



Making a positive difference  
for energy consumers

Citizens Advice, Citizens Advice  
Scotland, gas transporters  
(GTs/GDNs), gas suppliers, BEIS  
and other interested parties

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Date: 17 December 2020

Dear Stakeholders,

## **Statutory consultation on amendments to the Guaranteed Standards of Performance (GSOP) Statutory Instrument for Gas Transporters (GTs).**

### **Background**

GSOPs set service levels that must be met by GTs in each individual case. If the GT fails to meet the required level of service, it is required to pay compensation to the affected consumer. These standards are set in consultation with the GTs and other interested parties.

### **Amendments to GSOPs**

The decision on amendments to GT GSOPs was published in December 2020 as part of the Final Determinations for the RIIIO-GD2 price control.<sup>1</sup> This consultation invites views on the draft Statutory Instrument ("SI")<sup>2</sup> required to implement the policy decisions. The draft SI takes the form of amendments to the existing Gas (Standards of Performance) Regulations 2005 (*SI 2005/1135*) ("the 2005 Regulations"), which set out the GSOPs for GTs and gas suppliers. Appendix 1 contains the draft amendment SI. Appendix 2 contains a mark up of the 2005 Regulations to illustrate the changes that the amendment SI is intended to make.

In the draft amendment SI, GSOP payment caps are presented as directly proportional to the payment level, so they automatically increase as payment levels increase due to inflation. As part of this consultation, we are seeking views on adjustments to four of the

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<sup>1</sup> See [Final Determinations: GD Annex](#), Chapter 2, Appendix 1.

<sup>2</sup> The draft SI is subject to change after the consultation process.

prescribed payment caps in order to reflect the policy decision in our Final Determinations that payment caps should reflect exact multiples of the payment levels.<sup>3</sup> We are consulting on two options to achieve this:

Option 1: increase payment caps by the same proportion as the associated increase in GSOP payment levels in Final Determinations (double RIIO-1 payments).

Option 1 shows four GSOP payment levels and payment caps as presented in our RIIO-GD2 Final Determinations, which double RIIO-GD1 payment levels and payment caps. The payment caps of these GSOPs are not exact multiples of their associated payment levels.

This would mean that where the payment level is increased as result of inflation, and rounded to the nearest £5, the calculation of the associated cap could result in a cap level that, when divided by the payment level, does not result in an integer. The associated payment levels are paid each working day the GSOP is failed and are not divided into further fractions, meaning the consumer will only receive payments up to the nearest multiple of the payment level below the cap.<sup>4</sup> We think this could cause confusion among consumers, that may expect further payments until the stated cap threshold is reached.

Option 2: increase payment caps by a multiple of the GSOP payment level and ensure the same number of payments are received as under Option 1.

Under Option 2, the payment caps would be exact multiples of the payment levels after the payment level has been adjusted for inflation and rounded to the nearest £5. The number of payments received by the consumer prior to the cap threshold would amount to the same number of payments under Option 1.<sup>5</sup>

This will ensure all GSOP payment caps are integer multiples of their associated payment levels. This will provide greater clarity for consumers that do not receive guaranteed standards of service and receive payments until the cap threshold is reached, as their final payout will reflect the GSOP cap. Whilst payment caps are lower under Option 2 than Option 1, as Option 1 caps were not multiples of the payment level, consumers will receive the same maximum payment under Options 1 and 2. Option 2 is therefore our preferred option as it provides the same level of protection but will be clearer for consumers.

Table 1 summarises the proposed amendments to the relevant payment caps and their associated regulations and GSOPs.

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<sup>3</sup> Final Determinations: GD Annex, paragraph 2.48.

<sup>4</sup> For example, if the payment level associated with Regulation 10(6)(c) (£80) is increased to £85, under Option 1 the payment cap would increase to £531.25 (in line with a 6.25% increase to the payment level). The associated payment level is paid each working day the GSOP is failed and are not divided. This means the consumer would only receive 6 payments until they reach the cap threshold, which would be £480.

<sup>5</sup> Final Determinations: GD Annex, paragraph 2.47.

Table 1: Proposed amendment to prescribed payment caps under Option 2

Regulation (as per amendment SI)	GSOP	Payment level	Option 1: increase payment caps by the same proportion as the associated increase in GSOP payment level.		Option 2: increase payment caps by a multiple of the GSOP payment level, that ensures the same amount of payments under Option 1.	
10(6)(c)	GSOP 8	£80	6.25 times the prescribed sum	£500	6 times the prescribed sum	£480
10(6)(ca)	GSOP 8	£80	12.5 times the prescribed sum	£1,000	12 times the prescribed sum	£960
10(6)(d)	GSOP 9	£40	12.5 times the prescribed sum	£500	12 times the prescribed sum	£480
10(6)(da)	GSOP 10	£80	12.5 times the prescribed sum	£1,000	12 times the prescribed sum	£960

The GSOPs and their associated payments and payment caps will be set out in the GSOP Guidance, that will be published in 2021.

### Consultation questions

- 1. Do you agree with our proposal to amend the four payment caps as set out in Table 1 in line with Option 2?**
- 2. Do any of the obligations need further clarification within the SI?**
- 3. Are the new definitions appropriate?**
- 4. Do the obligations in the draft amending SI reflect the decisions taken at Final Determinations?**

### Responses

Responses to this consultation should be received by 5pm on 29 January 2021.

Please e-mail responses to [cara.yates@ofgem.gov.uk](mailto:cara.yates@ofgem.gov.uk).

Yours faithfully,

Michael Wagner

**Deputy Director, Gas Sector**

# APPENDIX 1

## The Gas (Standards of Performance) (Amendment) Regulations 2021

*Made* - - - -

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*Coming into force* - -

*1st April 2021*

The Gas and Electricity Markets Authority<sup>(a)</sup> (the “Authority”), in exercise of the powers conferred by sections 33AA and 47 of the Gas Act 1986<sup>(b)</sup>, makes the following Regulations.

In accordance with section 33BAA(1)(a)(c) of that Act, the Authority arranged for such research as it considered appropriate with a view to discovering the views of a representative sample of persons likely to be affected and considered the results.

In accordance with section 33BAA(1)(b) of that Act, the Authority published a notice of its proposals and considered the representations made in respect of those proposals.

In accordance with 33BAA(1)(c) of that Act, the Authority consulted Citizens Advice, Citizens Advice Scotland, gas suppliers, gas transporters and persons and bodies appearing to be representative of persons likely to be affected by these Regulations.

In accordance with section 33AA(2) of that Act, the Secretary of State has consented to the making of these Regulations.

### **Citation and commencement**

1.—(1) These Regulations may be cited as the Gas (Standards of Performance) (Amendment) Regulations 2021 and come into force on 1 April 2021.

(2) In these Regulations, the “Principal Regulations” means the Gas (Standards of Performance) Regulations 2005<sup>(d)</sup>.

### **Amendment of regulation 3 of the Principal Regulations**

2.—(1) Regulation 3(1) (Interpretation) is amended as follows.

(2) After the definition of “customer” insert—

““disconnection” means the isolation of pipe-work or gas assets from the gas pipe-line system of the relevant gas transporter to the emergency control valve at the relevant premises;

“diversion” means work to relocate gas assets connected to the gas pipe-line system of the relevant gas transporter;”.

(3) In the definition of “land enquiry”—

(a) after “new connection” for “or” substitute “,”; and

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

(b) 1986 c. 44; section 33AA was inserted by section 90(2) of the Utilities Act 2000.

(c) Section 33BAA was inserted by section 92 of the Utilities Act 2000 and amended by paragraph 4 of Schedule 1 to S.I.2014/631.

(d) S.I. 2005/1135, as amended by S.I. 2005/1136, S.I. 2008/696 and S.I. 2015/1544.

(b) after “existing connection” insert “or provision of a disconnection”.

(4) After the definition of “pipe-line system” insert—

““prescribed cap” means in each of the regulations specified in column 1 of Part AI of Schedule 1 (Prescribed cap applicable to all gas transporters) to these Regulations, the sum specified in column 2 of Part AI of Schedule 1, or such other sum adjusted in accordance with regulation 14A, multiplied by the figure specified in column 3 of Part AI of Schedule 1;”.

(5) In the definition of “prescribed sum” after “column 4 of Part I of Schedule 1” insert “, or such other sum adjusted in accordance with regulation 14A”.

### **Amendment of regulation 7 of the Principal Regulations**

3. In regulation 7(3) (Supply restoration) omit sub-paragraph (d).

### **Amendment of regulation 8 of the Principal Regulations**

4. In regulation 8(2)(b) (Reinstatement of customer’s premises) for “5 working days.” substitute—

“—

- (i) 3 working days where the customer has been a priority domestic customer for more than 30 days prior to the start of the relevant event; and
- (ii) 5 working days in all other circumstances.”

### **Amendment of regulation 9 of the Principal Regulations**

5.—(1) Regulation 9 (Priority domestic customers) is amended as follows.

(2) At the end of paragraph (2)(b) omit “.” and insert—

“,

in respect of the initial failure to provide alternative heating and cooking facilities and for each additional 24 hour period during which the failure continues (including the day on which the appropriate action is taken to meet the requirements of sub-paragraph (b)).”.

