S T A T U T O R Y I N S T R U M E N T S

2002 No. 742

ELECTRICITY

The Electricity (Standards of Performance) (Amendment No. 2) Regulations 2002

Made - - - -	*11th March 2002*
Coming into force	
Regulations 1 and 2	*31st March 2002*
Remainder	*1st April 2002*

The Gas and Electricity Markets Authority**(a)** in exercise of the powers conferred by sections 39, 39A, 39B, 40B, 42A and 60 of the Electricity Act 1989**(b)** and after consultation with the Gas and Electricity Consumer Council**(c)**, electricity distributors and electricity suppliers and with persons and bodies appearing to be representative of persons likely to be affected by the Regulations, after considering the results of research to discover the views of a representative sample of persons likely to be affected, and with the consent of the Secretary of State in accordance with sections 39(1) and 39A(1) of the Electricity Act 1989, makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Electricity (Standards of Performance) (Amendment No. 2) Regulations 2002.

(2) Regulations 1 and 2 shall come into force on 31st March 2002 and the remainder on 1st April 2002.

(3) In these Regulations, "the Principal Regulations" means the Electricity (Standards of Performance) Regulations 2001**(d)**.

Revocation

2. The Electricity (Standards of Performance) (Amendment) Regulations 2002**(e)** are hereby revoked.

Amendment of the Principal Regulations

3. Regulation 3 of the Principal Regulations shall be amended by substituting for the definition of "relevant operator"—

> " "relevant operator" means a relevant supplier or, as the case may be, a relevant distributor and, in regulations 14, 15, 16 and 17 includes any electricity supplier";

(a) The Gas and Electricity Markets Authority was established by section 1 of the Utilities Act 2000 (c. 27).
(b) 1989 c. 29. Section 39 is amended by paragraph 32 of Schedule 6 to the Utilities Act 2000 (c. 27) sections 39A and 39B were inserted by section 54(2) of the Utilities Act 2000 and section 42A was inserted by section 58 of the Utilities Act 2000.
(c) The Gas and Electricity Consumers Council was established by section 2 of the Utilities Act 2000.
(d) S.I. 2001/3265.
(e) S.I. 2002/476. These Regulations were made in January 2002 and come into force on 1st April 2002. They are being revoked before that date and incorporated into these Regulations.

4. After regulation 5 of the Principal Regulations, the following new regulation shall be inserted—

"**5A**—(1) This regulation applies where the supply to a customer's premises is interrupted for 4 periods, each of not less than 3 hours, during a relevant year.

(2) For the purposes of paragraph (1):

(a) where successive interruptions are caused by or arise during actions taken by the relevant distributor to effect temporary or permanent restoration of the supply to the premises or to other premises affected by the event which caused the interruption of supply to the premises, any temporary restoration of supply for a period not exceeding 3 minutes shall be ignored in calculating the period of the interruption;

(b) the period of an interruption shall be deemed to start at the time that—

(i) the relevant distributor is informed by a customer that the supply to the customer's premises has been interrupted; or

(ii) the relevant distributor is informed by a person other than the customer or is otherwise made aware by the operation of any automatic system operated by the relevant distributor of circumstances in which the supply to the customer's premises has been interrupted or may reasonably be expected to have been interrupted; and

(c) an interruption in any of the circumstances described in paragraph (3) shall not be treated as an interruption.

(3) The circumstances described in this paragraph are:

(a) within the period of three hours after the interruption began—

(i) the customer informed the relevant distributor that the customer did not wish the relevant distributor to take any action or any further action;

(ii) the customer agreed with the relevant distributor that the action taken by the distributor before the expiry of that period should be treated as the taking by the relevant distributor of the action required to cause the interruption to cease and, where that action included a promise to perform any action (whether within or after the expiry of that period) the relevant distributor duly performed that promise;

(iii) it was not reasonably practicable for the relevant distributor to take the action required to cause the interruption to cease as a result of the existence of circumstances by reason of which the relevant operator could reasonably have expected that if he took that action he would have been or would be likely to have been in breach of an enactment;

(b) the relevant distributor had given to the customer prior notice of its intention to interrupt the supply to the customer's premises;

(c) the interruption was a result of the failure of, fault in or damage to the transmission system to which the relevant distributor's distribution system was connected or of a generating station connected to that transmission system;

(d) the interruption was a result of the failure of a generating station connected to the relevant distributor's distribution system;

(e) the interruption was one where regulation 4 or 5 applies;

(f) the interruption was a result of the act or default of the electricity supplier to the premises or of the customer;

(g) the cause of the interruption resulted in the interruption of supply to more than 500,000 customers in Great Britain;

(h) the interruption was a result of a civil emergency or act of terrorism.

