5)	35 working days	£100 for each working day after the end of the prescribed period up to and including the day on which the quotation is dispatched
6(2) with 6(6)	65 working days	£100 for each working day after the end of the prescribed period up to and including the day on which the quotation is dispatched
6(2) with 6(7)	65 working days	£150 for each working day after the end of the prescribed period up to and including the day on which the quotation is dispatched
7(3)	not applicable	£250
7(4)	not applicable	£500
8(2)	7 working days	£10 for each working day after the end of the prescribed period up to and including the day on which contact occurs
8(3)	the agreed date	£25 for each working day after the agreed date up to and including the day on which the works are completed
9(2) with 9(3)	7 working days	£50 for each working day after the end of the prescribed period up to and including the day on which contact occurs
9(2) with 9(4)	10 working days	£100 for each working day after the end of the prescribed period up to and including the day on which contact occurs
9(2) with 9(5)	15 working days	£150 for each working day after the end of the prescribed period up to and including the day on which contact occurs
9(6)	the agreed date	£20 for each working day after the agreed date up to and including the day on which the works are commenced
9(7) with 9(8)	the agreed date	£100 for each working day after the agreed date up to and including the day on which

		the works are completed
9(10) with 9(9)	the agreed date	£150 for each working day after the agreed date up to and including the day on which the works are completed
9(10) with 9(10)	the agreed date	£200 for each working day after the agreed date up to and including the day on which the works are completed
9(10) with 9(11)	the agreed date	£100 for each working day after the agreed date up to and including the day on which energisation occurs
9(10) with 9(12)	the agreed date	£150 for each working day after the agreed date up to and including the day on which energisation occurs
9(10) with 9(13)	the agreed date	£200 for each working day after the agreed date up to and including the day on which energisation occurs
10(2)	2 hours	£50
10(3) with 10(4)	2 calendar days	£10 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
10(3) with 10(5)	10 working days	£10 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
10(3) with 10(6)	20 working days	£10 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
10(3) with 10(7)	25 working days	£10 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
11(2)	25 working days	£10 for each working day after the end of the prescribed period up to and including the day the quotation is dispatched
12(2)	the agreed date	£10 for each working day after the agreed date up to and including the day on which the works are completed
12(3)	35 working days	£10 for each working day after the end of the prescribed period up to and including the day on which the works are completed

14(1)	10 working days	£50
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SCHEDULE 2

PRACTICE AND PROCEDURE FOR DETERMINATIONS

1: Determination of disputes

- (1) This Schedule applies where a dispute to which regulation 13 applies has arisen under any provision of these Regulations between an electricity distributor and a customer or relevant authority (as applicable).
- (2) A dispute to which this Schedule applies—
- (a) may be referred to the Authority by any party or, with the agreement of any party, by the Council; and
 - (b) on such reference, shall be determined by order made by the Authority.
- (3) In making an order under this Schedule, the Authority shall include in the order the reasons for reaching its decision with respect to a dispute.

2: Timetable for the determination of individual disputes

- (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.

3: Procedure for the determination of individual disputes

- (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).

4: Determination of multiple disputes

(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.

5: Timetable for determination of multiple disputes

(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.

6: Procedure for the determination of multiple disputes

(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 electricity distributors 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 electricity distributors 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 electricity distributors and then send that statement to the customer representatives and the electricity distributors for comment.
- (12) When the Authority has received comments from the customer representatives and the electricity distributors, 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 electricity distributors 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 sub-paragraph (2)(d).

7: Written statements

- (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.

8: Production of documents and other evidence

- (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.

9: Oral hearings

- (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 electricity distributor to give evidence or make representations or observations.
- (4) If any party fails to attend a hearing to be subjected to a requirement under subparagraph (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.

10: Customer representatives for multiple disputes

- (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.

11: Collection of information in multiple disputes

- (1) The Authority may by notice ask any customer or relevant authority (as applicable) 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.

12: Payment to customers

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.

13: Set-off

Where a dispute is determined by an order requiring an electricity distributor to make a payment to the customer or the relevant authority (as applicable) and the electricity distributor 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 electricity distributor.

14: Costs

(1) An order determining a dispute may include a provision requiring the electricity distributor or the customer or the relevant authority (as applicable) 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.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations are made under the power provided for in section 39A of the Electricity Act 1989 in respect of standards of performance in connection with the activities of electricity distributors. They 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 distributors. The sum payable differs between standards. The standards do not apply to customers or relevant authorities who are not customers or potential customers of an electricity supplier.