(3) After paragraph (2) insert—

“(2A) Where this regulation applies and 250 or more customers’ premises (whether domestic or non-domestic) are affected by the relevant event for longer than 48 hours, the relevant gas transporter must, except in any of the circumstances described in paragraphs (3)(a) to (d), provide each domestic customer access to—

- (a) a hot meal for each member of the customer’s household in each 24 hour period; and
- (b) hot water for washing, where the customer is medically dependent on water for bathing or is water dependent for medical reasons,

from the period commencing 48 hours after the relevant event until it ends.

(2B) The relevant gas transporter must pay the prescribed sum to a domestic customer—

- (a) each time it fails to provide a hot meal for a member of the customer’s household in accordance with paragraph (2A)(a); and
- (b) where it fails to provide access to hot water in accordance with paragraph (2A)(b), in respect of the initial failure to provide access to hot water and for each additional 24 hour period during which the failure continues (including the day on which the appropriate action is taken to meet the requirements of paragraph (2A)(b)).”.

(4) In paragraph (3)(b)—

- (a) after “alternative heating” for “or” substitute “,”; and
- (b) after “cooking facilities” insert “, hot meals or access to hot water”.

- (5) In paragraph (3)(c)(i)—
  - (a) after “alternative heating” for “and” substitute “,”;
  - (b) after “cooking facilities” insert “or hot meals”; and
  - (c) after “for collection” insert “, or access to hot water was made available (as the case may be)”.
- (6) In paragraph (3)(c)(iii)—
  - (a) after “alternative heating” for “and” substitute “,”; and
  - (b) after “cooking facilities” insert “, hot meals, or access to hot water (as the case may be)”.
- (7) In paragraph 3(d)—
  - (a) after “alternative heating” for “or” substitute “,”;
  - (b) after “cooking facilities” insert “, hot meals or access to hot water”; and
  - (c) at the end of sub-paragraph (d) omit “and”.
- (8) Omit paragraph (3)(e).
- (9) After paragraph (3)(e) insert—
  - “(f) that the making of an additional payment of the prescribed sum in respect of the continuation of a breach under paragraphs (2) and (2B) would cause the aggregate of the payments to the customer in respect of that breach to exceed the prescribed cap.”.
- (10) In paragraph (4)(b) for “8:00 p.m. and 8:00 a.m.” substitute “10:00 p.m. and 6:00 a.m.”.

#### **Amendment of regulation 10 of the Principal Regulations**

6.—(1) Regulation 10 (Connections) is amended as follows.

- (2) In paragraph (1)(a)—
  - (a) after “new connection” for “or” substitute “,”; and
  - (b) after “existing connection” insert “, arranging a diversion or providing a disconnection”.
- (3) For paragraph (3) substitute—
  - “(3) Where this regulation applies and the relevant gas transporter fails—
    - (a) within the prescribed period from the applicable date to issue to a customer a standard quotation for—
      - (i) a new connection up to and including 275kWh per hour;
      - (ii) an alteration of an existing connection up to and including 275kWh per hour;
      - or
      - (iii) a disconnection where the pressure is less than 2 bar gauge;
    - (b) within the prescribed period from the applicable date to issue to a customer a non-standard quotation for—
      - (i) a new connection up to and including 275kWh per hour;
      - (ii) an alteration of an existing connection up to and including 275kWh per hour;
      - (iii) a disconnection where the pressure is less than 2 bar gauge;
      - (iv) a new connection greater than 275kWh per hour;
      - (v) an alteration of an existing connection greater than 275kWh per hour;
      - (vi) a diversion; or
      - (vii) a disconnection where the pressure is greater than or equal to 2 bar gauge;
    - (c) within the prescribed period from the applicable date to respond to a land enquiry in respect of—
      - (i) a new connection up to and including 275kWh per hour;
      - (ii) an alteration of an existing connection up to and including 275kWh per hour;

- (iii) a disconnection where the pressure is less than 2 bar gauge;
- (iv) a new connection greater than 275kWh per hour;
- (v) an alteration of an existing connection greater than 275kWh per hour; or
- (vi) a disconnection where the pressure is greater than or equal to 2 bar gauge;
- (d) within the prescribed period from the applicable date to offer a date for commencement of work on the connection and substantial completion on specified days in respect of—
  - (i) a new connection up to and including 275kWh per hour;
  - (ii) an alteration of an existing connection up to and including 275kWh per hour;
  - (iii) a new connection greater than 275kWh per hour; or
  - (iv) an alteration of an existing connection greater than 275kWh per hour; and
- (e) substantially to complete a connection on the date agreed with the customer in respect of a connection with a quoted cost to the customer of—
  - (i) up to and including £1,000;
  - (ii) over £1,000 but not exceeding £4,000;
  - (iii) over £4,000 but not exceeding £20,000;
  - (iv) over £20,000 but not exceeding £50,000; or
  - (v) over £50,000 but not exceeding £100,000,

the relevant gas transporter must, except in the circumstances described in paragraph (6), pay to the customer the prescribed sum in respect of each initial failure and for each additional working day during which the failure continues (including the day on which the appropriate action is taken to meet the requirements of the relevant sub-paragraphs).

(3A) Where this regulation applies and the relevant gas transporter fails to provide the customer with an accurate quotation with regards to providing a new connection or altering an existing connection, the relevant gas transporter must, except in the circumstances described in paragraph (6), refund the customer any overcharge that has been paid.”.

(4) For paragraph (6)(b) to (h) substitute—

- “(b) that the making of an additional payment of the prescribed sum in respect of the continuation of any one breach under paragraph (3)(a), (3)(b)(i) to (iii) would cause the aggregate of payments of the prescribed sum to the customer in respect of that breach to exceed the lesser of the prescribed cap or the quotation sum;
- (ba) that the making of an additional payment of the prescribed sum in respect of the continuation of any one breach under paragraph (3)(b)(iv) to (vii) would cause the aggregate of payments of the prescribed sum to the customer in respect of that breach to exceed the lesser of the prescribed cap or the quotation sum;
- (c) that the making of an additional payment of the prescribed sum in respect of the continuation of any one breach under paragraph (3)(c)(i) to (iii) would cause the aggregate of payments of the prescribed sum to the customer in respect of that breach to exceed the prescribed cap;
- (ca) that the making of an additional payment of the prescribed sum in respect of the continuation of any one breach under paragraph (3)(c)(iv) to (vi) would cause the aggregate of payments of the prescribed sum to the customer in respect of that breach to exceed the prescribed cap;
- (d) that the making of an additional payment of the prescribed sum in respect of a continuation of any one breach under paragraph (3)(d)(i) and (ii) would cause the aggregate of payments of the prescribed sum to the customer in respect of that breach to exceed the prescribed cap;
- (da) that the making of an additional payment of the prescribed sum in respect of a continuation of any one breach under paragraph (3)(d)(iii) and (iv) would cause the

aggregate of payments of the prescribed sum to the customer in respect of that breach to exceed the prescribed cap;

- (e) that the making of an additional payment of the prescribed sum in respect of a continuation of any one breach under paragraph (3)(e)(i) would cause the aggregate of payments of the prescribed sum to the customer in respect of that breach to exceed the prescribed cap;
- (f) that the making of an additional payment of the prescribed sum in respect of a continuation of any one breach under paragraph (3)(e)(ii) and (iii) would cause the aggregate of payments of the prescribed sum to the customer in respect of that breach to exceed 50 per cent of the contract sum;
- (g) that the making of an additional payment of the prescribed sum in respect of a continuation of any one breach under paragraph 3(e)(iv) would cause the aggregate of payments of the prescribed sum to the customer in respect of that breach to exceed the prescribed cap;
- (h) that the making of an additional payment of the prescribed sum in respect of a continuation of any one breach under paragraph 3(e)(v) would cause the aggregate of payments of the prescribed sum to the customer in respect of that breach to exceed the prescribed cap;”.

(5) In paragraph (7)(b) after “connection” insert “, alteration, diversion or disconnection”.

(6) In paragraph (7)(c) after “connection” insert “, alteration, diversion or disconnection”.

#### **Amendment of regulation 10A of the Principal Regulations**

7. In regulation 10A(3) (Notice of planned interruption) omit sub-paragraph (b).

#### **Amendment of regulation 10B of the Principal Regulations**

8. In regulation 10B(4)(e) (Responding to complaints) for “£100” substitute “the prescribed cap”.

#### **Amendment of regulation 12 of the Principal Regulations**

9. In regulation 12(8)(b)(ii) (Payments) for “upon which the gas transporter receives a claim for compensation from the customer” substitute “after the relevant event ends”.

#### **Insertion of regulation 14A into the Principal Regulations**

10. After regulation 14, insert—

#### **“Indexation of prescribed sum and prescribed cap**

**14A.**—(1) On 1 April in each year commencing on 1 April 2022, the prescribed sum and the sums specified in column 2 of Part A1 (Prescribed cap applicable to all gas transporters) of Schedule 1 will be adjusted by—

- (a) the percentage increase or decrease in the CPIH value in comparison to the baseline CPIH; and
- (b) rounding the resulting figure to the nearest £5.

(2) In this regulation—

- (a) “baseline CPIH” means the consumer prices index including owner occupiers’ housing costs published by the Office for National Statistics for January 2021; and
- (b) “CPIH value” means the consumer prices index including owner occupiers’ housing costs published by the Office for National Statistics for the month of January immediately preceding 1 April in the year for which the adjustment is made.”



