STATUTORY INSTRUMENTS

1990 No. 527

ELECTRICITY

The Electricity (Connection Charges) Regulations 1990

Made - - - -	*7th March 1990*
Laid before Parliament	*9th March 1990*
Coming into force -	*31st March 1990*

The Secretary of State for Energy as respects England and Wales, and the Secretary of State for Scotland as respects Scotland, in excercise of the powers conferred by sections 19(2) and (3), 60 and 64(1)(**a**) of the Electricity Act 1989(**b**), and of all other enabling powers, after consultation with the Director General of Electricity Supply in accordance with subsection (2) of the said section 19, hereby makes the following Regulations:–

Citation and commencement

1. These Regulations may be cited as the Electricity (Connection Charges) Regulations 1990 and shall come into force on 31st March 1990.

Interpretation

2.—(1) In these Regulations–

"administrative expenses" means the expenses reasonably incurred by a public electricity supplier in discharging his obligations under these Regulations;

"domestic premises" means premises used wholly or mainly for domestic purposes;

"eligible person" shall be construed in accordance with regulation 3;

"initial contributor" means a person–

(a) for the purpose of supplying whom any electric line or electrical plant was first provided; and

(b) who made a payment in respect of the relevant expenses;

"prescribed period" shall be construed in accordance with regulation 4;

"relevant expenses" means any expenses reasonably incurred by a public electricity supplier in first providing any electric line or electrical plant which is subsequently used for the purpose of giving a supply to any person other than the initial contributor, and the reference in the foregoing to any expenses reasonably incurred in providing any line or plant includes a reference to the capitalised value of any expenses likely to be so incurred in maintaining it (in so far as they will not be recoverable by the supplier as a part of the charges made by him for the supply to the initial contributor);

"relevant time" means the time at which is made a requirement for a supply of electricity under section 16(1) compliance with which involves the use of any electric line or electrical plant which has already been provided for the purpose of giving a supply in pursuance of section 16(1).

(**a**) *See* the definition of "prescribed".
(**b**) 1989 c.29.

(2) In these Regulations–

(a) any reference to a numbered section is a reference to the section bearing that number in the Electricity Act 1989;

(b) any reference to a numbered regulation is a reference to the regulation bearing that number in these Regulations; and

(c) except where otherwise provided, any reference to a numbered paragraph is a reference to the paragraph bearing that number in the regulation in which the reference occurs.

Meaning of "eligible person"

3.—(1) Subject to paragraph (2), in these Regulations "eligible person" means any person who at the relevant time owns or occupies the relevant premises and is–

(a) an initial contributor;

(b) a person who has been required to make a contribution to a public electricity supplier in accordance with these Regulations; or

(c) a person to whom any right to receive a payment under these Regulations has been legally assigned.

(2) In paragraph (1) "relevant premises" means the premises occupied by a person at the time when he became either–

(a) an initial contributor; or

(b) a person required to make a contribution to a public electricity supplier in accordance with these Regulations,

in respect of those premises.

Prescribed period

4. The prescribed period for the purposes of these Regulations is five years (after the provision of any electric line or electrical plant for the purpose of supplying an initial contributor).

Entitlement to recover amount in respect of expenses

5.—(1) Subject to regulation 6, a public electricity supplier may require a person requiring a supply of electricity under section 16(1) at any time after the coming into force of these Regulations to pay to the supplier such an amount in respect of the supplier's relevant expenses as may be reasonable in all the circumstances if–

(a) the supply is required within the prescribed period after the first provision of any electric line or electrical plant used for the purpose of giving the supply;

(b) an initial contributor has made a payment to the supplier in respect of the relevant expenses;

(c) the supplier has not recovered the relevant expenses in full; and

(d) the supplier has made available to the person requesting the supply such information (if any) as may have been reasonably requested by that person for the purpose of ascertaining–

(i) the amount of the relevant expenses;

(ii) the date of the first provision of the line or plant; and

(iii) the amounts paid in respect of the relevant expenses by the initial contributor or by persons previously required to make a payment under these Regulations.

(2) Paragraph (1) shall apply in relation to any electric line or electrical plant first provided before the coming into force of these Regulations as if for sub-paragraph (d)(iii) there were substituted the following sub-paragraph–

"(iii) the amounts paid by all persons to the supplier in respect of the relevant expenses."