The regulations come into force on [].

[to be completed when individual regulations are finalised]

2010 No.[TBI]

ELECTRICITY

The Electricity (Standards of Performance) Regulations 2010

Made - - - - []

Coming into force - - [1st April 2010]

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SCHEDULE 1

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Standards of Performance – Practice and Procedure for Determinations

The Gas and Electricity Markets Authority⁽⁴⁾, in exercise of the powers conferred by sections 39, 39A, 39B, 42A and 60 of the Electricity Act 1989⁽⁵⁾ (and all other enabling powers, after consultation with the Gas and Electricity Consumer Council⁽⁶⁾, with electricity licence holders, and with persons and bodies appearing to be representative of persons likely to be affected by the Regulations, after considering the results of research to discover the views of a representative sample of persons likely to be so affected, and with the consent of the Secretary of State in accordance with sections 39(1), 39A(1) and 39B(3) and (5) of the Electricity Act 1989, makes the following Regulations—

PART I

General

Citation, commencement, and transitional provisions

1.—(1) These Regulations may be cited as the Electricity (Standards of Performance) Regulations 2010 and shall come into force on [1 April 2010].

(1) 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 2005⁽⁷⁾ shall continue to apply to the exclusion of these Regulations.

⁽⁴⁾ The Gas and Electricity Markets Authority was established under section 1(1) of the Utilities Act 2000 (c.27).

⁽⁵⁾ 1989 c.29: section 39 was amended by paragraph 32 of Schedule 6 to the Utilities Act 2000 (c.27) sections 39A and 39B were inserted by section 54(2) of the Utilities Act 2000 and section 42A was inserted by section 58 of the Utilities Act.

⁽⁶⁾ The Gas and Electricity Consumer Council was established under section 2(1) of the Utilities Act 2000 (c.27).

⁽⁷⁾ S.I. 2005/1019.

Revocation

2. Subject to regulations 1 and [18], the Electricity (Standards of Performance) Regulations 2005 are revoked.

General interpretation

3.—2) 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⁽⁸⁾;

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

“customer” means an owner or occupier of premises in Great Britain who is supplied or requires to be supplied with electricity, and includes an electricity supplier where it is acting on behalf of such a person;

“designated electricity distributor” means an electricity distributor in whose licence Section C 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 or described pursuant to standard condition 2 of the standard conditions of electricity distribution licences as incorporated in that electricity distributor’s licence;

“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, in either case opposite the reference to that paragraph or sub-paragraph of the regulation in column 1 of Part I of that Schedule;

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

⁽⁸⁾ 2000 c.27.

“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⁽⁹⁾, 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” means 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; and

⁽⁹⁾ 2004 c.20.

- (e) any reference to a customer shall not include any person who is supplied otherwise than through an appropriate meter (as prescribed in regulations made under paragraph 1A of Schedule 7 to the Act⁽¹⁰⁾).

PART II

Supply restoration standards of performance for electricity distributors

Interpretation of the normal and severe weather restoration standards

4.—3) In this regulation and regulations 5, 6, 7 and 8—

- (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 less 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;
- (c) “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) “Highlands and Islands” means the following Scottish local authority areas: the Shetland Islands, the Orkney Islands, Eilean Siar (the Western Isles), the Highlands (consisting of Caithness, Sutherland, Ross and Cromarty, Inverness, Nairn, Badenoch and Strathspey, Skye and Lochalsh, and Lochaber), and Argyll and Bute;
- (h) “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 8 and has so notified the other electricity distributor to whom that paragraph refers, that other electricity distributor;
- (i) “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), 6(2), 6(3) or 7(1) applies or may reasonably be expected to apply to premises including the customer’s premises,

⁽¹⁰⁾ 1989 c.29: paragraph 1A of Schedule 7 was amended by Schedule 5 of the Utilities Act 2000.