## Amendment of Schedule 1 to the Principal Regulations

11. Before Part I in Schedule 1 insert—

### “PART AI

#### Prescribed Caps Applicable to all Gas Transporters

<i>(1)</i> <i>Regulation</i>	<i>(2)</i> <i>Sum</i>	<i>(3)</i> <i>Multiplier</i>
9(3)(f)	£50	10
10(6)(b)	£20	25
10(6)(ba)	£40	25
10(6)(c)	£80	6
10(6)(ca)	£80	12
10(6)(d)	£40	12
10(6)(da)	£80	12
10(6)(e)	£40	10
10(6)(g)	£200	50
10(6)(h)	£300	60
10B(4)(e)	£40	5

12. For the table in Part I of Schedule 1 substitute the following table—

“

<i>(1)</i> <i>Regulation</i>	<i>(2)</i> <i>Prescribed period</i>	<i>(3)</i> <i>Prescribed sum domestic customers</i>	<i>(4)</i> <i>Prescribed sum non-domestic customers</i>
7(2)	24 hours	£60	£100
8(2)	5 working days	£100	£200
9(2)		£50	
9(2)(a)	4 hours		
9(2)(b)(i)	4 hours		
9(2)(b)(ii)	8 hours		
9(2B)		£50	
10(3)(a)	4 working days	£20	£20
10(3)(b)(i)	11 working days	£20	£20
10(3)(b)(ii)	11 working days	£20	£20
10(3)(b)(iii)	11 working days	£20	£20
10(3)(b)(iv)	21 working days	£40	£40
10(3)(b)(v)	21 working days	£40	£40
10(3)(b)(vi)	21 working days	£40	£40
10(3)(c)(i)	5 working days	£80	£80
10(3)(c)(ii)	5 working days	£80	£80
10(3)(c)(iii)	5 working days	£80	£80
10(3)(c)(iv)	5 working days	£80	£80
10(3)(c)(v)	5 working days	£80	£80
10(3)(c)(vi)	5 working days	£80	£80
10(3)(d)(i)	17 working days	£40	£40
10(3)(d)(ii)	17 working days	£40	£40
10(3)(d)(iii)	20 working days	£80	£80

10(3)(d)(iv)	20 working days	£80	£80
10(3)(e)(i)		£40	£40
10(3)(e)(ii)		the lesser of £200 or 5% of the contract sum	the lesser of £200 or 5% of the contract sum
10(3)(e)(iii)		£200	£200
10(3)(e)(iv)		£200	£200
10(3)(e)(v)		£300	£300
10A(2)	7 working days	£40	£100
10B(2)(a)(i)	5 working days	£40	£40
10B(2)(a)(ii)	10 working days	£40	£40
10B(2)(b)	10 working days	£40	£40
12(3A)	10 working days	£20	£20
12(4)(a)	10 working days	£40	£40
12(4)(b)	5 working days	£40	£40

”

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

*Name*

A member of the Gas and Electricity Markets Authority

Date

*I consent*

*Name*

*Title*

Date

Department for Business, Enterprise, and Industrial Strategy

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Gas (Standards of Performance) Regulations 2005 (S.I. 2005/1135).

The main changes are—

- (a) amending the guaranteed standards of performance by—
  - (i) reducing the reinstatement period for priority domestic customers where there is a planned gas supply interruption;
  - (ii) including an obligation to provide hot meals and access to hot water during interruptions that last longer than 48 hours where more than 250 customers premises are affected together with the payment of a prescribed sum for failure to comply;
  - (iii) including an obligation to include diversion and disconnection in the standards on provision and accuracy of quotations, and responses to land queries; and
  - (iv) decreasing the prescribed periods under which the gas transporter must meet the minimum standards, except under the standard for notice for planned interruptions where the prescribed period is increased;
- (b) removing the requirement for the need for customers to make a claim for compensation to gas transporters;

- (c) removing the cap for payments under the standard for supply restoration following unplanned interruptions;
- (d) increasing the prescribed sums and the prescribed caps; and
- (e) introducing a mechanism for the prescribed sums and the prescribed caps to increase in line with CPIH and rounded to the nearest £5.

# Appendix 2

## SI 2005/1135

### The Gas (Standards of Performance) Regulations 2005

Made

10th March 2005

Coming into force

1st April 2005

The Gas and Electricity Markets Authority in exercise of the powers conferred by sections 33A, 33AA, 33AB, 33D and 47 of the Gas Act 1986 after consultation with the Gas and Electricity Consumer Council, gas suppliers and gas transporters and with persons and bodies appearing to be representatives 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 affected, and with the consent of the Secretary of State in accordance with section 33A(2) of the Gas Act 1986, makes the following Regulations—

#### PART I

#### General

##### 1. — Citation, commencement and transitional provisions

(1) These Regulations may be cited as the Gas (Standards of Performance) Regulations 2005 and shall come into force on 1<sup>st</sup> May 2005.

(2) Where, in relation to any occasion upon which a regulation would otherwise apply, the applicable date falls before the date on which these Regulations come into force, the Gas (Standards of Performance) Regulations 2002 shall continue to apply to the exclusion of these Regulations.

##### 2. Revocation

Subject to regulations 1 and 12, the Gas (Standards of Performance) Regulations 2002 are revoked.

##### 3. — Interpretation

(1) In these Regulations, unless the context otherwise requires, "the Act" means the Gas Act 1986;

"accurate" means:

- (i) in respect of a standard quotation for the provision of a connection up to and including 275 kWh per hour within 5% or £150 (whichever is greater) of the correct amount as calculated in accordance with the relevant gas transporter's connection charging statement issued in accordance with its licence; or
- (ii) in respect of a non-standard quotation for the provision of a connection up to and including 275 kWh per hour within 5% or £150 (whichever is the greater) of the correct amount as calculated in accordance with the relevant gas transporter's connection charging statement issued in accordance with its licence; or
- (iii) in respect of a non-standard quotation for the provision of a connection greater

than 275 kWh per hour within 5% or £300 (whichever is the greater) of the correct amount as calculated in accordance with the relevant gas transporter's connection statement issued in accordance with its licence;

"apparent authority" means that the name and address of the customer have been provided to the relevant operator together with confirmation that the relevant person is acting on behalf of the customer ;

"applicable date" means, in relation to each occasion upon which a regulation applies, the day upon 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;

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

"complex connection" means a connection of sufficient complexity as described in a statement issued from time to time by the relevant gas transporter pursuant to its licence and agreed with the Authority after such consultation as the Authority directs ;

"connection" means the provision of pipe-work from the gas pipe-line system of the relevant gas transporter to the emergency control valve at the relevant premises;

"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 gas conveyed to those premises through pipes;

"disconnection" means the isolation of pipe-work from the gas pipe-line system of the relevant gas transporter to the emergency control valve at the relevant premises;

"diversion" means work to relocate gas assets, connected to the gas pipe-line system of the relevant gas transporter;

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

"domestic development" means a development of at least 5 new build domestic premises where there is no existing connection to the relevant gas transporter's pipe-line system; "domestic premises" means premises at which a supply is taken or to be taken wholly or mainly for domestic purposes;

"excluded connection" means a connection described as such in a statement issued from time to time by the relevant gas transporter pursuant to its licence and agreed with the Authority after such consultation as the Authority directs ;

"gas supplier" means, in relation to any premises, a gas supplier who supplies to those premises gas which is conveyed thereto (or, where the premises are secondary sub-deduct premises, to the relevant primary sub-deduct premises) by a gas transporter;

"land enquiry" means a request by a customer for an indication of the availability of gas, an estimate of pressure, an estimate of the cost of the relevant proposed connection and, where appropriate, the approval of a design for the provision of a new connection, or alteration of an existing connection or provision of a disconnection ;

"non-domestic customer" means any customer other than a domestic customer;

"non domestic development" means a development of at least 5 new build non-domestic premises where there is no existing connection to the relevant gas transporter's pipeline system;

"non-domestic premises" means any premises other than domestic premises;

"non-standard quotation" means a quotation which requires a site visit but excluding a self-quote;

"pay" includes crediting the account of the customer for charges incurred or to be incurred in respect of the supply of gas or in respect of the provision of any gas meter, and "payment" shall be construed accordingly;

"overcharge" means any sum exceeding the correct amount as calculated in accordance with the relevant gas transporter's connection charging statement issued

in accordance with its licence ;

"pipe-line system" means pipes upstream of any emergency control valve owned by the relevant gas transporter and used for the purpose of conveying gas;

"prescribed cap" means in each of the regulations specified in column 1 of Part AI of Schedule 1 (Prescribed cap applicable to all gas transporters) to these Regulations, the sum specified in column 2 of Part AI of Schedule 1, or such other sum adjusted in accordance with regulation 14A, multiplied by the figure in column 3 of Part AI of Schedule 1;

"prescribed period" means in relation to any paragraph or sub-paragraph of these regulations the period specified in column 2 of Part I of Schedule 1 opposite the reference to that paragraph or sub-paragraph in column 1 of that Part I of the Schedule;

"prescribed sum" means where the customer is a domestic customer the amount specified in column 3 of Part I of Schedule 1, or where the customer is a non-domestic customer the amount specified in column 4 of Part I of Schedule 1, or such other sum adjusted in accordance with regulation 14A;

