STATUTORY INSTRUMENTS

2024 No. 1166

ELECTRICITY

GAS

The Electricity and Gas (Standards of Performance) (Suppliers) (Amendment) (No. 2) Regulations 2024

Made - - - -	*11th November 2024*
Coming into force - -	*2nd January 2025*

The Gas and Electricity Markets Authority(**a**) (the "Authority") makes these Regulations in exercise of the powers conferred by sections 33A(1) and 47 of the Gas Act 1986(**b**) (the "Gas Act") and sections 39(1) and 60 of the Electricity Act 1989(**c**) (the "Electricity Act").

In accordance with section 33BAA(1)(a)(**d**) of the Gas Act and section 40B(1)(a)(**e**) of the Electricity Act, the Authority has arranged and considered the results of research to discover the views of a representative sample of persons likely to be affected by these Regulations.

In accordance with section 33BAA(1)(b), (2) and (3) of the Gas Act and section 40B(1)(b), (2) and (3) of the Electricity Act, the Authority has published a notice of its proposals and considered the representations made in respect of those proposals.

In accordance with section 33BAA(1)(c) and (4) of the Gas Act and section 40B(1)(c) and (4) of the Electricity Act the Authority has consulted Citizens Advice and Consumer Scotland, gas suppliers, electricity suppliers, and persons and bodies appearing to be representatives of persons likely to be affected by these Regulations.

The Secretary of State has consented to the making of these Regulations, in accordance with section 33A(2) of the Gas Act and section 39(1) of the Electricity Act.

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

(**b**) 1986 c. 44; section 33A was inserted by section 11 of the Competition and Service (Utilities) Act 1992 (c. 43) and amended by paragraph 34 of Schedule 3 and paragraph 1 of Schedule 6 to the Gas Act 1995 (c.45), and by section 90(1) of, and paragraph 13 of Schedule 6 and Schedule 8 to, the Utilities Act 2000, and section 47 was amended by Schedule 2 to the Offshore Safety Act 1992 (c. 15), paragraph 9 of Schedule 1 to the Competition and Service (Utilities) Act 1992, paragraph 53 of Schedule 3 to the Gas Act 1995 and sections 3(2) and 100 of the Utilities Act 2000.

(**c**) 1989 c. 29; section 39 was amended by sections 3(2) and 54(1) of, and paragraph 32 of Schedule 6 and paragraph 1 of Schedule 8 to, the Utilities Act 2000; and section 60 was amended by section 3(2) of the Utilities Act 2000.

(**d**) Section 33BAA was inserted by section 92 of the Utilities Act 2000 and amended by article 1(3) and paragraph 4 of Schedule 1 to S.I. 2014/631 and article 1(1) and paragraph 2(10) of the Schedule to S.I. 2022/34.

(**e**) Section 40B was inserted by section 56 of the Utilities Act 2000 and amended by article 1(3) and paragraph 5 of Schedule 1 to S.I. 2014/631 and article 1(1) paragraph 3 of the Schedule to S.I. 2022/34.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Electricity and Gas (Standards of Performance) (Suppliers) (Amendment) (No. 2) Regulations 2024 and come into force on 2nd January 2025.

(2) In these Regulations, "the Principal Regulations" means the Electricity and Gas (Standards of Performance) (Suppliers) Regulations 2015(**a**).

Amendment of regulation 8 of the Principal Regulations

2. In regulation 8 of the Principal Regulations (suppliers' payment obligations), in paragraphs (2) and (3), for "£30" substitute "£40".

Transitional provision

3. Where immediately before these Regulations come into force a supplier is required by regulation 8(2) or (3) of the Principal Regulations to make a payment of £30, that amount is not increased by the coming into force of these Regulations.

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

L.S.

Mark McAllister
A member of the Gas and Electricity Markets Authority

9th October 2024

I consent

Miatta Fahnbulleh
Parliamentary Under-Secretary of State
Department for Energy Security and Net Zero

11th November 2024

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Electricity and Gas (Standards of Performance) (Suppliers) Regulations 2015 (S.I. 2015/1544) (the "Principal Regulations").

Regulation 2 amends regulation 8 of the Principal Regulations (suppliers' payment obligations), by increasing the payment that a supplier must make to the customer if they-

— fail to meet a relevant standard of performance; or

— fail to make a standard payment within 10 working days; or

— fail to relay a distributed payment within 10 working days.

The payment is increased from £30 to £40.

(**a**) S.I. 2015/1544 as amended by S.I. 2019/218, S.I. 2020/116, paragraph 11 of the Schedule to S.I. 2022/34, and S.I. 2024/108.

Regulation 3 makes transitional provision for circumstances where immediately before these Regulations come into effect a supplier is required by the Principal Regulations to make a £30 payment. Where this applies, the payment is not increased by the coming into force of these Regulations and remains at £30.

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

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