
STATUTORY INSTRUMENTS

1992 No. 231

The Electricity (Northern Ireland) Order 1992

PART II

ELECTRICITY SUPPLY

Consumer protection: standards of performance

[^{F1} Electricity supply and distribution: performance in individual cases.

42.—(1) Regulations may, after consultation with persons or bodies appearing to the Authority to be representative of persons likely to be affected and arranging for such research as the Authority considers appropriate with a view to discovering the views of a representative sample of persons likely to be affected and considering the results, prescribe such standards of performance in connection with—

- (a) the activities of electricity suppliers, so far as affecting customers or potential customers of theirs, as in the Authority's opinion ought to be achieved in individual cases; and
 - (b) the activities of electricity distributors, so far as affecting customers or potential customers of electricity suppliers, as in the Authority's opinion ought to be achieved in individual cases.
- (2) Regulations under paragraph (1)(a) may—
- (a) prescribe circumstances in which electricity suppliers are to inform persons of their rights under this Article;
 - (b) prescribe such standards of performance in relation to any duty arising under subparagraph (a) as, in the Authority's opinion, ought to be achieved in all cases;
 - (c) prescribe circumstances in which electricity suppliers are to be exempted from any requirements of the regulations or this Article; and
 - (d) if the Authority is of the opinion that the differences are such that no electricity supplier would be unduly disadvantaged in competing with other electricity suppliers, make different provision with respect to different electricity suppliers.
- (3) Regulations under paragraph (1)(b) may—
- (a) prescribe circumstances in which electricity distributors are to inform customers or potential customers of electricity suppliers of their rights under this Article;
 - (b) prescribe such standards of performance in relation to any duty arising under subparagraph (a) as, in the Authority's opinion, ought to be achieved in all cases;
 - (c) make provision as to the manner in which compensation under this Article is to be made;
 - (d) prescribe circumstances in which electricity distributors are to be exempted from any requirements of the regulations or this Article; and

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- (e) if the Authority is of the opinion that the differences are such that no electricity distributor would be unduly disadvantaged in competing with other electricity distributors, make different provision with respect to different electricity distributors.
- (4) If an electricity supplier or an electricity distributor fails to meet a prescribed standard, he shall make to any person who is affected by the failure and is of a prescribed description such compensation as may be determined by or under the regulations.
- (5) Provision made under paragraph (3)(c) may—
- (a) require or permit compensation to be made on behalf of electricity distributors by electricity suppliers to customers or potential customers; and
 - (b) require electricity suppliers to provide services to electricity distributors in connection with the making of compensation under this Article.
- (6) The making of compensation under this Article in respect of any failure to meet a prescribed standard shall not prejudice any other remedy which may be available in respect of the act or omission which constituted that failure.
- (7) In paragraph (1), any reference to research or consultation includes research or consultation carried out in anticipation of the coming into operation of this Article.]

<p>F1 Arts. 42, 42A, 43, 43A, 43B substituted (3.7.2007 for art. 43B for certain purposes otherwise 1.11.2007) for arts. 42, 43 by Electricity Regulations (Northern Ireland) 2007 (S.R. 2007/321), regs. 1(2)(3), 10 (with transitional provisions in Pt. IV)</p>

[^{F2}Standards of performance in individual cases: disputes

- 42A.**—(1) Any dispute arising under Article 42 or regulations made under that Article—
- [^{F3}(a) may be referred to the Authority by either party or, with the agreement of either party, by the General Consumer Council, and such a reference shall be accompanied by such information as is necessary or expedient to allow a determination to be made in relation to the dispute; and]
 - (b) on such a reference, shall be determined by order made by the Authority.
- (2) A person making an order under paragraph (1) shall include in the order his reasons for reaching his decision with respect to the dispute.
- (3) [^{F4}Subject to paragraph (3A), the practice and procedure] to be followed in connection with any such determination shall be such as may be prescribed.
- [
- ^{F5}(3A) The procedures established under paragraph (3) shall provide for the determination of the dispute to be notified to the person making the reference within the requisite period or such longer period as the Authority may agree with that person.
- (3B) For the purposes of paragraph (3A), the requisite period in any case means—
- (a) the period of 2 months from the date when the dispute was referred to the Authority; or
 - (b) where the information sent to the Authority under paragraph (1)(a) was in its opinion insufficient to enable it to make a determination, the period of 4 months from the date when the dispute was referred to the Authority.]
- (4) An order under paragraph (1) shall be final and shall be enforceable as if it were a judgment of a county court.]

