

SCHEDULE 1

Regulation 5(2)

“SCHEDULE 6

Article 27

The Electricity Supply Code

1. An electricity supplier who, for the purpose of meeting the needs of a disabled person—
 - (a) alters the position of any electricity meter which has been provided by him; or
 - (b) replaces such a meter with one which has been specially adapted,

shall not make any charge for the alteration or replacement; and Article 26 shall apply in relation to any dispute arising under this sub-paragraph as if it were a dispute arising under Articles 19 to 25.

2.—(1) Where a customer has not, within the requisite period, paid all charges due from him to an electricity supplier in respect of the supply of electricity to any premises or the provision of an electricity meter, the supplier may, after the expiration of not less than 2 working days notice of his intention—

- (a) cut off the supply to the premises or to any other premises occupied by the customer, by such means as he thinks fit; and
- (b) recover any expenses incurred in so doing from the customer.

(2) The power of a supplier under sub-paragraph (1) shall also be exercisable at any time which, in relation to a customer, is after the effective date for the purposes of Article 343 of the Insolvency (Northern Ireland) Order 1989(1) (supplies of gas, water, electricity etc. to insolvent companies).

(3) The power of a supplier conferred by sub-paragraph (1) shall not be exercisable as respects any amount which is genuinely in dispute; but there shall be disregarded for this purpose any dispute arising under Article 42 or regulations made under it.

(4) In this paragraph the “requisite period” means—

- (a) in the case of premises which are wholly or mainly used for domestic purposes, the period of 20 working days after the making by the supplier of a demand in writing for payment of the charges due; and
- (b) in any other case, the period of 15 working days after the making of such a demand.

Deemed Contracts

3.—(1) Where an electricity supplier supplies electricity to any premises otherwise than in pursuance of a contract, the supplier shall be deemed to have contracted with the occupier (or the owner if the premises are unoccupied) for the supply of electricity as from the time (“the relevant time”) when he began so to supply electricity.

(2) Where—

- (a) the owner or occupier of any premises takes a supply of electricity which has been conveyed to those premises by an electricity distributor;
- (b) that supply is not made by the holder of a licence under Article 10(1)(c) or pursuant to an exemption under Article 9; and
- (c) a supply of electricity so conveyed has been previously made by an electricity supplier,

the owner or occupier shall be deemed to have contracted with the appropriate supplier for the supply of electricity as from the time (“the relevant time”) when he began to take such a supply.

(1) S.I.1989/2405 (N.I. 19)

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(3) Nothing in sub-paragraph (2) shall be taken to afford a defence in any criminal proceedings.

(4) The Authority shall publish a document containing provision for determining the “appropriate supplier” for the purposes of sub-paragraph (2) and may revise any such document published by it and where it does so it shall publish the revised document.

(5) The express terms and conditions of a contract which, by virtue of sub-paragraph (1) or (2), is deemed to have been made shall be provided for by a scheme made under this paragraph.

(6) Each electricity supplier shall make (and may from time to time revise), a scheme for determining the terms and conditions which are to be incorporated in the contracts which, by virtue of sub-paragraph (1) or (2), are to be deemed to have been made.

(7) The terms and conditions so determined may include terms and conditions for enabling the electricity supplier to determine, in any case where the meter is not read immediately before the relevant time, the quantity of electricity which is to be treated as supplied by the supplier to the premises, or taken by the owner or occupier of the premises, during the period beginning with the relevant time and ending with—

- (a) the time when the meter is first read after the relevant time; or
- (b) the time when the supplier ceases to supply electricity to the premises, or the owner or occupier ceases to take a supply of electricity,

whichever is the earlier.

(8) As soon as practicable after an electricity supplier makes a scheme under this paragraph, or a revision of such a scheme, he shall—

- (a) publish, in such manner as he considers appropriate for bringing it to the attention of persons likely to be affected by it, a notice stating the effect of the scheme or revision;
- (b) send a copy of the scheme or revision to the Authority and to the General Consumer Council for Northern Ireland; and
- (c) if so requested by any other person, send such a copy to that person without charge to him.

(9) A scheme under this paragraph may make different provision for different cases or classes of cases, or for different areas, determined by, or in accordance with, the provisions of the scheme.

Supplies of Electricity Illegally Taken

4.—(1) Where any person takes a supply of electricity which is in the course of being conveyed by an electricity distributor, the distributor shall be entitled to recover from that person the value of the electricity so taken.

(2) Where—

- (a) any person at premises at which a connection has been restored in contravention of paragraph 5(1) takes a supply of electricity which has been conveyed to those premises by an electricity distributor; and
- (b) the supply is taken otherwise than in pursuance of a contract made with the holder of a licence under Article 10(1)(c) or a supplier operating in pursuance of an exemption under Article 9, or of a contract deemed to have been made with an electricity supplier by virtue of paragraph 3 or regulation 42 of the Electricity Regulations (Northern Ireland) 2007,

the distributor shall be entitled to recover from that person the value of the electricity so taken.