"primary sub-deduct premises" means premises to which gas is conveyed by a gas transporter before being conveyed to secondary sub-deduct premises;

"priority domestic customer" means a domestic customer in respect of whom the relevant details included on the Priority Service Register maintained by gas suppliers in accordance with the gas suppliers licence have been provided to the relevant gas transporter ; "published accuracy scheme" means a scheme, including a process through which a customer can challenge whether it has received an accurate quotation, published by the relevant gas transporter pursuant to its licence as agreed from time to time with the Authority; "quotation" means a cost estimate for a connection;

"relevant event" means the occurrence as a result of which a regulation applies;

"relevant gas transporter" means, in relation to a customer, the gas transporter to whose pipe-line system the premises of the customer are directly connected, or who has a duty to connect those premises under section 10 of the Act, or in relation to secondary sub-deduct premises, the gas transporter to whose pipeline system the primary sub-deduct premises are directly connected, or would be directly connected in accordance with the duty to connect under section 10 of the Act;

"relevant operator" means the relevant gas transporter or the gas transporter according to the circumstances of the relevant customer's case;

"secondary sub-deduct premises" means premises to which gas is conveyed in pursuance of an exemption from section 5(1)(a) of the Act granted under section 6A of the Act, for supply by the gas supplier;

"self-quote" means a quotation produced by the customer for the provision of a new connection or alteration of an existing connection in accordance with any conditions published by the relevant gas transporter to enable the customer to calculate the cost of those works ;

"standard quotation" means a standard quotation (excluding a self-quote) that does not require a site visit as defined in the connection charges statement issued from time to time by the relevant gas transporter in accordance with its licence;

"substantial completion" means that the connection to the premises has been installed, commissioned and left safe;

"water undertaker" shall have the same meaning as in the Water Industry Act 1991; and

"working hours" means the period between the hours 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) 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 purpose 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 the notice is given;
- (b) where a person is a customer in respect of more than one premises, a reference in a regulation to “customer” is a reference to that person in respect of each of the premises in relation to 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 unless the context otherwise requires.

## PART II

### Gas transporter's individual standards of performance

4.— [...]

5.— [...]

6.— [...]

#### 7.— Supply restoration

- (1) This regulation applies where the conveyance of gas to a customer's premises is discontinued as a result of a failure of, fault in or damage to the pipe-line system operated by the relevant gas transporter.
- (2) Where this regulation applies, the relevant gas transporter shall, except in any of the circumstances described in paragraph (3), pay the prescribed sum to the customer—
  - (a) where the conveyance of gas is not resumed to the customer's premises within the prescribed period from the applicable date; and
  - (b) in respect of each succeeding period of 24 hours upon the expiry of which the conveyance of gas is not resumed.
- (3) The circumstances described in this paragraph are—
  - (a) each of the circumstances described in regulation 13;
  - (b) that the relevant event was caused by the act or default of the customer;
  - (c) that the relevant event resulted in the discontinuance of conveyance of gas to more than 30,000 premises of customers (whether domestic or non-domestic) of the relevant gas transporter;
  - (d) ~~[...] that the making of an additional payment of the prescribed sum in respect of the continuation of the breach under paragraph (2) would cause the aggregate of the prescribed payments to the customer in respect of the relevant event to exceed £1,000;~~
  - (e) that the discontinuance of conveyance of gas to the customer's premises would not have occurred but for a failure of, fault in or damage to the pipe-line system of another gas transporter and the relevant gas transporter has so notified the other gas transporter within 5 working days from the end of the relevant event specifying—
    - (i) the number of customers affected;

(ii) whether each of the customers affected is a domestic customer or a non-domestic customer; and

(iii) the duration of the discontinuance of conveyance of gas for each of the customers affected.

(f) that the relevant event was caused by severe weather conditions or other circumstances of an exceptional nature beyond the control of the gas transporter and the gas transporter had taken all such steps as it was reasonable to take both to prevent the circumstances from occurring and to prevent them from having that effect; and

(g) that the customer's premises are premises to which the conveyance of gas is at a rate in excess of 73,200 kWh a year.

(4) In the circumstance described in paragraph (3)(e) this regulation shall apply to the other gas transporter as if he were the relevant gas transporter.

## **8. – Reinstatement of customer's premises**

(1) This regulation applies where the relevant gas transporter has completed work to a service pipe to the customer's premises and any associated work to a distribution main where such pipe or main is situated under or within the premises of the customer.

(2) Where this regulation applies, the relevant gas transporter shall, except in any of the circumstances described in paragraph (3), pay the prescribed sum to the customer where the relevant gas transporter has not completed the reinstatement of the customer's premises–

(a) within the prescribed period from the applicable date; and

(b) upon the expiry of each succeeding period of ~~–5 working days~~

(i) 3 working days where the customer has been a priority domestic customer for more than 30 days prior to the start of the relevant event; and

(ii) 5 working days in all other circumstances.

(3) The circumstances described in this paragraph are–

(a) each of the circumstances described in regulation 13;

(b) that the work was requested by the customer to whom a payment under this regulation would otherwise be required to be made and related to the connection or an alteration to the connection to the customer's premises; and

(c) that the work resulted from the act or default of the customer or persons under his control.

(4) For the purposes of paragraph (2), the customer's premises shall be deemed to have been reinstated where–

(a) any drive, path or other route used to obtain access to any building on the customer's premises and any building or structure on those premises has been replaced or repaired so that the drive, path, other route, building or structure is reasonably fit for the type of access or use for which it was used prior to commencement of the work; and

(b) any other part of the premises, including any garden or lawn, has been reinstated, so far as is reasonably practicable, to a reasonable standard and with reasonable care and skill having regard to its condition prior to commencement of the work.

(5) In this regulation, “premises” includes any land or structure within the curtilage of the premises to which the gas is conveyed.

## **9. – Priority domestic customers**

(1) This regulation applies (in addition to regulation 7) where the conveyance of gas to a



priority domestic customer's premises or to gas fittings at those premises is discontinued.

(2) Where this regulation applies, the relevant gas transporter shall, except in any of the circumstances described in paragraph (3), pay the prescribed sum to the customer where it does not provide to the customer at the customer's premises alternative heating and cooking facilities—

(a) where the relevant gas transporter had given prior notice to the customer of its intention to discontinue the conveyance of gas, within the prescribed period from the applicable date; and

(b) in any other case where—

(i) less than 250 customers' premises (whether domestic or non-domestic) are affected by the relevant event, within the prescribed period from the relevant time; or

(ii) 250 or more customers' premises (whether domestic or non-domestic) are affected by the relevant event, within the prescribed period from the relevant time—

in respect of the initial failure to provide alternative heating and cooking facilities and for each additional 24 hour period during which the failure continues (including the day on which the appropriate action is taken to meet the requirements of sub-paragraph (b)).

(2A) Where this regulation applies and 250 or more customers' premises (whether domestic or non-domestic) are affected by the relevant event for longer than 48 hours, the relevant gas transporter must, except in any of the circumstances described in paragraphs (3)(a) to (d), provide each domestic customer access to—

(a) a hot meal for each member of the customer's household in each 24 hour period; and

(b) hot water for washing where the customer is medically dependent on water for bathing or is water dependent for medical reasons,

from the period commencing 28 hours after the relevant event until it ends.

(2B) The relevant gas transporter must pay the prescribed sum to a domestic customer—

(a) each time it fails to provide a hot meal for a member of the customer's household in accordance with paragraph (2A)(a); and

(b) where it fails to provide access to hot water in accordance with paragraph (2A)(b), in respect of the initial failure to provide access to hot water and for each additional 24 hour period during which the failure continues (including the day on which the appropriate action is taken to meet the requirements of paragraph (2A)(b)).

(3) The circumstances described in this paragraph are—

(a) each of the circumstances described in regulation 13;

(b) that the customer had alternative heating, ~~or~~ cooking facilities, hot meals or access to hot water (as the case may be);

(c) that—

(i) alternative heating, ~~and~~ cooking facilities or hot meals were made available for collection, or access to hot water was made available (as the case may be) from a place reasonably conveniently situated to the customer's premises;

(ii) the location of that place was notified to the customer within the prescribed period from the applicable date or the relevant time (as the case may be); and

(iii) that it was reasonable for the relevant gas transporter to expect the customer to collect or arrange for the collection of the alternative heating, ~~and~~ cooking facilities, hot meals or access to hot water (as the case may be) from that place having regard to all relevant circumstances, including the information which was available, or could have reasonably been obtained by, the relevant

- gas transporter in relation to the customer;
- (d) that the customer declined alternative heating, ~~or~~ cooking facilities, hot meals or access to hot water (as the case may be) offered by the relevant gas transporter; and
- ~~(e) [...] that the relevant gas transporter has not received a claim for compensation from the customer in respect of the failure referred to in paragraph (2) within a period of 3 months from the applicable date.~~
- (f) that the making of an additional payment of the prescribed sum in respect of the continuation of a breach under paragraphs (2) and (2B) would cause the aggregate of the payments to the customer in respect of that breach to exceed the prescribed cap.
- (4) For the purposes of this regulation—
- (a) alternative heating and cooking facilities means—
- (i) in respect of heating, an electric fan heater; and
- (ii) in respect of cooking, a single ring electric or bottled gas appliance,
- (iii) or, in either case, any reasonably equivalent appliance, having regard to the expected duration of the discontinuance and the weather conditions expected during that period;
- (b) in calculating the prescribed period, the period between ~~8:00 p.m. and 8:00 a.m.~~ 10:00 p.m. and 6:00 a.m. shall be ignored;
- (c) a relevant gas transporter shall be deemed to have been notified of a relevant event where the relevant event is notified to any person operating a service for receipt of such information on behalf of the relevant gas transporter; and
- (d) “the relevant time” means—
- (i) the time when the relevant event occurred; or if later
- (ii) the time when the relevant gas transporter was notified or became aware that the relevant event had occurred or of circumstances in which a prudent operator would expect that a relevant event had or was likely to occur in respect of the customer's premises.

