STATUTORY INSTRUMENTS

2024 No. 108

ELECTRICITY

GAS

The Electricity and Gas (Standards of Performance) (Suppliers) (Amendment) Regulations 2024

Made - - - -	*29th January 2024*
Coming into force - -	*1st April 2024*

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 research, and considered the results of such 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, Consumer Scotland, gas suppliers, electricity suppliers and persons and bodies appearing to the Authority to be representative 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 under 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 Services (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 paragraph 4 of Schedule 1 to S.I. 2014/631 and paragraph 2 of the Schedule to S.I. 2022/34.

(**e**) Section 40B was inserted by section 56 of the Utilities Act 2000 and amended by paragraph 5 of Schedule 1 to S.I. 2014/631 and 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) Regulations 2024 and come into force on 1st April 2024.

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

Amendment of regulation 6ZA of the Principal Regulations

2.—(1) Regulation 6ZA of the Principal Regulations (Obligation to complete a supplier transfer) is amended as follows.

(2) In paragraph (3)—

(a) for sub-paragraph (a) substitute—

"(a) where the customer has requested that the new supplier begin the supply before the end of the cooling off period, within the period of 5 working days beginning with the day of receipt by the new supplier of sufficient information to—

(i) confirm the supplier transfer relates to the customer who requested it, and

(ii) identify the meter point or meter points to which the supplier transfer request relates;";

(b) in sub-paragraph (b), for "places" substitute "place";

(c) omit the "or"" after sub-paragraph (b);

(d) after sub-paragraph (c) insert—

"or,

(d) where the customer has not requested that the new supplier begin the supply before the end of the cooling off period, within the period of 5 working days beginning with the day on which the latest of the following events occurs—

(i) receipt by the new supplier of sufficient information to confirm the supplier transfer relates to the customer who requested it,

(ii) receipt by the new supplier of sufficient information to identify the meter point or meter points to which the supplier transfer request relates, and

(iii) expiry of the period of 14 days beginning with the day on which the customer and new supplier entered into the contract.

(4) In this regulation—

(a) where the customer enters into a contract with the new supplier after 5pm on a working day, a reference to "5 working days" is to be read as "6 working days"; and

(b) "cooling off period" means the period of time after entering into a contract with a new supplier within which that customer may cancel the contract in accordance with any relevant contractual term or applicable statutory provision."

Transitional and savings

3.—(1) This regulation applies where the obligation to complete a supplier transfer under regulation 6ZA of the Principal Regulations applied before the coming into force of these Regulations.

(2) The Principal Regulations continue to have effect, as they did immediately before the coming into force of these Regulations, in relation to the obligation to complete the supplier transfer under regulation 6ZA of the Principal Regulations.

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

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

L.S.

Mark MacAllister
A member of the Gas and Electricity Markets Authority

6th December 2023

I consent

Amanda Solloway
Parliamentary Under Secretary of State
Department for Energy Security and Net Zero

29th January 2024

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Electricity and Gas (Standards of Performance) (Suppliers) Regulation 2015 (S.I. 2015/1544) (the "Principal Regulations"). The Principal Regulations impose minimum guaranteed standards of performance in respect of the service provided by gas and electricity suppliers in Great Britain, and prescribe sums payable to a customer by way of compensation for failure to meet these performance standards.

Regulation 2 amends Regulation 6ZA of the Principal Regulations (obligation to complete a supplier transfer), which is the performance standard relating to the obligation on energy suppliers to complete a supplier transfer by a certain date. If a customer has requested that the new supplier begin the supply of energy before the end of a contractual or statutory cooling off period, the amendment will require the new supplier to complete the transfer request within 5 working days of receiving sufficient information to complete the transfer. Where the customer does not wish the new supplier to supply energy before the end of the cooling off period, the 5 working days will start either once sufficient information to complete the transfer has been received or at the expiry of 14 days beginning with the date on which the customer and new supplier entered into the contract, whichever is the latest to occur. Where a customer enters into a contract with a new supplier after 5pm on a working day, the reference to 5 working days is read as 6 working days.

Regulation 3 makes provision for dealing with a supplier transfer request under regulation 6ZA of the Principal Regulations where the request has been made but not completed before the coming into force of these Regulations. In such circumstances the Principal Regulations will continue to have effect as they did immediately before the coming into force of these Regulations to enable the request to continue to be dealt with in accordance with Regulation 6ZA as it applied before the changes were made to it by these Regulations.

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

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