(3) Each electricity distributor shall make, and from time to time revise, a scheme providing for the manner in which, and the persons by whom, the quantity of electricity taken in such circumstances as are mentioned in sub-paragraph (1) or (2) is to be determined for the purposes of that sub-paragraph.

(4) Sub-paragraphs (8) and (9) of paragraph 3 shall apply in relation to a scheme under this paragraph as it applies in relation to a scheme under that paragraph.

(5) In this paragraph “value”, in relation to any electricity taken in such circumstances as are mentioned in sub-paragraph (1) or (2), means the amount which, if the electricity had been taken in such circumstances as are mentioned in sub-paragraph (2) of paragraph 3, could reasonably be expected to have been payable in respect of the electricity under a contract deemed to have been made by virtue of that sub-paragraph.

Restoration of Connection without Consent

5.—(1) Where, otherwise than in the exercise of a power conferred by regulations under Article 32, any premises have been disconnected by an electricity supplier or an electricity distributor, a person shall not, without the consent of the supplier or, as the case may be, the distributor restore the connection.

(2) If any person acts in contravention of sub-paragraph (1), he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale and the supplier or, as the case may be, the distributor may again disconnect the premises in question.

Damage to Electrical Plant, etc.

6.—(1) A person who intentionally or by culpable negligence damages or allows to be damaged—
(a) any electric line or electrical plant provided by an electricity distributor; or
(b) any electricity meter provided by an electricity supplier,
shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) Where an offence has been committed under sub-paragraph (1) by the occupier of any premises (or by the owner of the premises if they are unoccupied when the offence is committed) in relation to any electric line or electrical plant provided by an electricity distributor for making or maintaining a connection to the premises, the distributor may disconnect the premises.

(3) Where an offence has been committed under sub-paragraph (1) in relation to an electricity meter provided by an electricity supplier which is situated on any premises, by the occupier (or by the owner of the premises if they are unoccupied when the offence is committed), the supplier may disconnect the premises and may remove the meter.

(4) A meter removed under sub-paragraph (3) shall be kept safely by the supplier until the Authority authorises its destruction or disposal.

Entry During Continuance of Supply

7.—(1) Any person authorised by an electricity distributor may at all reasonable times enter any premises to which the distributor is maintaining a connection, for the purpose of inspecting any electric line or electrical plant provided by him.

(2) Any person authorised by an electricity supplier may at all reasonable times enter any premises to which electricity is being supplied by him for the purpose of—

- (a) ascertaining the register of any electricity meter and, in the case of a pre-payment meter, removing any money or tokens belonging to the supplier;
- (b) removing, inspecting or re-installing any electricity meter or installing any substitute meter.

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(3) A power of entry for the purpose of removing, inspecting or re-installing an electricity meter may not be exercised unless at least two working days' notice has been given to the occupier (or the owner of the premises if they are unoccupied).

Entry on Discontinuance of Supply

8.—(1) Where an electricity supplier or an electricity distributor is authorised by paragraph 6(2) or (3) or paragraph 12(3) of Schedule 7—

- (a) to disconnect any premises; or
- (b) to remove an electricity meter,

any person authorised by the supplier or distributor may at all reasonable times enter the premises for the purpose of disconnecting the premises or removing the meter.

(2) Where—

- (a) an electricity distributor is authorised by any provision of this Order (other than one mentioned in sub-paragraph (1)) or of regulations made under it to disconnect any premises;
- (b) a person occupying premises which are connected to a distribution system of an electricity distributor ceases to require a connection; or
- (c) a person entering into occupation of any premises connected to a distribution system of an electricity distributor does not require such a connection,

any person authorised by the distributor may at all reasonable times enter the premises for the purpose of disconnecting the premises or removing any electrical plant or electric line provided by the distributor.

(3) Where—

- (a) an electricity supplier is authorised by any provision of this Order (other than one mentioned in sub-paragraph (1)), or of regulations made under it, to disconnect any premises or to discontinue the supply to any premises;
- (b) a person occupying premises which are supplied with electricity by an electricity supplier ceases to require such a supply; or
- (c) a person entering into occupation of any premises previously supplied with electricity by an electricity supplier does not require such a supply,

any person authorised by the supplier may at all reasonable times enter the premises for the purpose of disconnecting the premises or removing any electricity meter provided by the supplier.

(4) A power of entry under sub-paragraph (2) or (3) may not be exercised unless at least two working days' notice has been given to the occupier (or to the owner of the premises if they are unoccupied).