## 10. — Connections

(1) This regulation applies where—

- (a) in respect of paragraphs 3(a) and (b), a relevant gas transporter receives a request for a quotation for obtaining a new connection, ~~or~~ altering an existing connection, arranging a diversion or providing a disconnection from a customer; or
- (b) in respect of paragraph 3(c), a customer challenges a quotation under the relevant gas transporter's published accuracy scheme; or
- (c) in respect of paragraph 3(d) a relevant gas transporter receives a land enquiry from a customer; or
- (d) in respect of paragraphs 3(e) and (f) a relevant gas transporter receives acceptance of a quotation (including a self-quote) for the provision of a new connection or alteration of an existing connection from a customer,

in each case in respect of gas conveyed to premises at a pressure of less than 7 bar gauge and excluding domestic developments, non domestic developments, complex connections and excluded connections.

(2) For the purposes of paragraph (1) where the relevant gas transporter receives a request for a quotation, a land enquiry or the acceptance of a quotation after 5pm on a working day or at any time on any other day, the request for a quotation, land enquiry or acceptance of the quotation shall be deemed to have been received on the next following working day.

~~(3) Where this regulation applies and the relevant gas transporter—~~

- ~~(a) fails within the prescribed period from the applicable date to issue to a customer a standard quotation, for providing a new connection or altering an existing connection~~

up to and including 275kWh per hour; or

~~(b) fails within the prescribed period from the applicable date to issue to a customer—~~

~~(i) a non-standard quotation for providing a new connection or altering an existing connection up to and including 275kWh per hour; or~~

~~(ii) a non-standard quotation, for providing a new connection or altering an existing connection greater than 275kWh per hour; or~~

~~(c) fails to provide the customer with an accurate quotation; or~~

~~(d) fails within the prescribed period from the applicable date to respond to a land enquiry in respect of a new connection or alteration of an existing connection; or~~

~~(e) fails within the prescribed period from the applicable date to offer a date for commencement of work on the connection and substantial completion on specified days in respect of—~~

~~(i) a new connection or alteration of an existing connection up to and including 275kWh per hour; or~~

~~(ii) a new connection or altering an existing connection greater than 275kWh per hour; or~~

~~(f) fails substantially to complete a connection on the date agreed with the customer in respect of a connection with a quoted cost to the customer of (i) up to and including £1,000;~~

~~(ii) over £1,000 but not exceeding £4,000, (iii) over £4,000 but not exceeding £20,000; (iv) over £20,000 but not exceeding £50,000; (v) over £50,000 but not exceeding £100,000;~~

the relevant gas transporter shall, except in the circumstances described in paragraph (6);

~~(i) in respect of paragraphs (3)(a), (b), (d), (e) and (f) pay to the customer the prescribed sum in respect of the initial failure and each additional working day during which the failure continues (including the day on which the appropriate action is taken to meet the requirements of the relevant sub-paragraphs); and~~

~~(ii) in respect of paragraph 3(c) refund the customer any overcharge that has been paid.~~

(3) Where this regulation applies and the relevant gas transporter fails—

(a) within the prescribed period from the applicable date to issue to a customer a standard quotation for—

(i) a new connection up to and including 275kWh per hour;

(ii) an alteration of an existing connection up to and including 27 kWh per hour;  
or

(iii) a disconnection where the pressure is less than 2 bar gauge;

(b) within the prescribed period from the applicable date to issue to a customer a non-standard quotation for—

(i) a new connection up to and including 275kWh per hour;

(ii) an alteration of an existing connection up to and including 275kWh per hour;

(iii) a disconnection where the pressure is less than 2 bar gauge;

(iv) a new connection greater than 275kWh per hour;

(v) an alteration of an existing connection greater than 275kWh per hour;

(vi) a diversion; or

(vii) a disconnection where the pressure is greater than or equal to 2 bar gauge;

(c) within the prescribed period from the applicable date to respond to a land enquiry in respect of—

- (i) a new connection up to and including 275kWh per hour;
- (ii) an alteration of an existing connection up to and including 275kWh per hour;
- (iii) a disconnection where the pressure is less than 2 bar gauge;
- (iv) a new connection greater than 275kWh per hour;
- (v) an alteration of an existing connection greater than 275kWh per hour; or
- (vi) a disconnection where the pressure is greater than or equal to 2 bar gauge;

(d) within the prescribed period from the applicable date to offer a date for commencement of work on the connection and substantial completion on specified days in respect of—

- (i) a new connection up to and including 275kWh per hour;
- (ii) an alteration of an existing connection up to and including 275kWh per hour;
- (iii) a new connection greater than 275kWh per hour; or
- (iv) an alteration of an existing connection greater than 275kWh per hour;  
and

(e) substantially to complete a connection on the date agreed with the customer in respect of a connection with a quoted cost to the customer of—

- (i) up to and including £1,000;
- (ii) over £1,000 but not exceeding £4,000;
- (iii) over £4,000 but not exceeding £20,000;
- (iv) over £20,000 but not exceeding £50,000; or
- (v) over £50,000 but not exceeding £100,000,

the relevant gas transporter must, except in the circumstances described in paragraph (6), pay to the customer the prescribed sum in respect of each initial failure and for each additional working day during which failure continues (including the day on which the appropriate action is taken to meet the requirements of the relevant sub-paragraphs).

(3A) Where this regulation applies and the relevant gas transporter fails to provide the customer with an accurate quotation with regards to providing a new connection or altering an existing connection, the relevant gas transporter must, except in the circumstances described in paragraph (6), refund the customer any overcharge that has been paid.

(4) In the event that the customer challenges a quotation provided by the relevant gas transporter in accordance with any published accuracy scheme and such quotation is found not to be accurate, the quotation will be deemed invalid and the provisions of paragraph 3(a) and 3(b) shall apply until the relevant gas transporter issues a revised quotation to the customer.

(5) Notwithstanding paragraph (4), the relevant transporter shall refund to the customer any overcharge.

(6) The circumstances described in this paragraph are—

- (a) each of the circumstances described in regulation 13 provided that in relation to paragraph (6) of that regulation, the relevant gas transporter gave the customer not

less than one working day's prior warning (whether or not in writing) that he would be unable to keep the timed appointment or the circumstances referred to in that paragraph occurred at a time when it was not reasonably practicable to give such a warning;

~~(b) that the making of an additional payment of the prescribed sum in respect of the continuation of any one breach under sub-paragraphs (3)(a) and (b) would cause the aggregate of the prescribed payments to the customer in respect of that breach under that sub-paragraph to exceed—~~

~~(i) the lesser of £250 or the quotation sum for the provision of a new connection or altering an existing connection up to and including 275 kWh per hour;~~

~~(ii) the lesser of £500 or the quotation sum for the provision of a new connection or altering an existing connection greater than 275 kWh per hour;~~

~~(c) that the making of an additional payment of the prescribed sum in respect of the continuation of the breach under sub-paragraph 3(d) would cause the aggregate of the prescribed payments to the customer in respect of that breach under that sub-paragraph to exceed—~~

~~(i) in respect of a new connection or altering an existing connection up to and including 275 kWh per hour £250; and~~

~~(ii) in respect of a new connection or altering an existing connection greater than 275 kWh per hour £500;~~

~~(d) that the making of an additional payment of the prescribed sum in respect of the continuation of any one breach under sub-paragraph 3(e) would cause the aggregate of the prescribed payments to the customer in respect of that breach under that sub-paragraph to exceed—~~

~~(i) the lesser of £250 or the contract sum for the provision of a connection up to and including 275 kWh per hour;~~

~~(ii) the lesser of £500 or the contract sum for the provision of a connection greater than 275 kWh per hour;~~

~~(e) that the making of an additional payment of the prescribed sum in respect of the continuation of the breach under sub-paragraph (3)(f)(i) would cause the aggregate of the prescribed payments to the customer in respect of that breach under that sub-paragraph to exceed the lesser of £200 or the contract sum;~~

~~(f) that the making of an additional payment of the prescribed sum in respect of the continuation of any one breach under sub-paragraphs (3)(f)(ii) to 3(f)(iii) (inclusive) would cause the aggregate of the prescribed payments to the customer in respect of that breach under that sub-paragraph to exceed 25 per cent of the contract sum;~~

~~(g) that the making of an additional payment of the prescribed sum in respect of the continuation of the breach under sub-paragraph 3(f)(iv) would cause the aggregate of the prescribed payments to the customer in respect of that breach under that sub-paragraph to exceed £5,000;~~

~~(h) that the making of an additional payment of the prescribed sum in respect of the continuation of the breach under sub-paragraph 3(f)(v) would cause the aggregate of the prescribed payments to the customer in respect of that breach under that sub-paragraph to exceed £9,000;~~