provided that—

- (iii) where the interruption of supply to a customer's premises arises from a failure of, fault in, or damage to an underground electric line of a nominal voltage of 20 kilovolts operated by an electricity distributor the prescribed period shall commence at the time which is 12 hours after the time at which paragraph (i) or (ii) applies, and
 - (iv) with the exception of interruptions of supply occurring anywhere in the Highlands and Islands, where any steps necessary to restore the supply to a customer's premises are prevented by ice accretion, flooding, or snow affecting a relevant part of a relevant electricity distributor's distribution system that was being used to distribute electricity to the premises immediately before the supply was interrupted, it shall mean the time at which the effects of the ice accretion, flooding, or snow no longer prevent such steps from being taken;
 - (j) "thirteen times the daily mean faults at distribution higher voltage" means, for each 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;
 - (k) "total number of customers interrupted" means, for each designated electricity distributor for the purposes of regulation 6(6) and 6(8) the total number of customers whose supplies are interrupted by the category 3 weather conditions in that distributor's distribution services area; and
 - (l) "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 and 6, 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 6(6)(a) shall be based on the total number of customers interrupted in the designated distributor's distribution service area in which that relevant electricity distributor operates.

Supply restoration: normal conditions

5.—4) 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 10 applies).

(1) 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.

(2) The circumstances described in this paragraph are—

- (a) each of the circumstances described in regulation 8; 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, 2, or 3 severe weather conditions.

(3) This regulation does not apply in any part of the Highlands and Islands.

Supply restoration: severe weather conditions

6.—5) 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 10 applies).

(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 2 severe weather conditions (except where regulation 10 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 3 severe weather conditions (except where regulation 10 applies).

(3) Where paragraph (1) applies, that distributor shall, except in each of the circumstances described in regulation 8, pay the prescribed sum to the customer—

- (a) where the supply is not restored to the customer's premises within the relevant period; and
- (b) in respect of each succeeding period of 12 hours upon the expiry of which the supply is not restored,

up to a maximum of £216 per customer.

(4) Where paragraph (2) applies, that distributor shall, except in each of the circumstances described in regulation 8, pay the prescribed sum to the customer—

- (a) where the supply is not restored to the customer's premises within the relevant period; and
- (b) in respect of each succeeding period of 12 hours upon the expiry of which the supply is not restored,

up to a maximum of £216 per customer.

(5) Where paragraph (3) applies, that distributor shall, except in each of the circumstances described in regulation 8, pay the prescribed sum to the customer—

- (a) where the supply is not restored to the customer's premises within the period calculated by the 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 £216 per customer.

(6) This regulation does not apply in any part of the Highlands and Islands.

(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: Highlands and Islands

7.—(6) This paragraph applies to a relevant electricity distributor where the supply to a customer's premises in the Highlands and Islands is interrupted as a result of a failure of, fault in or damage to that distributor's distribution system (except where regulation 10 applies).

(1) 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.

(2) The circumstances described in this paragraph are—

- (a) each of the circumstances described in paragraphs (2) to (4) and (9) of regulation 8; and
- (b) each of the circumstances described in regulation 20.

Exemptions from the normal and severe weather restoration standards

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

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

(2) 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 which 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.

(3) The relevant electricity distributor to whose network the customer is connected has not received a claim for compensation from the customer in respect of the circumstance referred to in regulation 5(1), 6(1), 6(2), 6(3) or 7(1) within a period of three months from the date upon which the supply was restored to those premises.

(4) 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.

(5) 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.

(6) 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⁽¹¹⁾.

(7) 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⁽¹²⁾); 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.

(8) 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.

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

(10) The customer has committed an offence under paragraph 6 of Schedule 6 to the Act⁽¹³⁾ and the action taken or not taken by the relevant electricity distributor was in exercise of its powers under that paragraph.

(11) In this regulation—

- (a) “contravention time” means—
 - (i) 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; and
 - (ii) in relation to regulation 6, the expiry of the relevant periods referred to in sub-paragraphs 4(a), 5(a), and 6(a) and (where applicable) of each period referred to in sub-paragraphs 4(b), 5(b) and 6(b) of that regulation; and
- (b) each reference to “distributor” includes (where the case requires) a reference to more than one distributor.

⁽¹¹⁾ 2004 c.36.

⁽¹²⁾ 1989 c.29.

⁽¹³⁾ 1989 c.29: section 51(2) of the Utilities Act 2000 substituted a new Schedule 6 into the Act.

Supply restoration: multiple interruptions

9.—8) This regulation applies to an electricity distributor where the supply to a customer's premises that is 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.

(1) 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 which caused the interruption of supply to the premises, any temporary restoration of supply for a period not exceeding three minutes shall be ignored in calculating the period of the interruption;
- (b) the period of an interruption shall be deemed to start at the first time at which 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.