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

(5) The circumstances described in this paragraph are:

(a) the relevant distributor has not received a claim for compensation from the customer within a period of three months after the expiry of the relevant year in which this regulation applies;

(b) the interruptions as a result of which this regulation applies were not all in respect of the supply to the same premises;

(c) the customer (or where more than one person is or has been the customer, at least one such person) was not the customer of the premises to which the supply was interrupted on the occasion of each of the interruptions as a result of which this regulation applies.

(6) In this regulation "relevant year" means a period of 12 months commencing on 1st April."

5. Regulations 9, 10, 11 and 12 of the Principal Regulations shall be deleted.

6. After regulation 13 of the Principal Regulations the following new regulations shall be inserted—

"Electricity Supplier's individual standards of performance

Meter disputes

13A.—(1) This regulation applies where an electricity supplier is notified by a domestic customer

(a) that the customer considers that an appropriate meter is or may have been operating outside the margins of error; or

(b) that circumstances exist which an electricity supplier might reasonably expect to have been caused by the meter operating outside the margins of error.

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

(3) This paragraph applies where the electricity supplier is reasonably satisfied that he is unable to provide an explanation to the customer of the probable reason for the matters notified under paragraph (1) without visiting the customer's premises.

(4) Where this regulation applies and the electricity supplier—

(a) where paragraph (3) applies, fails to visit the customer's premises during the specified time he shall pay to the customer the prescribed sum; or

(b) where paragraph (3) does not apply, fails to dispatch to the customer an explanation of the probable reason for the matter notified under paragraph (1) within the prescribed period from the receipt of the notification he shall pay to the customer the prescribed sum;

except in either case in any of the circumstances described in paragraph (5).

(5) The circumstances described in this paragraph are each of the circumstances described in regulation 17 provided that, in relation to paragraph (6) of that regulation, the electricity supplier gave the customer not less than one working day's prior warning (whether or not in writing) that he would be unable to visit during the specified time or the circumstances referred to in that paragraph occurred at a time when it was not reasonably practicable to give such a warning.

Pre-payment Meters

13B.—(1) This regulation applies where an electricity supplier is informed (other than by post) by a domestic customer who takes his supply through a pre-payment meter either that the pre-payment meter is not operating so as to permit a supply to the customer's premises in the manner for which it was designed, or of circumstances suggesting that the pre-payment meter is not so operating.

(2) For the purposes of paragraph (1), where information is received by an electricity supplier outside working hours it shall be deemed to have been received at the commencement of the next following period of working hours.

(3) Where, within the prescribed period from the applicable date, an appropriate person fails to attend at the premises where the pre-payment meter is installed in order to repair or replace the pre-payment meter so as to permit a supply in the manner for which it was designed the electricity supplier shall, except in any of the circumstances described in paragraph (4), pay to the customer the prescribed sum.

(4) The circumstances described in this paragraph are:

(a) each of the circumstances described in regulation 17;

(b) that the customer requested the electricity supplier not to attend the premises;

(c) that the customer requested the electricity supplier not to restore the supply; and

(d) that the pre-payment meter was found to be operating in the manner for which it was designed.

(5) In this regulation, "appropriate person" means a person employed or authorised by a electricity supplier to repair and replace pre-payment meters."

7. Regulation 14 of the Principal Regulations shall be amended by substituting for the words "regulations 4, 8, 10 or 11 (or a request under regulation 9)", in sub-paragraph (5)(b), the words "regulations 4, 8, 13A or 13B".

