2002 No. 476

ELECTRICITY

The Electricity (Standards of Performance) (Amendment) Regulations 2002

Made - - - - - *17th January 2002*

Coming into force - - *1st April 2002*

The Gas and Electricity Market 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(c) with the Gas and Electricity Consumer Council(d), persons authorised to supply electricity under section 6(1)(c) and 6(2) of the Electricity Act 1989 as in force prior to 1 October 2001 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) Regulations 2002 and shall come into force on 1st April 2002.

(2) In these Regulations, 'the Principal Regulations' means the Electricity (Standards of Performance) Regulations 2001(e).

Amendment of the Principal Regulations

2. 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";

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

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

(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) Regulation 4 of the Utilities Act 2000 (Transitional Provisions) Regulations 2001 (S.I. 2001/1782) amends the requirement for consultation set out in section 40B of the Electricity Act 1989 which was inserted by section 56 of the Utilities Act 2000.
(d) The Gas and Electricity Consumers Council was established by section 2 of the Utilities Act 2000.
(e) S.I. 2001/3265.

"*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."

5. 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".

6. 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).

7. 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)".

8. 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".

9. 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)".

10. 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—

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 and authenticated by the signature of

J. S. Neilson,
A Member of the Authority
5th December 2001

L.S.

I Consent

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

17th January 2002

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Electricity (Standards of Performance) Regulations 2001 (the Principal Regulations). They delete regulations 9-12 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 6 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.

ISBN 0-11-039666-9

9 780110 396668

£1.75

© 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.
E 0071 4/2002 020071 19585