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- F2** Arts. 42, 42A, 43, 43A, 43B substituted (3.7.2007 for art. 43B for certain purposes otherwise 1.11.2007) for arts. 42, 43 by [Electricity Regulations \(Northern Ireland\) 2007 \(S.R. 2007/321\)](#), regs. 1(2)(3), **10** (with transitional provisions in Pt. IV)
- F3** Art. 42A(1)(a) substituted (15.4.2011) by [Gas and Electricity \(Internal Markets\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/155\)](#), **reg. 6(2)**
- F4** Words in art. 42A(3) substituted (15.4.2011) by [Gas and Electricity \(Internal Markets\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/155\)](#), **reg. 6(3)**
- F5** Art. 42A(3A)(3B) inserted (15.4.2011) by [Gas and Electricity \(Internal Markets\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/155\)](#), **reg. 6(4)**

[^{F6} Overall standards of performance: electricity supply

43.—(1) The Authority may, from time to time—

- (a) determine such standards of overall performance in connection with the provision of electricity supply services as, in its opinion, ought to be achieved by electricity suppliers; and
- (b) arrange for the publication, in such form and in such manner as it considers appropriate, of the standards so determined.

(2) Different standards may be determined under this Article for different electricity suppliers if the Authority is of the opinion that the differences are such that no electricity supplier would be unduly disadvantaged in competing with other electricity suppliers.

(3) It shall be the duty of every electricity supplier to conduct his business in such a way as can reasonably be expected to lead to his achieving the standards set under this Article.]

- F6** Arts. 42, 42A, 43, 43A, 43B substituted (3.7.2007 for art. 43B for certain purposes otherwise 1.11.2007) for arts. 42, 43 by [Electricity Regulations \(Northern Ireland\) 2007 \(S.R. 2007/321\)](#), regs. 1(2)(3), **10** (with transitional provisions in Pt. IV)

[^{F7} Overall standards of performance: electricity distributors

43A.—(1) The Authority may from time to time—

- (a) determine such standards of overall performance in connection with the activities of electricity distributors as, in its opinion, ought to be achieved by them; and
- (b) arrange for the publication, in such form and in such manner as it considers appropriate, of the standards so determined.

(2) Different standards may be determined for different electricity distributors if the Authority is of the opinion that the differences are such that no electricity distributor would be unduly disadvantaged in competing with other electricity distributors.

(3) It shall be the duty of every electricity distributor to conduct his business in such a way as can reasonably be expected to lead to his achieving the standards set under this Article.]

- F7** Arts. 42, 42A, 43, 43A, 43B substituted (3.7.2007 for art. 43B for certain purposes otherwise 1.11.2007) for arts. 42, 43 by [Electricity Regulations \(Northern Ireland\) 2007 \(S.R. 2007/321\)](#), regs. 1(2)(3), **10** (with transitional provisions in Pt. IV)

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[^{F8}Procedures for prescribing or determining standards of performance

43B.—(1) Before determining standards of performance under Article 43 or 43A, the Authority shall—

- (a) arrange for such research as the Authority considers appropriate with a view to discovering the views of a representative sample of persons likely to be affected and consider the results;
- (b) publish a notice of its proposals in accordance with paragraphs (2) and (3) and consider any representations which are duly made in respect of those proposals; and
- (c) consult the General Consumer Council and other persons or bodies mentioned in paragraph (4).

(2) The notice required by paragraph (1)(b) is a notice—

- (a) stating that the Authority proposes to determine standards of performance and setting out the standards of performance proposed;
- (b) stating the reasons why it proposes to determine those standards of performance; and
- (c) specifying the time (not being less than 28 days from the date of publication of the notice) within which representations with respect to the proposals may be made.

(3) A notice required by paragraph (1)(b) shall be published in such manner as the Authority considers appropriate for the purpose of bringing it to the attention of those likely to be affected by the proposals.

(4) The persons or bodies to be consulted by the Authority under paragraph (1)(c) are—

- (a) electricity suppliers (in the case of standards of performance under Article 43) or electricity distributors and electricity suppliers (in the case of standards of performance under Article 43A); and
- (b) persons or bodies appearing to the Authority to be representative of persons likely to be affected by the determination.

(5) The Authority shall make arrangements for securing that notices under paragraph (1)(b) and determinations under Article 43 and 43A are made available to the public by whatever means it considers appropriate.