(2) 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 or 10 applies;
- (f) the interruption was a result of the act or default of the electricity supplier to the premises or of the customer;
- (g) the cause of the interruption resulted in the interruption of supply to more than 500,000 customers in Great Britain as notified by the Authority to the 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.

(3) Where this regulation applies, the distributor shall, except in any of the circumstances described in paragraph (5), pay the prescribed sum to the customer.

(4) 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 of the premises to which the supply was interrupted on the occasion of each of the interruptions as a result of which this regulation applies.
- (5) 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

10.—9) This regulation applies to an electricity distributor where that distributor is informed by a telephone call 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.

(1) 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.

(2) 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.

(3) The circumstances referred to in paragraph (3) are—

- (a) each of the circumstances described in regulation 20;
- (b) that the customer requested the distributor not to restore the supply; and
- (c) that the distributor’s fuse had not operated so as to disconnect the supply.

(4) 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.

Estimate of charges for connection

~~11.—10) This regulation applies to an electricity distributor where—~~

- ~~(a) a customer gives a notice under section 16A(1) of the Act⁽¹⁴⁾ (including a notice modifying any previous notice) and requests that the distributor provides an estimate;~~
- ~~(b) the connection to which the notice relates is to enable a supply to be provided at distribution low voltage; and~~
- ~~(c) the distributor receives from the customer the information relating to the provision of the connection which is or could reasonably be expected to be within the knowledge of the customer and which the distributor reasonably requires to enable it to provide the estimate.~~

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

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

⁽¹⁴⁾ 1989 c.29: section 16A(1) was inserted by section 44 of the Utilities Act 2000.

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

~~(5) The circumstances described in this paragraph are—~~

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

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

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

~~(a) may reserve the right to vary the amount stated in the estimate having regard to its actual costs incurred in carrying out the work, but, if it does so, the estimate shall include a reference to any matters which the distributor considers may cause the amount to be varied significantly; and~~

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

~~(7) In this regulation—~~

~~(a) “estimate” means a statement in writing of the amount which the distributor reasonably expects it will require the customer to pay under section 19(1) of the Act⁽¹⁵⁾ or under regulations made under section 19(2)⁽¹⁶⁾ thereof having regard to the information which is known or ought reasonably to be known by the distributor in relation to the carrying out of that work; and~~

~~(b) “service line” means a distribution low voltage electric line or any part of the line which will, at the time it is provided, be used only for supplying a single customer, excluding any part of the line which, at the time that it is provided, is intended by the distributor to be used to enable it to provide a connection to premises (other than the customer's premises) in respect of which the distributor has received or would reasonably expect within the following 12 months to receive a notice under section 16A of the Act⁽¹⁷⁾.~~

Notice of supply interruption

12.—11) 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.

(1) 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.

(2) 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.

(3) 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.

(4) 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.

⁽¹⁵⁾ 1989 c.29: section 19(1) was amended by section 46(2) of the Utilities Act 2000.

⁽¹⁶⁾ 1989 c.29: section 19(2) was amended by section 46(3) of the Utilities Act 2000.

⁽¹⁷⁾ 1989 c.29: section 16A was inserted by section 44 of the Utilities Act 2000.

(5) 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.

(6) The circumstances described in this paragraph are—

- (a) each of the circumstances described in paragraphs (3), (6) and (7) of regulation 20; and
- (b) that the distributor to whose distribution system the customer'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.

(7) In this regulation, “authorised purpose”, in relation to an electricity distributor, means a planned interruption including testing or any other purpose connected with the carrying on of the activities which 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.—12) 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 20 provided that, in relation to paragraph (6) of that regulation, the distributor gave the customer not less than one working day's prior warning (whether or not in writing) that 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⁽¹⁸⁾.

PART IV

Individual standards of performance for relevant suppliers

Charges and payments

14.—13) This regulation applies where a customer informs a relevant supplier—

⁽¹⁸⁾ 1989 c.29: section 29 was amended by paragraph 30 of Schedule 6 to the Utilities Act 2000.

- (a) that the customer requests a change in the method by which he makes payment to the relevant supplier in respect of the supply; or
- (b) of a query as to—
 - (i) the correctness of an account relating to the supply presented to the customer by the relevant supplier (other than in circumstances in which regulation 15 applies); or
 - (ii) whether, in relation to the matter or matters described by the customer, any payment ought to be made to the customer and the matter is one to which these regulations apply or appear to apply.