8. Regulation 16 of the Principal Regulations shall be amended—

(a) by substituting for the words "This regulation applies", in paragraph (1), the words "Paragraph (2) applies";

(b) by replacing sub-paragraph (1)(b) with—

"(b) where an electricity supplier is obliged by paragraph (2B) to pass on a payment made by a relevant distributor to the electricity supplier's customer.";

(c) by inserting the following new paragraph after paragraph (1)—

"(1A) Paragraph (2A) applies where a relevant distributor is obliged to make a payment to a customer under any of regulations 4 to 8 (inclusive) and 14.";

(d) by substituting for the words "this regulation applies", in paragraph (2), the words "this paragraph applies";

(e) by inserting the following new paragraphs after paragraph (2)—

"(2A) Where this paragraph applies and the relevant distributor fails within the prescribed period from the applicable date to dispatch a notice to the electricity supplier advising that the payment is due to the electricity supplier's customer and to make payment to the electricity supplier for onward transmission to the customer of the sum to which he is entitled, the relevant distributor shall, except in any of the circumstances described in paragraph (3), pay to the electricity supplier the prescribed sum for onward transmission to the customer.

(2B) Where paragraph (2A) applies and the relevant distributor makes a payment to the electricity supplier for onward transmission to the customer, the electricity supplier shall pass on the payment made by the relevant distributor to the customer.";

(f) by inserting at the end of sub-paragraph (b) in paragraph (4) "and"; and

(g) by deleting sub-paragraph (4)(c).

9. Regulation 17 of the Principal Regulations shall be amended by substituting for the words "regulations 8(1), 10(1) or 13(1)", in paragraph (4), the words "regulations 8(1), 13(1) or 13A(1)".

10. Regulation 18 of the Principal Regulations shall be amended by substituting for the words "regulations 6, 8, 9, 10, 12 and 13" the words "regulations 6, 8, 13 and 13A".

11. Regulation 19 of the Principal Regulations shall be amended—

(a) in paragraph (2) by substituting for the words "regulations 9 to 18 (inclusive)" the words "regulations 13 and 14 to 18 (inclusive)";

(b) in paragraph (2) by inserting after the words "relevant supplier" where they first occur, the words "and in respect of those rights under regulations 13A to 18 (inclusive) an electricity supplier"; and

(c) in paragraphs (2) (other than where they first occur) and (4) after the words "relevant supplier" by inserting "or an electricity supplier (as the case may be)".

12. The Schedule to the Principal Regulations shall be amended—

(a) by deleting the rows in the table set out in Part I of that Schedule which refer to regulations 9(2)(a), 9(2)(b), 9(2)(c), 9(3), 10(2), 10(4)(a), 10(4)(b), 11(3) and 12(2); and

(b) by inserting, in the appropriate numerical position in the table set out in Part I of that Schedule, the following new rows—

"

5A(4)		£50	£50
13A(2)	7 working days	£20	
13A(4)(a)		£20	
13A(4)(b)	5 working days	£20	
13B(3)	3 hours on a working day	£20	
13B(3)	4 hours on any other day	£20	
16(2A)	10 working days	£20	£20

"

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

M. C. McCarthy
A member of the Authority
11th March 2002

L.S.

I consent

11th March 2002

Brian Wilson,
Minister of State for Industry and Energy,
Department of Trade and Industry

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Electricity (Standards of Performance) Regulations 2001 (the Principal Regulations). They also revoke the Electricity (Standards of Performance) (Amendment) Regulations 2002 but incorporate their provisions in these Regulations.

These Regulations insert a new regulation, as regulation 5A which provides that, where the conveyance of electricity to a customer's premises is discontinued on more than 3 occasions in a year for more than 3 hours on each occasion, the distribution company of that customer will pay the customer the prescribed sum.

These Regulations delete regulations 9 to 12 of the Principal Regulations and replace them with new regulations 13A and B which are in substantially similar form to the revoked regulations 10 and 11 but apply to all electricity suppliers, and make consequential amendments to the Principal Regulations, arising from the deletion and replacement. Regulation 8 also amends regulation 16 of the Principal Regulations to provide that, where payments under the Principal Regulations are to be made by a relevant distributor to a customer, they are to be made to the electricity supplier of that customer for onward transmission to the customer.

S T A T U T O R Y I N S T R U M E N T S

2002 No. 742

ELECTRICITY

The Electricity (Standards of Performance) (Amendment No. 2) Regulations 2002

£2.00

© Crown copyright 2002

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo,
Controller of Her Majesty's Stationery Office and Queen's Printer of
Acts of Parliament

E0492 4/02 ON (MFK)