(b) that the making of an additional payment of the prescribed sum in respect of the continuation of any one breach under paragraph (3)(a), (3)(b)(i) to (iii) would cause the aggregate of payments of the prescribed sum to the customer in respect of that breach to exceed the lesser of the prescribed cap or the quotation sum;

(ba) that the making of an additional payment of the prescribed sum in respect of the continuation of any one breach under paragraph (3)(b)(iv) to (vii) would cause the aggregate of payments of the prescribed sum to the customer in respect of that breach to exceed the lesser of the prescribed cap or the quotation sum;

(c) that the making of an additional payment of the prescribed sum in respect of the continuation of any one breach under paragraph (3)(c)(i) to (iii) would cause the aggregate of payments of the prescribed sum to the customer in respect of that breach to exceed the prescribed cap;

(ca) that the making of an additional payment of the prescribed sum in respect of the continuation of any one breach under paragraph (3)(c)(iv) to (vi) would cause the aggregate of payments of the prescribed sum to the customer in respect of that breach to exceed the prescribed cap;

(d) that the making of an additional payment of the prescribed sum in respect of a continuation of any one breach under paragraph (3)(d)(i) and (ii) would cause the aggregate of payments of the prescribed sum to the customer in respect of that breach to exceed the prescribed cap;

(da) that the making of an additional payment of the prescribed sum in respect of a continuation of any one breach under paragraph (3)(d)(iii) and (iv) would cause the aggregate of payments of the prescribed sum to the customer in respect of that breach to exceed the prescribed cap;

(e) that the making of an additional payment of the prescribed sum in respect of a continuation of any one breach under paragraph (3)(e)(i) would cause the aggregate of payments of the prescribed sum to the customer in respect of that breach to exceed the prescribed cap;

(f) that the making of an additional payment of the prescribed sum in respect of a continuation of any one breach under paragraph (3)(e)(ii) and (iii) would cause the aggregate of payments of the prescribed sum to the customer in respect of that breach to exceed 50 per cent of the contract sum;

(g) that the making of an additional payment of the prescribed sum in respect of a continuation of any one breach under paragraph 3(e)(iv) would cause the aggregate of payments of the prescribed sum to the customer in respect of that breach to exceed the prescribed cap;

(h) that the making of an additional payment of the prescribed sum in respect of a continuation of any one breach under paragraph 3(e)(v) would cause the aggregate of payments of the prescribed sum to the customer in respect of that breach to exceed the prescribed cap;

(i) that the relevant gas transporter is unable to provide an accurate quotation within the relevant time scales since the quotation will include costs that can only be negotiated with and paid to a third party;

(j) that consents are required from third parties and such consents cannot by reasonable endeavours be obtained;

(k) in respect of a standard or non-standard quotation made without a site visit, that an assumption made by the relevant gas transporter in providing the quotation is incorrect because information provided by the customer was either incomplete or incorrect;

(l) that any visit is made wholly or mainly in connection with disconnecting the premises in exercise of the power contained in paragraph 7 of Schedule 2B to the Act;



(m) where the service relates to the provision of metering services as defined in the licence of the gas transporter issued under section 7 of the Act; or

(n) in respect of regulation 10(1) (a), (b) and (c) the gas transporter considers that a request or requests received from the customer or a person acting with apparent authority for one or more customers were frivolous or vexatious.

(6) In this regulation—

- (a) “specified day” means a day within a reasonable period from the applicable date;
- (b) “quotation sum” means the price originally quoted for the connection, alteration, diversion or disconnection; and
- (c) “contract sum” means the accurate quotation for the connection, alteration, diversion or disconnection.

### **10A.— Notice of planned interruption**

(1) This regulation applies where the conveyance of gas to a customer's premises is discontinued for the purpose of carrying out planned maintenance or replacement work to the pipe-line system operated by the relevant gas transporter.

(2) Where this regulation applies and the relevant gas transporter has failed to give to the customer prior notice of not less than the prescribed period of when the discontinuance is expected to commence, stating the need for the discontinuance, the relevant transporter shall, except in any of the circumstances described in paragraph (3), pay to the customer the prescribed sum.

(3) The circumstances described in this paragraph are—

- (a) each of the circumstances described in paragraphs (2), (3), (6), (8) and (9) of regulation 13.7; and
- (b) ~~[...] that the relevant gas transporter has not received a claim for compensation from the customer in respect of the failure referred to in paragraph (2) within a period of 3 months from the applicable date.~~

### **10B.— Responding to complaints**

(1) This regulation applies where a relevant gas transporter receives from or on behalf of a customer, in his capacity as such, a verbal complaint (by use of a telephone number) or written complaint relating to its activities to which the relevant gas transporter reasonably expects the customer will anticipate a response.

(2) Where the relevant gas transporter fails within the prescribed period from the receipt of the complaint, to dispatch to the customer—

(a) where paragraph (3) applies—

- (i) an initial written response explaining the relevant gas transporter's inability to provide a substantive response within the prescribed period under paragraph (2)(b), including the name, telephone number and address of an employee of the relevant gas transporter whom the customer can contact regarding the complaint, and stating that a substantive response shall be provided within the prescribed period under paragraph (2)(a)(ii); and
- (ii) a substantive response; or

(b) where paragraph (3) does not apply, a substantive response, the relevant gas transporter shall, except in any of the circumstances described in paragraph (4), pay to the customer the prescribed sum in respect of the initial failure and upon the expiry of each succeeding period of 5 working days during which the failure continues.

(3) This paragraph applies where the relevant gas transporter is reasonably satisfied that it is

unable to provide a substantive response to the complaint received under paragraph (1) without visiting the customer's premises or making enquiries of persons other than officers, employees or agents of the relevant gas transporter.

(4) The circumstances described in this paragraph are —

- (a) that the customer informed the relevant gas transporter before the expiry of the prescribed period that the customer did not wish the relevant gas transporter to take any action in relation to the complaint;
- (b) where paragraph (3) applies, that the relevant gas transporter was either unable to contact the customer and/or persons other than officers, employees or agents of the relevant gas transporter, or had contacted persons other than such officers, employees or agents but had not received a reply, and has so notified the customer, within the prescribed period from receipt of the complaint, and the relevant gas transporter has demonstrated that it had taken all such steps as it was reasonable to take to make contact;
- (c) where paragraph (3) applies, that the customer requested an appointment for visiting the customer's premises outside of the prescribed period from receipt of the complaint;
- (d) that the relevant gas transporter reasonably considers that the complaint was frivolous or vexatious; and
- (e) that the making of an additional payment of the prescribed sum in respect of the continuation of any one breach under paragraph (2)(a)(i) or (2)(a)(ii) or (2)(b) would cause the aggregate of the prescribed payments to the customer in respect of that breach under that paragraph to exceed ~~£100~~[the prescribed cap](#).

(5) For the purposes of paragraph (1) the relevant gas transporter may advise the customer of a telephone number to use for the purpose of making a verbal complaint and the reasonable hours during which the telephone number will be available for receipt of complaints.

## 11. Disputes

Where a dispute under any provision of these regulations is referred to the Authority for determination under sub-section 33AB(1) of the Act, the dispute shall be determined in accordance with the practice and procedure set out in Schedule 2 to these Regulations.

## 12. — Payments

(1) [...]

(1A) Paragraph (3A) applies where a gas transporter is obliged to make a payment to a customer whose premises are directly connected to the pipe-line system of another gas transporter under regulation 7.

(2) Paragraph (4) applies—

- (a) where a gas transporter is obliged to make a payment to a customer whose premises are directly connected to its pipe-line system under any of regulations 7 to 10B (inclusive); or
- (b) where a gas transporter receives a payment from another gas transporter for onward transmission to a customer whose premises are directly connected to its pipe-line system.

(3) [...]

(3A) Where this paragraph applies and the gas transporter fails within the prescribed period from the applicable date to make the payment to the customer, or to the other gas transporter for onward transmission to the customer of the sum to which he is entitled, the gas transporter shall, except in any of the circumstances described in paragraph (5), pay



the prescribed sum to the customer or to that other gas transporter for onward transmission to the customer.

(4) Where this paragraph applies and the gas transporter fails to make payment to the customer of the sum to which he is entitled—

(a) within the prescribed period from the applicable date, where paragraph 2(a) applies; or

(b) within the prescribed period from the applicable date, where paragraph 2(b) applies, the gas transporter shall, except in any of the circumstances described in paragraph (5), pay to the customer the prescribed sum.

(5) The circumstances described in this paragraph are—

(a) each of the circumstances described in regulation 13; and

(b) that there is a genuine dispute between the relevant operator and the customer as to whether the relevant operator is obliged to make the payment.

(6) 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;

(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 BACS transfer, or

(ii) an account credit for charges incurred or to be incurred in respect of the supply of gas or the provision of any gas meter or the provision of any connection;

(d) where a gas transporter elects to make any payment directly to a customer, the payment by the gas transporter to a person whom it reasonably believes to be the customer in respect of the premises in relation to which the entitlement arises shall be a complete discharge of the obligation of the gas transporter to make the payment to the customer of those premises; and

(e) in relation to a customer whose premises are directly connected to the pipe-line system of another gas transporter, a payment to that other gas transporter for onward transmission to the customer shall be a complete discharge of the obligation of the gas transporter to make the payment to the customer.