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

- (a) in the case of a request under sub-paragraph (1)(a) and where the relevant supplier does not expect to be able to approve the request, to dispatch a substantive reply to the customer within the prescribed period from the date of receipt of the information;
- (b) in the case of a query under sub-paragraph (1)(b), to dispatch a substantive reply to the customer within the prescribed period from the date of receipt of the information; or
- (c) in the case of a query under sub-paragraph (1)(b)(i) to which the relevant supplier's reply states that the customer is entitled to a payment from the relevant supplier, to make payment by cash, cheque, bank transfer or postal order to the customer of the amount due within the prescribed period from the date of dispatch of the relevant supplier's reply.

(3) The circumstances described in this paragraph are—

- (a) each of the circumstances described in regulation 20; and
- (b) in respect of a query under sub-paragraph (1)(b)(ii), that the relevant supplier has previously made a payment to the customer under paragraph (6) of regulation 19 relating to the matter.

PART V

Individual standards of performance for electricity suppliers

Meter disputes

15.—14) This regulation applies where an electricity supplier is notified by a domestic customer—

- (a) that the customer considers that an appropriate meter is or may have been operating outside the margins of error; or
- (b) that circumstances exist which an electricity supplier might reasonably expect to have been caused by the meter operating outside the margins of error.

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

(3) This paragraph applies where the electricity supplier is reasonably satisfied that 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 20, provided that, in relation to paragraph (6) of that regulation, the electricity supplier gave the customer not less than one working day's prior warning (whether or not in writing) that 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.—15) 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.

(1) 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.

(2) 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.

(3) The circumstances described in this paragraph are—

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

(4) 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.—16) This regulation applies where—

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

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

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

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

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

(5) The circumstances described in this paragraph are—

- (a) each of the circumstances described in regulation 20, provided that, in paragraph (6) of that regulation, the relevant operator gave the customer not less than one working day's prior warning (whether or not in writing) that 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 10, 13, 15, or 16; and
- (c) that the visit is wholly or mainly in connection with disconnecting the premises in exercise of the power contained in paragraph 2(1) of Schedule 6 to the Act⁽¹⁹⁾.

(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 (which 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 which falls either wholly before one o’clock in the afternoon or wholly after noon, or a part not exceeding two hours; or
- (b) during such part of a day as is requested by the customer and agreed with the relevant operator, such agreement not to be unreasonably withheld, provided that the relevant operator shall not be obliged to agree a part of a day that is less than two hours.

Disputes

18. Where a dispute under any provision of these regulations is referred to the Authority for determination under section 39B(1) of the Act⁽²⁰⁾, the dispute shall be determined in accordance with the practice and procedure set out in Schedule 2 to these Regulations.

Payments

19.—17) Paragraph (4) applies where an electricity distributor is obliged under any of regulations 5 to 7 (inclusive) and 12 to make a payment to a customer whose premises are directly connected to the distribution system of another electricity distributor.

(1) 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 7 (inclusive), 9 to 13 (inclusive), and 17; 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.

(2) Paragraph (6) applies–

- (a) where a relevant supplier or electricity supplier is obliged to make a payment to a customer under any of regulations 14 to 17 (inclusive); or
- (b) where an electricity supplier receives a payment from an electricity distributor for onward transmission to the electricity supplier’s customer.

(3) 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 6 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.

(4) 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 6 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.

(5) 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.

(6) The circumstances described in this paragraph are–

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

⁽¹⁹⁾ 1989 c.29: section 51(2) of the Utilities Act 2000 substituted a new Schedule 6 into Act.

⁽²⁰⁾ 1989 c.29: section 39B(1) was inserted by section 54(2) of the Utilities Act 2000.

- (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.
- (7) Where a relevant operator is required to make a payment under these Regulations—
 - (a) in relation to any premises of which more than one person is a customer, a payment to any one or more of the customers 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.

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

(1) 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.

(2) 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.

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

(4) 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.

(5) 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 in respect of regulation 7 another electricity distributor), 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⁽²¹⁾);
- (f) the effects of an event for which emergency regulations have been made under Part 2 of the Civil Contingencies Act 2004⁽²²⁾; or
- (g) other circumstances of an exceptional nature beyond the control of the relevant operator,

⁽²¹⁾ 1989 c.29.