(6) Any requirement for research or consultation under this Article may be satisfied by research and consultation carried out in anticipation of its coming into operation.]

<p>F8 Arts. 42, 42A, 43, 43A, 43B substituted (3.7.2007 for art. 43B for certain purposes otherwise 1.11.2007) for arts. 42, 43 by Electricity Regulations (Northern Ireland) 2007 (S.R. 2007/321), regs. 1(2)(3), 10 (with transitional provisions in Pt. IV)</p>

Promotion of efficient use of electricity

44.—(1) The Director may, after consultation with [^{F9}electricity suppliers] and with persons or bodies appearing to him to be representative of persons likely to be affected,—

- (a) determine such standards of performance in connection with the promotion of the efficient use of electricity by consumers as, in his opinion, ought to be achieved by such suppliers; and
- (b) arrange for the publication, in such form and in such manner as he considers appropriate, of the standards so determined.

(2) Different standards may be determined under this Article for different [^{F9}electricity suppliers].

[^{F10}(3) Each [^{F11}electricity supplier] shall, in such form and manner and with such frequency as [^{F12}the Authority] may direct, take steps to inform his customers of—

- (a) the standards determined under this Article which are applicable to that supplier; and
- (b) that supplier's level of performance as respects those standards.]

- F9** Words in art. 44(1)(2) substituted (1.11.2007) by Electricity Regulations (Northern Ireland) 2007 (S.R. 2007/321), regs. 1(2), 11(1), **Sch. 2 para. 8(a)** (with transitional provisions in Pt. IV)
- F10** 1992 NI 13
- F11** Words in art. 44(3) substituted (1.11.2007) by Electricity Regulations (Northern Ireland) 2007 (S.R. 2007/321), regs. 1(2), 11(1), **Sch. 2 para. 8(b)** (with transitional provisions in Pt. IV)
- F12** Words in art. 44(3) substituted (1.11.2007) by Electricity Regulations (Northern Ireland) 2007 (S.R. 2007/321), regs. 1(2), 11(1), **Sch. 2 para. 8(c)** (with transitional provisions in Pt. IV)

Information with respect to levels of performance

45.—(1) [^{F13}the Authority] shall collect information with respect to—

- (a) the compensation made by [^{F14}electricity suppliers and electricity distributors] under Article 42;
- (b) the levels of overall performance achieved by such suppliers in connection with the provision of electricity supply services; and
- (c) the levels of performance achieved by such suppliers in connection with the promotion of the efficient use of electricity by consumers.

(2) On or before such date in each year as may be specified in a direction given by the Director, each [^{F15}electricity supplier] shall furnish to the Director the following information, namely—

- (a) as respects each standard prescribed by regulations under Article 42, the number of cases in which compensation was made and the aggregate amount or value of that compensation; and
- (b) as respects each standard determined under Article 43 or 44, such information with respect to the level of performance achieved by the supplier as may be so specified.

[^{F16}(2A) At such times as may be specified in a direction given by the Authority, each electricity distributor shall furnish to the Authority the following information, namely—

- (a) as respects each standard prescribed by regulations under Article 42, the number of cases in which compensation was made and the aggregate amount or value of that compensation; and
- (b) as respects each standard determined under Article 43A, such information with respect to the level of performance achieved by the distributor as may be so specified.

(2B) The Authority shall from time to time collect information with respect to—

- (a) the compensation made by electricity distributors under Article 42;
- (b) the levels of overall performance achieved by electricity distributors.

(2C) At such times as may be specified in a direction given by the Authority, each electricity distributor shall furnish to the Authority the following information, namely—

- (a) as respects each standard prescribed by regulations under Article 42, the number of cases in which compensation was made and the aggregate amount or value of that compensation; and
- (b) as respects each standard determined under Article 43A, such information with respect to the level of performance achieved by the distributor as may be so specified.]

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(3) [^{F17}An electricity supplier] who without reasonable excuse fails to do anything required of him by paragraph (2) [^{F18}and any electricity distributor who without reasonable excuse fails to do anything required of him by paragraph (2A) or (2C)] shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4) [^{F13}the Authority] shall at least once in every year arrange for the publication, in such form and in such manner as he considers appropriate, of such of the information collected by or furnished to him under this Article as it may appear to him expedient to give to customers or potential customers of [^{F19}electricity suppliers or electricity distributors].

