

---

STATUTORY RULES OF NORTHERN IRELAND

---

**2007 No. 321**

**Electricity Regulations (Northern Ireland) 2007**

**PART II**

**AMENDMENTS TO THE 1992 ORDER**

**Consumer Protection**

**10.** For Articles 42 and 43 there shall be substituted the following Articles—

**“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
  - (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.

**Standards of performance in individual cases: disputes**

- 42A.**—(1) Any dispute arising under Article 42 or regulations made under that Article—
- (a) may be referred to the Authority by either party or, with the agreement of either party, by the General Consumer Council; 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) The practice and procedure to be followed in connection with any such determination shall be such as may be prescribed.
- (4) An order under paragraph (1) shall be final and shall be enforceable as if it were a judgment of a county court.

**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.

### **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.

### **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.”