⁽²²⁾ 2004 c.36.

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.

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

(7) The customer has—

- (a) committed an offence under paragraph 6 of Schedule 6⁽²³⁾ or paragraph 11 of Schedule 7⁽²⁴⁾ 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.

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

- (a) in relation to regulation 7, 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 12, the time at which the supply was interrupted; and
- (c) in relation to any other regulation, the time at which, if this regulation did not apply, the relevant operator would become liable to pay the prescribed sum to the customer.

Timing of notification

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

Notice of rights

22.—20) In respect of the rights prescribed for the benefit of customers under regulations 5 to 13 (inclusive) and 17 to 21 (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⁽²⁵⁾ in a form which is standardised with that of other distributors and has a content which the distributor could reasonably expect would be within the understanding of customers to which the statement relates and shall—

- (a) give a copy of the statement, and of any revision of the statement, to the Authority and to the Council, before 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 which supplies electricity to premises that are directly connected to the distributor’s distribution system for onward transmission to the electricity supplier’s customers a copy of the statement (in the form current at the time 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 distributor open to the public in the normal course of the distributor’s business during the normal opening hours of the premises; and
- (d) dispatch a copy of the statement (in its current form) to any person who requests it.

(2) In respect of the rights prescribed for the benefit of customers under regulations 14 to 21 (inclusive) a relevant supplier, and in respect of those rights under regulations 15 to 21 (inclusive) an electricity supplier, shall prepare and from time to time revise a statement describing the rights prescribed for the benefit of customers under those regulations and the effect of section 39(4) of the Act⁽²⁶⁾ in a form and having a content which a relevant supplier or an electricity supplier (as the case may be) could reasonably expect would be within the understanding of customers to which the statement relates and shall—

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

⁽²³⁾ 1989 c.29: section 51(2) of the Utilities Act 2000 substituted a new Schedule 6 into the Act.

⁽²⁴⁾ 1989 c.29: Schedule 7 was amended by section 52 of the Utilities Act 2000.

⁽²⁵⁾ 1989 c.29: section 39A(5) was amended by section 54(2) of the Utilities Act 2000.

⁽²⁶⁾ 1989 c.29: section 39(4) was amended by paragraph 32 of Schedule 6 to the Utilities Act 2000 (c.27).

- (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.—21) In respect of the overall standards of performance determined by the Authority under section 40 of the Act⁽²⁷⁾, a relevant supplier shall prepare and from time to time revise a statement describing those standards and the levels of performance achieved as respects those standards in a form and having a content which a relevant supplier could reasonably expect would be within the understanding of customers to which the statement relates and shall—

- (a) give a copy of the statement, and of any revision of the statement, to the Authority and to the Council, before 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

[Insert Name]

A member of the Authority

[Date]

I consent

⁽²⁷⁾ 1989 c.29: section 40 was amended by sections 20(2), 56(7) and Schedule 2 to the Competition and Service (Utilities) Act 1992 (c.43), paragraph 33 of Schedule 6 and Schedule 8 of the Utilities Act 2000.

SCHEDULE 1

Data for the Purpose of Calculating Payments

PART I

Prescribed periods and prescribed sums applicable to all relevant operators

(1)	(2)	(3)	(4)
<i>Regulation</i>	<i>Prescribed period</i>	<i>Prescribed sum domestic customer</i>	<i>Prescribed sum non-domestic customer</i>
5(2)(a)	18 hours	£54	£108
5(2)(b)		£27	£27
6(4)(a)	24 hours	£27	£27
6(4)(b)		£27	£27
6(5)(a)	48 hours	£27	£27
6(5)(b)		£27	£27
6(6)(a)		£27	£27
6(6)(b)		£27	£27
7(2)(a)	18 hours	£54	£108
7(2)(b)		£27	£27
9(4)		£54	£54
10(3)	three hours on a working day	£22	£22
10(3)	four hours on any other day	£22	£22
11(2)	five working days	£40	£40
11(3)	15 working days	£40	£40

12(4)	two days	£22	£22
12(5)	five days	£22	£22
12(6)	two days	£22	£22
13(2)	seven working days	£22	£22
13(4)(a)		£22	£22
13(4)(b)	five working days	£22	£22
14(2)(a)	five working days	£22	£22
14(2)(b)	five working days	£22	£22
14(2)(c)	five working days	£22	£22
15(2)	seven working days	£22	£22
15(4)(a)		£22	£22
15(4)(b)	five working days	£22	£22
16(3)	three hours on a working day	£22	£22
16(3)	four hours on any other day	£22	£22
17(2)		£22	£22
17(3)		£22	£22
19(4)	10 working days	£22	£22
19(5)	10 working days	£22	£22
19(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.