(7) Where all or part of the prescribed sum is paid by a gas transporter to a customer under these regulations, such a payment shall not prevent that gas transporter from recovering that payment (or part of that payment) from another gas transporter where that other gas transporter is wholly or partly responsible for the liability arising under these regulations.

(8) In this regulation only—

(a) "payment" means, in respect of regulations 7, 8, 10 and 10B, the aggregate of payments due to a customer under each of those regulations; and

(b) "applicable date" means—

(i) in relation to paragraph (3A), the day upon which the gas transporter receives notification from the other gas transporter in accordance with regulation 7(3)(e); and

(ii) in relation to paragraph (4), in respect of regulation 9 and regulation 10A, the day ~~upon which the gas transporter receives a claim for compensation from the customer~~after the relevant event ends.

### 13. — Exemptions

(1) The circumstances described in this regulation are those set out in paragraphs (2) to (4) and (6) to (9).

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

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

(4) Where information is or is required to be provided by the customer to the relevant operator, the customer has failed to provide that information or 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 regulation 10(1)(d) was given outside such reasonable hours as the relevant operator has advised the customer are the hours during which the telephone number will be available for the receipt of information of that type.

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

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

- (a) severe weather conditions;
- (b) industrial action by the employees or contractors of the relevant operator;
- (c) the act or default of a person other than an officer, employee or agent of the relevant operator, or a person acting on behalf of an agent of the relevant operator;
- (d) the inability of the relevant operator to obtain any necessary access to any premises;
- (e) the existence of circumstances by reason of which the relevant operator could reasonably expect that if he took the action he would or would be likely to be in breach of an enactment;
- (f) the effects of an event for which emergency regulations have been made under Part 2 of the Civil Contingencies Act 2004;
- (g) delays imposed by a requirement to obtain a permit for street works under the Traffic Management Act 2004; or
- (h) other circumstances of an exceptional nature beyond the control of the relevant operator,

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

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

(8) The customer has—

- (a) committed an offence under paragraph 10 or 11 of Schedule 2B to the Act, or
- (b) failed to pay any charges due to the relevant operator after receiving a notice under paragraph 7 of Schedule 2B to the Act,

and the action taken or not taken by the relevant operator was in exercise of his powers under those paragraphs.

(9) The relevant gas transporter has disconnected or refused to connect the customer's

premises in exercise of a power under Schedule 2B to the Act.

(10) In this regulation "contravention time" means—

- (a) in relation to regulations 7 and 8, the expiry of the relevant period referred to in paragraph 2(a) of each regulation and (where applicable) of each period referred to in paragraph 2(b) of each regulation; and
- (b) in relation to any other regulation, the time at which, if this regulation and any other exemption contained in that regulation did not apply, the relevant operator would become liable to pay the prescribed sum to the customer.

**14.** [...]

#### **Indexation of prescribed sum and prescribed cap**

14A.—(1) On 1 April in each year commencing on 1 April 2022, the prescribed sum and the sums specified in column 2 of Part A1 (Prescribed cap applicable to all gas transporters) of Schedule 1 will be adjusted by—

- (a) the percentage increase or decrease in the CPIH value in comparison to the baseline CPIH; and
- (b) rounding the resulting figure to the nearest £5.

(2) In this regulation—

- (a) "baseline CPIH" means the consumer prices index including owner occupiers' housing costs published by the Office for National Statistics for January 2021; and
- (b) "CPIH value" means the consumer prices index including owner occupiers' housing costs published by the Office for National Statistics for the month of January immediately preceding 1 April in the year for which the adjustment is made.

#### **15.— Notice of rights**

(1) [...]

(2) In respect of the rights prescribed for the benefit of customers under regulations 7 to 14 (inclusive) a relevant gas transporter shall prepare and from time to time revise a statement describing those rights and the effect of section 33AA(5) of the Act<sup>2</sup> in a form and having a content which a gas transporter could reasonably expect would be within the understanding of customers to whom the statement relates and shall—

- (a) give a copy of the statement and of any revision of the statement to the Authority and to the Council, before he sends it to the gas suppliers referred to in sub-paragraph (b);
- (b) at least once in any period of 12 months dispatch to each gas supplier which supplies gas to customers connected to the relevant gas transporter's pipeline system for onward transmission to the gas supplier's customers a copy of the statement (in the form current at the time it is provided);
- (c) make a copy of the statement (in its current form) available for inspection by any person at any offices fixed as appropriate by the relevant gas transporter for the purposes of section 46(3) of the Act<sup>3</sup> or, if none, at any premises of or occupied by the relevant gas transporter open to the public in the normal course of the relevant gas transporter'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)-(4) [...]

**PART III**  
**OVERALL STANDARDS OF PERFORMANCE**

**16.—** [...]

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

*David Gray*  
A member of the Authority

2nd March 2005

*I Consent*

*Mike O'Brien*  
Minister of State for Industry and Energy Department of Trade and  
Industry

10th March  
2005

**SCHEDULE 1****PART AI****Prescribed Caps Applicable to all Gas Transporters**

<u>(1)</u> <u>Regulation</u>	<u>(2)</u> <u>Sum</u>	<u>(3)</u> <u>Multiplier</u>
9(2B)	<u>£50</u>	<u>10</u>
10(6)(b)	<u>£20</u>	<u>25</u>
10(6)(ba)	<u>£40</u>	<u>27</u>
10(6)(c)	<u>£80</u>	<u>6</u>
10(6)(ca)	<u>£80</u>	<u>12</u>
10(6)(d)	<u>£40</u>	<u>12</u>
10(6)(da)	<u>£80</u>	<u>12</u>
10(6)(e)	<u>£40</u>	<u>10</u>
10(6)(g)	<u>£200</u>	<u>50</u>
10(6)(h)	<u>£300</u>	<u>60</u>
10B(4)(e)	<u>£40</u>	<u>5</u>

**PART I****Prescribed Periods and Prescribed Sums Applicable to all Gas Transporters**

<u>(1)</u> <u>Regulation</u>	<u>(2)</u> <u>Prescribed period</u>	<u>(3)</u> <u>Prescribed sum</u> <u>domestic</u> <u>customers</u>	<u>(4)</u> <u>Prescribed sum</u> <u>non-domestic</u> <u>customers</u>
7(2)	<u>24 hours</u>	<u>£60</u>	<u>£100</u>
8(2)	<u>5 working days</u>	<u>£100</u>	<u>£200</u>
9(2)	<u>24 hours</u>		
9(2)(a)	<u>4 hours</u>	<u>£50</u>	
9(2)(b)(i)	<u>4 hours</u>	<u>£50</u>	
9(2)(b)(ii)	<u>8 hours</u>	<u>£50</u>	
10(3)(a)	<u>4 working days</u>	<u>£20</u>	<u>£20</u>
10(3)(b)(i)	<u>11 working days</u>	<u>£20</u>	<u>£20</u>
10(3)(b)(ii)	<u>11 working days</u>	<u>£20</u>	<u>£20</u>
10(3)(b)(iii)	<u>11 working days</u>	<u>£20</u>	<u>£20</u>
10(3)(b)(iv)	<u>21 working days</u>	<u>£40</u>	<u>£40</u>
10(3)(b)(v)	<u>21 working days</u>	<u>£40</u>	<u>£40</u>
10(3)(b)(vi)	<u>21 working days</u>	<u>£40</u>	<u>£40</u>
10(3)(c)(i)	<u>5 working days</u>	<u>£80</u>	<u>£80</u>
10(3)(c)(ii)	<u>5 working days</u>	<u>£80</u>	<u>£80</u>
10(3)(c)(iii)	<u>5 working days</u>	<u>£80</u>	<u>£80</u>
10(3)(c)(iv)	<u>5 working days</u>	<u>£80</u>	<u>£80</u>
10(3)(c)(v)	<u>5 working days</u>	<u>£80</u>	<u>£80</u>
10(3)(c)(vi)	<u>5 working days</u>	<u>£80</u>	<u>£80</u>
10(3)(d)(i)	<u>17 working days</u>	<u>£40</u>	<u>£40</u>
10(3)(d)(ii)	<u>17 working days</u>	<u>£40</u>	<u>£40</u>
10(3)(d)(iii)	<u>20 working days</u>	<u>£80</u>	<u>£80</u>
10(3)(d)(iv)	<u>20 working days</u>	<u>£80</u>	<u>£80</u>

<u>10(3)(f)(i)</u>		<u>£40</u>	<u>£40</u>
<u>10(3)(f)(ii)</u>		<u>the lesser of</u> <u>£200 or 5% of</u> <u>the contract sum</u>	<u>the lesser of</u> <u>£200 or 5% of</u> <u>the contract sum</u>
<u>10(3)(f)(iii)</u>		<u>£200</u>	<u>£200</u>
<u>10(3)(f)(iv)</u>		<u>£200</u>	<u>£200</u>
<u>10(3)(f)(v)</u>		<u>£300</u>	<u>£300</u>
<u>10A(2)</u>	<u>7 working days</u>	<u>£40</u>	<u>£100</u>
<u>10B(2)(a)(i)</u>	<u>5 working days</u>	<u>£40</u>	<u>£40</u>
<u>10B(2)(a)(ii)</u>	<u>10 working days</u>	<u>£40</u>	<u>£40</u>
<u>10B(2)(b)</u>	<u>10 working days</u>	<u>£40</u>	<u>£40</u>
<u>12(3A)</u>	<u>10 working days</u>	<u>£20</u>	<u>£20</u>
<u>12(4)(a)</u>	<u>10 working days</u>	<u>£40</u>	<u>£40</u>
<u>12(4)(b)</u>	<u>5 working days</u>	<u>£40</u>	<u>£40</u>