(5) In arranging for the publication of any such information [^{F13}the Authority] shall have regard to the need for excluding, so far as that is practicable—

- (a) any matter which relates to the affairs of an individual, where publication of that matter would or might, in the opinion of [^{F13}the Authority], seriously and prejudicially affect the interests of that individual; and
- (b) any matter which relates specifically to the affairs of a particular body of persons, whether corporate or unincorporate, where publication of that matter would or might, in the opinion of [^{F13}the Authority], seriously and prejudicially affect the interests of that body.

- F13** Words in art. 45(1)(4)(5) substituted (1.11.2007) by [Electricity Regulations \(Northern Ireland\) 2007 \(S.R. 2007/321\)](#), regs. 1(2), 11(1), **Sch. 2 para. 9(a)** (with transitional provisions in Pt. IV)
- F14** Words in art. 45(1)(a) substituted (1.11.2007) by [Electricity Regulations \(Northern Ireland\) 2007 \(S.R. 2007/321\)](#), regs. 1(2), 11(1), **Sch. 2 para. 9(b)** (with transitional provisions in Pt. IV)
- F15** Words in art. 45(2) substituted (1.11.2007) by [Electricity Regulations \(Northern Ireland\) 2007 \(S.R. 2007/321\)](#), regs. 1(2), 11(1), **Sch. 2 para. 9(c)** (with transitional provisions in Pt. IV)
- F16** Art. 45(2A)-(2C) inserted (1.11.2007) by [Electricity Regulations \(Northern Ireland\) 2007 \(S.R. 2007/321\)](#), regs. 1(2), 11(1), **Sch. 2 para. 9(d)** (with transitional provisions in Pt. IV)
- F17** Words in art. 45(3) substituted (1.11.2007) by [Electricity Regulations \(Northern Ireland\) 2007 \(S.R. 2007/321\)](#), regs. 1(2), 11(1), **Sch. 2 para. 9(e)** (with transitional provisions in Pt. IV)
- F18** Words in art. 45(3) inserted (1.11.2007) by [Electricity Regulations \(Northern Ireland\) 2007 \(S.R. 2007/321\)](#), regs. 1(2), 11(1), **Sch. 2 para. 9(e)** (with transitional provisions in Pt. IV)
- F19** Words in art. 45(4) substituted (1.11.2007) by [Electricity Regulations \(Northern Ireland\) 2007 \(S.R. 2007/321\)](#), regs. 1(2), 11(1), **Sch. 2 para. 9(f)** (with transitional provisions in Pt. IV)

[^{F20}Information to be given to customers about overall performance

45A.—(1) Each [^{F21}electricity supplier and each electricity distributor] shall, in such form and manner and with such frequency as the Director may direct, take steps to inform [^{F22}customers of electricity suppliers] of—

- (a) the standards of overall performance determined under Article 43 [^{F23}or, as the case may be Article 43A] which are applicable to that supplier [^{F24}or distributor]; and
- (b) that supplier's [^{F25}or that distributor's] level of performance as respects each of those standards.

(2) In giving any such direction, the Director shall not specify a frequency of less than once in every period of 12 months.]

- F20** 1992 NI 13
- F21** Words in art. 45A(1) substituted (1.11.2007) by [Electricity Regulations \(Northern Ireland\) 2007 \(S.R. 2007/321\)](#), regs. 1(2), 11(1), **Sch. 2 para. 10(a)** (with transitional provisions in Pt. IV)

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- F22** Words in art. 45A(1) substituted (1.11.2007) by Electricity Regulations (Northern Ireland) 2007 (S.R. 2007/321), regs. 1(2), 11(1), **Sch. 2 para. 10(b)** (with transitional provisions in Pt. IV)
- F23** Words in art. 45A(1)(a) inserted (1.11.2007) by Electricity Regulations (Northern Ireland) 2007 (S.R. 2007/321), regs. 1(2), 11(1), **Sch. 2 para. 10(c)** (with transitional provisions in Pt. IV)
- F24** Words in art. 45A(1)(a) inserted (1.11.2007) by Electricity Regulations (Northern Ireland) 2007 (S.R. 2007/321), regs. 1(2), 11(1), **Sch. 2 para. 10(d)** (with transitional provisions in Pt. IV)
- F25** Words in art. 45A(1)(b) inserted (1.11.2007) by Electricity Regulations (Northern Ireland) 2007 (S.R. 2007/321), regs. 1(2), 11(1), **Sch. 2 para. 10(e)** (with transitional provisions in Pt. IV)

Modifications etc. (not altering text)

- C1** Art. 45A(1) modified (3.7.2007) by Electricity Regulations (Northern Ireland) 2007 (S.R. 2007/321), regs. 1(1), **54(2)(3)** (with transitional provisions in Pt. IV)

[F26] Procedures for dealing with complaints

45B.—(1) Each [F27]electricity supplier] shall establish a procedure for dealing with complaints made by his customers or potential customers in connection with the provision of electricity supply services.