(1)	(2)	(3)	(4)	(5)
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<i>Designated electricity distributor</i>	<i>Eight times the mean daily faults at distribution higher voltage</i>	<i>Thirteen times the mean daily faults at distribution higher voltage</i>	<i>Category 3 threshold number of customers</i>	<i>Upper threshold number of customers</i>
<i>Central Networks West plc</i>	65	105	347,000	595,000
<i>Central Networks East plc</i>	68	110	445,000	763,000
<i>Electricity North West Limited</i>	49	80	256,000	439,000
<i>Northern Electric Distribution Limited</i>	37	59	218,000	374,000
<i>Yorkshire Electricity Distribution plc</i>	37	60	362,000	621,000
<i>Western Power Distribution (South West) plc</i>	59	97	278,000	476,000
<i>Western Power Distribution (South Wales) plc</i>	45	73	214,000	367,000
<i>EDF Energy Networks (LPN) plc</i>	19	31	305,000	523,000
<i>EDF Energy Networks (SPN) plc</i>	48	78	307,000	527,000
<i>EDF Energy Networks (EPN) plc</i>	85	139	561,000	962,000
<i>SP Distribution Limited</i>	76	124	228,000	392,000
<i>SP Manweb plc</i>	68	110	172,000	296,000
<i>Scottish Hydro-Electric Power Distribution Limited</i>	56	91	129,000	220,000
<i>Southern Electric Power Distribution plc</i>	66	107	412,000	706,000

SCHEDULE 2

Standards of Performance – Practice and Procedure for Determinations

Determination of disputes

1.—22) This Schedule applies where a dispute to which regulation 18 applies has arisen under any provision of these Regulations between a relevant operator and a customer or between relevant operators.

(1) A dispute to which this Schedule applies—

- (a) may be referred to the Authority by any party or, with the agreement of any party, by the Council; and
- (b) on such reference, shall be determined by order made by the Authority.

(2) 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.—23) 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.

(1) 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.—24) 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.

(1) 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.

(2) 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.

(3) 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).

(4) 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.

(5) 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.

(6) 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.

(7) 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.

(8) 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.—25) 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.

(1) 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.—26) 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.

(1) 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.—27) 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.

(1) 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.

(2) 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.

(3) 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.

(4) 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.

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

(6) When the Authority has decided on the consolidated groups for the purpose of determining multiple disputes, it shall appoint customer representatives as required by paragraph 10.

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

(8) 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).

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

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

(11) When the Authority has received comments from the customer representatives and the relevant 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.

(12) 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.

(13) 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 sub-paragraph (2)(d).

Written statements

7.—28) 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.

(1) 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.

(2) 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.

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

Production of documents and other evidence

8.—29) 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.

(1) 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.

(2) 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.

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

Oral hearings

9.—30) 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.

(1) 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.

(2) 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.

(3) 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.

(4) 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.—31) Where disputes are consolidated into categories under paragraph 4, the Authority shall nominate one or more customers to be representatives of each consolidated group.

(1) 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.—32) 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.

(1) 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.

(2) 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.—33) 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.

(1) 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.

[NEW SECTION]

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations in part revoke and largely re-enact the provisions of the Electricity (Standards of Performance) Regulations 2005. They also introduce a number of changes in the standards of performance arrangements that have been consulted on by the Office of the Gas and Electricity Markets as part of the Electricity Distribution Price Control Review.

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

[The main changes in the new regulations are;

- (i) to remove the ‘Estimate of charges for connection’ standard and associated references;
- (ii) to clarify that notice under Regulation 12 is required in respect of planned interruptions;
- (iii) to update the compensation levels attached to the standards to take account of inflation;
- (iv) to update the thresholds for normal and severe weather conditions; and
- (v) to reflect that United Utilities Electricity Plc is now Electricity North West Limited.]

The Electricity (Standards of Performance) Regulations 2005 are revoked (regulation 2) subject to the transitional provisions in regulation 1 of these regulations.