Obligation to recover amount in respect of expenses

6.—(1) Subject to paragraphs (2) to (4), a public electricity supplier shall exercise his rights under regulation 5 if within the prescribed period–

(a) any electric line or electrical plant first provided at any time after the coming into force of these Regulations for the purpose of giving a supply to domestic premises under section 16(1) is subsequently used for the purpose of giving a further supply under that section; and

(b) the relevant expenses have been wholly or mainly defrayed by the initial contributor or by that contributor and any other person previously required to make a payment under these Regulations.

(2) Subject to paragraphs (3) and (4), the public electricity supplier shall exercise his rights under regulation 5 in the manner which he considers is best calculated to secure the recovery of an amount which is not more than the proportion of the relevant expenses which is appropriate having regard to the maximum power required by the person requiring the further supply.

(3) Where the public electricity supplier exercises his rights under regulation 5 in discharge of the obligation imposed on him by this regulation, regulation 5 shall be read and construed as if sub-paragraph (c) of paragraph (1) thereof had been omitted.

(4) The obligation imposed by this regulation shall not apply in any case where–

(a) the amount which would be applied in making payments to eligible persons in accordance with regulation 7, after deduction in accordance with that regulation of the administrative expenses of the public electricity supplier, is insufficient to provide a payment of £200 or more to at least one eligible person; or

(b) at the relevant time there are no eligible persons.

Payments to eligible persons

7.—(1) Where a public electricity supplier has in discharge of the obligation imposed on him by regulation 6 recovered an amount, that amount shall, subject to paragraphs (2) to (4), be applied in making payments to eligible persons.

(2) The public electricity supplier may deduct his administrative expenses from the amount mentioned in paragraph (1) before he makes any payment to eligible persons.

(3) Where payments fall to be made to two or more eligible persons in respect of the same relevant expenses in accordance with paragraph (1), each of those payments shall bear the same proportion to the aggregate of those payments as each payment made by or in relation to an eligible person to whom a payment is to be made in accordance with this regulation bears to the aggregate of the payments made by or in respect of those eligible persons.

(4) The public electricity supplier shall not be required by this regulation to make a payment to an eligible person if the amount of that payment would, but for this paragraph, be less than £200.

(5) Payments to eligible persons in accordance with this regulation shall be made as soon as practicable after the public electricity supplier has recovered the amount out of which those payments are to be made.

Provision of information to eligible persons

8. Whenever a public electricity supplier intends to use any electric line or electrical plant for the purpose of giving a further supply in any circumstances where regulation 6 applies, he shall inform any eligible persons of that fact and shall also give them the following information–

(a) the amount which the supplier calculates would be recoverable in accordance with that regulation; and

(b) the estimated amount of his administrative expenses.

John Wakeham
7th March 1990 Secretary of State for Energy

Malcolm Rifkind
7th March 1990 Secretary of State for Scotland

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for a public electricity supplier to recover from subsequent users of electric lines and electrical plant first provided for the purpose of giving a supply to a previous consumer an amount in respect of the expenses incurred in first providing the line or plant; and for amounts so recovered to be applied in making refunds to the previous consumer or consumers.

Regulations 2 and 3 provide for interpretation. In particular, the persons eligible to receive refunds are to be ascertained at the time of making any request for a supply which gives rise to a subsequent use of any line or plant. For the purposes of regulation 3(1)(c), a right to receive a payment is legally assigned if (in England and Wales) notice of the assignment, or (in Scotland) intimation of the assignation, is given to the public electricity supplier.

Regulation 4 prescribes a period of five years, from the first provision of any line or plant, as the period within which the rights conferred by the Regulations may be, or are to be, exercised.

Regulation 5 entitles a public electricity supplier to require any person requiring a supply of electricity to pay an amount in respect of his expenses in providing any electric line or electrical plant used for the purpose of supplying that person. Regulation 6 obliges the supplier to exercise his rights under regulation 5 in any case where any line or plant provided for the purpose of giving a supply to domestic premises is subsequently used for giving a further supply, and the expenses of providing such line or plant have been met by previous consumers. This obligation only applies if the amount recovered is sufficient to provide at least one payment of £200 or more to a previous consumer.

Regulation 7 requires amounts recovered in pursuance of the obligation imposed by regulation 6 to be applied in making payments to previous consumers, after the supplier has deducted his administrative expenses, but only if the amount of each payment is £200 or more. Regulation 8 requires the public electricity supplier to give certain information to persons entitled to payments from him.

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