(2) No such procedure shall be established, and no modification of such a procedure shall be made, unless—

- (a) the supplier has consulted the[F28] General Consumer Council]; and
- (b) the proposed procedure or modification has been approved by [F29]the Authority].

(3) The supplier shall—

- (a) publicise the procedure in such manner as may be approved by [F29]the Authority]; and
- (b) send a description of the procedure, free of charge, to any person who asks for one.

(4) [F29]the Authority] may give a direction to any [F30]electricity supplier] requiring the supplier to review his procedure or the manner in which it operates.

(5) A direction under paragraph (4)—

- (a) may specify the manner in which the review is to be conducted; and
- (b) shall require a written report of the review to be made to [F29]the Authority].

(6) Where [F29]the Authority] receives a report under paragraph (5)(b), he may, after consulting the supplier, direct him to make such modifications of—

- (a) the procedure; or
- (b) the manner in which the procedure operates,

as may be specified in the direction.

(7) Paragraph (2) does not apply to any modification made in compliance with a direction under paragraph (6).]

- F26** 1992 NI 13
- F27** Words in art. 45B(1) substituted (1.11.2007) by Electricity Regulations (Northern Ireland) 2007 (S.R. 2007/321), regs. 1(2), 11(1), **Sch. 2 para. 11(a)** (with transitional provisions in Pt. IV)
- F28** 2003 NI 6
- F29** Words in art. 45B(2)-(6) substituted (1.11.2007) by Electricity Regulations (Northern Ireland) 2007 (S.R. 2007/321), regs. 1(2), 11(1), **Sch. 2 para. 11(b)** (with transitional provisions in Pt. IV)

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F30 Words in art. 45B(4) substituted (1.11.2007) by [Electricity Regulations \(Northern Ireland\) 2007 \(S.R. 2007/321\)](#), regs. 1(2), 11(1), **Sch. 2 para. 11(a)** (with transitional provisions in Pt. IV)

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Changes and effects yet to be applied to :

- Instrument am. (ot.prosp.) by [1998 c. 41 s.66\(5\)Sch.10 Pt.III para.7](#)
- Instrument am. (prosp.) by [1998 c. 41 s.66\(5\)Sch.10 Pt.V para.17](#)
- Instrument rev. in pt. (prosp.) by [1998 c. 41 ss.66\(5\),74\(3\), Sch.10, Pt.V, para.17, Sch.14, Pt.II](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 10E(7) inserted by [S.I. 2019/530 reg. 89\(6\)](#) (This amendment not applied to [legislation.gov.uk](#). Regs. 84-103 omitted (15.9.2020) by virtue of S.I. 2020/1016, regs. 1(2), 3(30))
- art. 10F(9)(10) inserted by [S.I. 2019/530 reg. 90\(6\)](#) (This amendment not applied to [legislation.gov.uk](#). Regs. 84-103 omitted (15.9.2020) by virtue of S.I. 2020/1016, regs. 1(2), 3(30))
- art. 10K(8A) inserted by [S.I. 2019/530 reg. 94\(7\)](#) (This amendment not applied to [legislation.gov.uk](#). Regs. 84-103 omitted (15.9.2020) by virtue of S.I. 2020/1016, regs. 1(2), 3(30))
- art. 11B(6)(7) inserted by [S.I. 2019/530 reg. 99\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). Regs. 84-103 omitted (15.9.2020) by virtue of S.I. 2020/1016, regs. 1(2), 3(30))
- art. 18(2)(aa) inserted by S.I. 2019/93, Sch. 1 para. 5(2)(b) (as substituted) by [S.I. 2019/1245 reg. 22](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- art. 31A(1A) inserted by [S.I. 2019/530 reg. 100\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). Regs. 84-103 omitted (15.9.2020) by virtue of S.I. 2020/1016, regs. 1(2), 3(30))
- art. 65(1A) inserted by [S.I. 2006/2955 \(N.I.\) art. 3\(2\)](#)
- art. 65(3)-(5) added by [S.I. 2006/2955 \(N.I.\) art. 3\(3\)](#)