



# Infrastructure Act 2015

## 2015 CHAPTER 7

### PART 6

#### ENERGY

##### *Reimbursement of persons who have met expenses*

#### **52 Reimbursement of persons who have met expenses of making electrical connections**

- (1) The Electricity Act 1989 is amended in accordance with this section.
- (2) In section 19 (power to recover expenditure)—
  - (a) omit subsections (2) and (3);
  - (b) after subsection (3) insert—

“(3A) Schedule 5B (reimbursement of persons who have met expenses) has effect.”;
  - (c) in subsection (4), after “this section” insert “ and Schedule 5B ”.
- (3) After Schedule 5A insert—

#### “SCHEDULE 5B

#### REIMBURSEMENT OF PERSONS WHO HAVE MET EXPENSES

##### *Power to make regulations*

- 1 (1) The Secretary of State may, by regulations, make provision entitling the relevant electricity distributor to exercise the reimbursement powers in cases where conditions A, B, C and D are met.
- (2) Condition A is met if any electric line or electrical plant is provided for the purpose of making a connection (the “first connection”)—

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- (a) between premises and a distribution system, or
  - (b) between two distribution systems.
- (3) Condition B is met if a payment in respect of first connection expenses is made by one or more of the following persons—
- (a) a person requiring the first connection in pursuance of section 16(1);
  - (b) a person who otherwise causes the first connection to be made (including by means of contractual arrangements).
- (4) Condition C is met if any electric line or electric plant provided for the purpose of making the first connection is used for the purpose of making another connection (the “second connection”)—
- (a) between premises and a distribution system, or
  - (b) between two distribution systems.
- (5) Condition D is met if the second connection is made within the prescribed period after the first connection was made.
- (6) “First connection expenses” are any expenses reasonably incurred by a person in providing any electric line or electric plant for the purpose of making the first connection.
- (7) It does not matter whether the first connection, or the second connection, is made by an electricity distributor or a person of another description.

#### *The reimbursement powers*

- 2 (1) The “reimbursement powers” are—
- (a) the power to demand a reimbursement payment from—
    - (i) a person requiring the second connection in pursuance of section 16(1), or
    - (ii) a person who otherwise causes the second connection to be made (including by means of contractual arrangements); and
  - (b) the power to apply the reimbursement payment in making such payments as may be appropriate towards reimbursing any persons for any payments they were previously required to make in respect of first connection expenses (whether that requirement arose by virtue of paragraph (a) or otherwise).
- (2) A “reimbursement payment” is a payment, of such amount as may be reasonable in all the circumstances, in respect of first connection expenses.

#### *Other provision about regulations under this Schedule*

- 3 (1) The Secretary of State must consult the Authority before making regulations under this Schedule.
- (2) Regulations under this Schedule may make provision requiring relevant electricity distributors to exercise a reimbursement power (whether in all cases or in cases provided for in the regulations).
- (3) Regulations under this Schedule may make provision for the relevant electricity distributor to establish or estimate the amount of first connection

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expenses — or an amount of any aspect of those expenses — in cases where that distributor is not the person who made the first connection.

- (4) Regulations under sub-paragraph (3) may not require any person to supply the relevant electricity distributor with information about any expenses incurred.
- (5) Regulations under sub-paragraph (3) may provide for an estimate of an amount of first connection expenses to be calculated by a relevant electricity distributor by reference only to a combination of—
  - (a) expenses which that distributor would incur if that distributor were making the connection at the time of the estimate, and
  - (b) changes in prices since the time when the connection was actually made.

#### *Interpretation*

- 4 (1) In this Schedule—
  - “first connection” has the meaning given in paragraph 1;
  - “first connection expenses” has the meaning given in paragraph 1;
  - “reimbursement payment” has the meaning given in paragraph 2;
  - “reimbursement powers” has the meaning given in paragraph 2;
  - “relevant electricity distributor”, in relation to the exercise of a reimbursement power, means—
    - (a) in a case where the first connection was made between premises and a distribution system, the electricity distributor that (at the time of the exercise of the power) operates that distribution system;
    - (b) in a case where the first connection was made between two distribution systems, the electricity distributor that (at the time of the exercise of the power) operates the distribution system into which the first connection has been, or is expected to be, incorporated.
- (2) A reference in this Schedule to a payment in respect of first connection expenses includes a reference to such a payment made in pursuance of section 19(1).”
- (4) In section 16 (duty to connect on request), in subsection (4), after “23” insert “ and Schedule 5B ”.
- (5) In section 16A (procedure for requiring a connection), in subsection (5)(b)—
  - (a) omit “or regulations under section 19(2)”;
  - (b) after “19(2)” insert “ or regulations under Schedule 5B ”.
- (6) In section 23 (determination of disputes)—
  - (a) after subsection (1) insert—

“(1ZA) This section also applies to any dispute arising under regulations under Schedule 5B between—

    - (a) an electricity distributor, and
    - (b) a person in respect of whom the electricity distributor exercises the reimbursement powers conferred by the regulations.”;

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(b) after subsection (1C) insert—

“(1D) No dispute arising under regulations under Schedule 5B may be referred to the Authority after the end of the period of 12 months beginning with the time when the second connection (within the meaning of Schedule 5B) is made.”;

(c) after subsection (2) insert—

“(2A) Where a dispute arising under regulations under Schedule 5B falls to be determined under this section, the Authority may give directions as to the circumstances in which, and the terms on which, an electricity distributor is to make or (as the case may be) to maintain the second connection (within the meaning of Schedule 5B) pending the determination of the dispute.”;

(d) in subsection (4), after “(2)” insert “, (2A)”.

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**Commencement Information**

**II** S. 52 in force at 6.4.2017 by S.I. 2017/108, reg. 2 (with reg. 3)

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