



# Electricity Act 1989

## 1989 CHAPTER 29

### PART I

#### ELECTRICITY SUPPLY

##### *Consumer protection: standards of performance*

#### **39 Electricity supply: performance in individual cases.**

- (1) The Director may—
  - (b) after consultation with public electricity suppliers and with persons or bodies appearing to the Director to be representative of persons likely to be affected, make regulations prescribing such standards of performance in connection with the provision by such suppliers of electricity supply services to tariff customers as, in his opinion, ought to be achieved in individual cases.
- (2) Regulations under this section may—
  - (a) prescribe circumstances in which public electricity suppliers are to inform persons of their rights under this section;
  - (b) prescribe such standards of performance in relation to any duty arising under paragraph (a) above as, in the Director's opinion, ought to be achieved in all cases; and
  - (c) prescribe circumstances in which public electricity suppliers are to be exempted from any requirements of the regulations or this section,and may make different provision for different public electricity suppliers.
- (3) If a public electricity supplier 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.
- (4) The making of compensation under this section in respect of any failure by a public electricity supplier 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.

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*Status: This is the original version (as it was originally enacted).*

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- (5) Any dispute arising under this section or regulations made under it—
- (a) may be referred to the Director by either party; and
  - (b) on such a reference, shall be determined by order made either by the Director or, if he thinks fit, by the consumers' committee to which the supplier is allocated or any sub-committee of that committee;
- and the practice and procedure to be followed in connection with any such determination shall be such as may be prescribed.
- (6) An order under subsection (5) above shall be final and shall be enforceable—
- (a) in England and Wales, as if it were a judgment of the county court;
  - (b) in Scotland, as if it were an extract registered decree arbitral bearing a warrant for execution issued by the sheriff.
- (7) In this section “prescribed” means prescribed by regulation under this section.

#### **40 Electricity supply; overall performance**

- (1) The Director may, after consultation with public electricity suppliers and with persons or bodies appearing to him to be representative of persons likely to be affected, from time to time—
- (a) determine such standards of overall performance in connection with the provision of electricity supply services 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 section for different public electricity suppliers.

#### **41 Promotion of efficient use of electricity**

- (1) The Director may, after consultation with public electricity suppliers and with persons or bodies appearing to him to be representative of persons likely to be affected, from time to time—
- (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 section for different public electricity suppliers.

#### **42 Information with respect to levels of performance**

- (1) The Director shall from time to time collect information with respect to—
- (a) the compensation made by public electricity suppliers under section 39 above;
  - (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 public electricity supplier shall furnish to the Director the following information, namely—
  - (a) as respects each standard prescribed by regulations under section 39 above, 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 section 40 or 41 above, such information with respect to the level of performance achieved by the supplier as may be so specified.
- (3) A public electricity supplier who without reasonable excuse fails to do anything required of him by subsection (2) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) The Director 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 section as it may appear to him expedient to give to customers or potential customers of public electricity suppliers.
- (5) In arranging for the publication of any such information the Director 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 the Director, 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 the Director, seriously and prejudicially affect the interests of that body.