<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>
Regulation	Prescribed-period	Prescribed-sum-domestic-customer	Prescribed-sum-non-domestic-customers
...	...	...	...
...	...	...	...
...	...	...	...
...	...	...	...
...	...	...	...] <sup>2</sup>
7(2)	24 hours	£30	£50
8(2)	5 working-days	£50	£100
9(2)(a)	4 hours	£24	
9(2)(b)(i)	4 hours	£24	
9(2)(b)(ii)	8 hours	£24	
10(3)(a)	6 working-days	£10	£10
10(3)(b)(i)	11 working-days	£10	£10
10(3)(b)(ii)	21 working-days	£20	£20
10(3)(d)	5 working-days	£40	£40
10(3)(e)(i)	20 working-days	£20	£20
10(3)(e)(ii)	20 working-days	£40	£40
10(3)(f)(i)		£20	£20
10(3)(f)(ii)		the lesser of £100 or 2.5% of the contract sum	the lesser of £100 or 2.5% of the contract sum

10(3)(f)(ii)		£100	£100
10(3)(f)(i)		£100	£100
10(3)(f)(v)		£150	£150
10A(2)	5 working-days	£20	£50
10B(2)(a)(i)	10 working-days	£20	£20
10B(2)(a)(ii)	20 working-days	£20	£20
10B(2)(b)	10 working-days	£20	£20
11	11	11	11 <sup>2</sup>
12(3A)	10 working-days	£20	£20
12(4)(a)	20 working-days	£20	£20
12(4)(b)	5 working-days	£20	£20

11<sup>1</sup>

## PART II

### Working Hours

8.00 am to 8.00 pm on each working day and 9.00am to 5.00pm on any other day.

## **SCHEDULE 2**

### **Standards of Performance – Practice and Procedure for Determinations**

#### **Determination of disputes**

##### **1.—**

(1) This Schedule applies where a dispute to which regulation 11 applies has arisen under any provision of these Regulations between a relevant operator and a customer or between relevant operators.

(2) A dispute to which this Schedule applies—

(a) may be referred to the Authority by any party or, with the agreement of any party, by 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.

#### **Timetable for the determination of individual disputes**

##### **2.—**

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

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

#### **Procedure for the determination of individual disputes**

##### **3.—**

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

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

(a) set out a timetable by which each part of the procedure for the determination of individual disputes under this Schedule is to take place;

(b) provide a list of any documentation or other evidence that the Authority has received in connection with the dispute and inform the parties that such documentation or other evidence may be disclosed to other parties to the dispute unless it is specifically classed as confidential by the party to whom it belongs before the date expressly stated in the notice;

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

(d) explain the manner in which the Authority intends to publish the determination decision.

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

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

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

(4) If the Authority decides it is necessary to obtain third party advice in relation to technical issues or any other issues that may arise during the determination, it shall request it and inform the parties to the dispute of that request and indicate in writing how that request will



affect the timetable outlined in the notice issued under sub-paragraph (1).

(5) At any time after receiving a written statement the Authority may, if it considers it appropriate to do so, request an oral hearing in accordance with paragraph 9.

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

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

(8) The parties shall, within one week of receiving a final determination statement, notify the Authority of any issue or information within that statement that should be excluded because such issue or information is of a confidential nature.

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

#### **Determination of multiple disputes**

##### **4.—**

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

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

#### **Timetable for determination of multiple disputes**

##### **5.—**

(1) The Authority, when determining disputes falling within a consolidated group, shall determine those disputes before the end of six months from the date when they were consolidated into that group by the Authority under paragraph 4.

(2) If the Authority is satisfied that there are good reasons for departing from the requirements of sub-paragraph (1), the period in which disputes falling within a consolidated group may be determined may be extended by notice to the representatives of any such group nominated under paragraph 10.

#### **Procedure for the determination of multiple disputes**

##### **6.—**

(1) Where the Authority considers it appropriate to consolidate disputes under paragraph 4, the Authority shall send to the parties a notice of procedure for the determination of those disputes.

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

(a) set out a timetable by which each part of the procedure for the determination of multiple disputes under this Schedule is to take place;

(b) provide a list of any documentation or other evidence that the Authority has received in connection with the dispute and inform the parties that such documentation or other evidence may be disclosed to other parties to the dispute unless it is specifically classed as confidential by the party to whom it belongs before the date expressly stated in the notice;

- (c) inform the parties of any specific information that the Authority is requesting in accordance with paragraph 11;
  - (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) Upon receipt of the information provided in accordance with sub-paragraph (3), the Authority may, if it considers it fitting to do so, prepare a list of consolidated groups and then consult as to whether those consolidated groups are appropriate.
- (5) When consulting under sub-paragraph (4), the Authority shall–
- (a) publish and explain its proposals in a manner which it believes will bring them to the attention of persons most likely to be affected; and
  - (b) invite those persons to comment to the Authority within a period from the publication of the proposals that is specified therein.
- (6) Upon receipt of responses to the consultation under sub-paragraph (5), the Authority shall have regard to those responses before finalising the consolidated groups.
- (7) When the Authority has decided on the consolidated groups for the purpose of determining multiple disputes, it shall appoint customer representatives as required by paragraph 10.
- (8) Following the appointment of the customer representatives for the consolidated groups, those customer representatives and the relevant operators shall prepare a written statement.
- (9) Upon receipt of the written statements, the Authority may decide that it is necessary to obtain third party advice in relation to technical issues or any other issues that may arise during the determination. If third party advice is requested, then the Authority shall inform the customer representatives and the relevant operators of that request and indicate in writing how that request will affect the timetable outlined in the notice issued under sub-paragraph (1).
- (10) At any time after receiving the written statement the Authority may request an oral hearing in accordance with paragraph 9.
- (11) If the Authority is satisfied that it has the necessary information, it shall prepare a draft determination statement containing the submissions of the customer representatives and the relevant operators and then send that statement to the customer representatives and the relevant operators for comment.
- (12) When the Authority has received comments from the customer representatives and the relevant operators, and is satisfied that it has sufficient information to make the determination decision, it shall issue a final determination statement for a consolidated group or each consolidated group where there is more than one.
- (13) The customer representatives and the relevant operators shall within one week of receiving a final determination statement notify the Authority of any issue or information within that statement that should be excluded because such issue or information is of a confidential nature.
- (14) The Authority shall, upon receipt of any notification under sub-paragraph (13), make the necessary adjustments to the final determination statement and then publish that statement on its website in accordance with sub-paragraph (2)(d).

## **Written statements**

**7.—**

- (1) The Authority may, by notice, ask any party to a dispute to produce a written statement with respect to a matter specified in the notice.
- (2) The power to ask for the production of a written statement includes power to specify the time and place at which it is to be produced.
- (3) No person is to be compelled under this paragraph to produce a written statement with respect to any matter about which he could not be compelled to give evidence in civil proceedings in the High Court or Court of Session.
- (4) The Authority may make copies of a document produced to it under this paragraph.

**Production of documents and other evidence****8.—**

- (1) The Authority may, by notice, ask a party to a dispute to produce such documentation (including other evidence), in such form and at such time as it directs, as the Authority may reasonably require to enable it to make the determination decision.
- (2) The power to ask for the production of a document is a power to ask for its production—
  - (a) at the time and place specified in the notice; and
  - (b) in a legible form.
- (3) No person is to be compelled under this paragraph to produce a document that he could not be compelled to produce in civil proceedings in the High Court or Court of Session.
- (4) The Authority may make copies of a document produced to it under this paragraph.

**Oral hearings****9.—**

- (1) For the purposes of this Schedule, an oral hearing may be held, and evidence may be heard at such a hearing from any party to a dispute.
- (2) The Authority may, by notice, request any party to a dispute—
  - (a) to attend at a time and place specified in the notice; and
  - (b) at that time and place, to give evidence to any person appointed by the Authority to conduct the oral hearing.
- (3) At any oral hearing, the Authority may request the customer or a person attending the hearing as a representative of the relevant operator to give evidence or make representations or observations.
- (4) If any party fails to attend a hearing to be subjected to a requirement under sub-paragraph (3), the Authority may determine the dispute without hearing his evidence, representations, or observations.
- (5) No person is to be compelled under this paragraph to give evidence which he could not be compelled to give in civil proceedings in the High Court or Court of Session.

**Customer representatives for multiple disputes****10.—**

- (1) Where disputes are consolidated into categories under paragraph 4, the Authority shall nominate one or more customers to be representatives of each consolidated group.
- (2) A customer nominated to be a representative of a consolidated group under this

paragraph shall only become a representative if he consents to do so.

### **Collection of information in multiple disputes**

#### **11.—**

(1) The Authority may by notice ask any customer who is a party to a dispute falling within a consolidated group to produce such information with respect to a matter specified in the notice as the Authority may reasonably require to enable it to make the determination decision.

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

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

### **Payments to customers**

#### **12.**

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

### **Set-off**

#### **13.**

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

### **Costs**

#### **14.—**

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

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