Entry For Replacing, Repairing or Altering Lines or Plant

9.—(1) Any person authorised by an electricity distributor may after five working days' notice to the occupier of any premises, or to the owner of any premises which are unoccupied, at all reasonable times enter any premises for the purpose of—

- (a) placing a new electric line or any new electrical plant in the place of or in addition to any existing line or plant which has already been lawfully placed; or
- (b) repairing or altering any such existing line or plant.

(2) In the case of emergency arising from faults in an electric line or any electrical plant entry may be made under sub-paragraph (1) above without the notice required by that sub-paragraph, but notice shall then be given as soon as possible after the occurrence of the emergency.

Exercise of Powers of Entry

10.—(1) A power of entry conferred by this Schedule shall not be exercisable except—

- (a) with consent given by or on behalf of the occupier of the premises; or
- (b) under the authority of a warrant granted under paragraph 11;

so, however, that this sub-paragraph shall not apply where entry is sought in the case of emergency.

(2) Any person exercising powers of entry conferred by this Schedule may be accompanied by such persons as may be necessary or expedient for the purpose for which the entry is made, or for the purposes of paragraph 12(1).

Warrant to Authorise Entry

11.—(1) Where a justice of the peace is satisfied by complaint on oath—

- (a) that admission to premises is reasonably required for the purpose specified in the complaint; and
- (b) that a person authorised by an electricity supplier or an electricity distributor would, apart from paragraph 10, be entitled for that purpose to exercise in respect of the premises a power of entry conferred by this Schedule; and
- (c) that—
 - (i) in the case of a right of entry under paragraph 8 an application for admission, or the serving of a notice under paragraph 8(2) or (3), would defeat the object of the entry; or
 - (ii) the premises are unoccupied,

he may issue a warrant under his hand authorising any authorised person to enter the premises.

(2) A warrant granted under this paragraph shall continue in force until—

- (a) the time when the purpose for which the entry is required is satisfied; or
- (b) the end of the period of 28 days from the day on which the warrant is granted,

whichever is the earlier.

Premises to be left secure and damage to be made good

12.—(1) Where, under any powers conferred by this Schedule, entry is made on any premises by any person authorised by an electricity supplier or an electricity distributor—

- (a) he shall ensure that the premises are left no less secure by reason of the entry; and
- (b) the supplier or, as the case may be, the distributor shall make good or pay compensation for any damage to property caused by that person, or by any person accompanying him in entering the premises, in taking any action in the premises authorised by this Schedule or in making the premises secure.

(2) Any question of disputed compensation under this paragraph shall be referred to and determined by the Lands Tribunal.

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Penalty for obstruction

13. Any person who intentionally obstructs a person authorised by an electricity supplier or electricity distributor in exercising a power of entry conferred by this Schedule shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Exemption of electrical plant, etc., for certain processes

14. Any electrical plant, electric line or electricity meter owned by or let for hire or lent to a customer by an electricity supplier or an electricity distributor and marked or impressed with a sufficient mark or brand indicating the supplier or distributor as the owner thereof—

- (a) shall continue to be the property of the supplier or, as the case may be, distributor, notwithstanding that they may be fixed or fastened to any part of the premises in which they may be situated; and
- (b) shall be exempt from seizure under the Judgments Enforcement (Northern Ireland) Order 1981(2); and
- (c) shall not be taken in execution under proceedings in bankruptcy against the person in whose possession they may be.”.

SCHEDULE 2

Regulation 11

Amendments to the 1992 Order

1. In Article 3, in the definition of “high voltage line” after “nominal voltage” there shall be inserted “of or”.
2. In Article 11(3A) after “transmission” there shall be inserted “, distribution”.
3. In Article 11A, in paragraphs (6) to (8) there shall be deleted “or a licence under Article 10(2)” in each place where the words occur.
4. In Article 18(2)(b) after “transmission” there shall be inserted “, distribution”.
5. In Article 32—
 - (a) in paragraph (1)(b) after “transmission” there shall be inserted “, distribution”;
 - (b) in paragraph (2)(a) for “supply” there shall be substituted “distribution”;
 - (c) in paragraph (2)(b) for “supplies or transmission” there shall be substituted “in the distribution or transmission”;
 - (d) in paragraph (2)(c) there shall be substituted:

“make provision as to the keeping, by electricity distributors or persons authorised by a licence or exemption to participate in the transmission of electricity, of maps, plans and sections as to their productions (on payment if so required of a reasonable fee) for inspection or copying;” and
 - (e) for paragraph (2)(d) there shall be substituted:

“(d) make provision for relieving electricity distributors from any duty under Article 19 or for authorising them to disconnect any premises or distribution system in such cases as may be prescribed;”.

(2) S.I. 1981/226 (N.I. 6)

6. In Article 33—
 - (a) in paragraph (2)(b) after transmission there shall be inserted “, distribution”;
 - (b) in paragraph (2)(c) for supply there shall be substituted “conveyance”; and
 - (c) for paragraph (3)(c) there shall be substituted:
 - “(c) make provision for relieving electricity distributors from any duty under Article 19 or for authorising them to disconnect any premises or distribution system in such cases as may be prescribed;”.
7. In Article 36, for paragraph (a) there shall be substituted:
 - “(a) for the imposition on such licence holders, and on other persons authorised by a licence under Article 10(1)(c), of a levy;”.
8. In Article 44—
 - (a) in paragraphs (1) and (2) for “public electricity suppliers” in both places where the words occur there shall be substituted “electricity suppliers”;
 - (b) in paragraph (3) for “public electricity supplier” there shall be substituted “electricity supplier”; and
 - (c) in paragraph (3) for “the Director” there shall be substituted “the Authority”.
9. In Article 45—
 - (a) in paragraphs (1), (4) and (5) for “the Director” in each place where the words occur there shall be substituted “the Authority”;
 - (b) in paragraph (1) for “public electricity suppliers” there shall be substituted “electricity suppliers and electricity distributors”;
 - (c) in paragraph (2) for “public electricity supplier” there shall be substituted “electricity supplier”;
 - (d) after paragraph (2) there shall be inserted:
 - “(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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- (e) in paragraph (3) for “A public electricity supplier” there shall be substituted “An electricity supplier” and after “paragraph (2)” there shall be inserted “and any electricity distributor who without reasonable excuse fails to do anything required of him by paragraph (2A) or (2C)”; and
 - (f) in paragraph (4) for “public electricity suppliers” there shall be substituted “electricity suppliers or electricity distributors”.
10. In Article 45A(1)—
- (a) for “public electricity supplier” there shall be substituted “electricity supplier and each electricity distributor”;
 - (b) for “his customers” there shall be substituted “customers of electricity suppliers”;
 - (c) after “Article 43” there shall be inserted “or, as the case may be Article 43A”;
 - (d) after “that supplier” there shall be inserted “or distributor”; and
 - (e) after “that supplier's” there shall be inserted “or that distributor's”.
11. In Article 45B—
- (a) in paragraphs (1) and (4) in both places where the words occur for “public electricity supplier” there shall be substituted “electricity supplier”; and
 - (b) in paragraphs (2) to (6) for “the Director” in each place where the words occur there shall be substituted “the Authority”.
12. In Article 47A—
- (a) in paragraphs (1), (3), (4), (6), (7) and (9) for “the Director” in each place where the words occur there shall be substituted “the Authority”;
 - (b) in paragraphs (2) and (8) the word “tariff” in each place where it occurs shall be omitted;
 - (c) in paragraph (2) for “a public electricity supplier” there shall be substituted “an electricity supplier”; and
 - (d) in paragraph (8) for “public electricity supplier” there shall be substituted “electricity supplier”.
13. In Article 50(1) after “transmission” there shall be inserted “, distribution”.
14. In Article 63(2) for sub-paragraph (a) there shall be substituted—
- “(a) an employee of, or other person acting on behalf of, an electricity supplier or electricity distributor;”.
- 15.—(1) In paragraph 2 of Schedule 7—
- (a) in paragraph (2A) for “A public electricity supplier” there shall be substituted “An electricity supplier”;
 - (b) in paragraphs (7) and (9) for “a public electricity supplier” in each place where the words occur there shall be substituted “an electricity supplier”.
- (2) In Schedule 7—
- (a) in paragraphs 6(3)(a) and 7(1) for “a public electricity supplier” there shall be substituted “an electricity supplier”; and
 - (b) paragraph 7(5) is repealed.

SCHEDULE 3

Regulation 61

Amendments to Energy Order

1. In Article 12(2) for the “; and” at the end of sub-paragraph (b) there shall be substituted a full stop and sub-paragraph (c) shall be repealed.
2. In Article 20(1)(a) there shall be omitted “or (2)”.
3. In Article 41—
 - (a) in paragraph (1) at the end of sub-paragraph (a) there shall be added “and”, at the end of sub-paragraph (b) for “; and” there shall be substituted a full stop and sub-paragraph (c) shall be repealed.
 - (b) in paragraph (2) after “26,” there shall be inserted “43A”.
4. In Article 52(3) there shall be omitted “or (2)”.
5. In paragraph 1(1) of Schedule 3 there shall be omitted the words from “in the definition” to “and” where it first occurs.
6. In Schedule 5 in the entry relating to Article 3 of the 1992 Order there shall be omitted the words from “and in the definition of” to the end.