
STATUTORY INSTRUMENTS

2001 No. 3265

The Electricity (Standards of Performance) Regulations 2001

Citation, commencement and transitional provisions

1.—(1) These Regulations may be cited as the Electricity (Standards of Performance) Regulations 2001 and shall come into force on 1st October 2001.

(2) Where, in relation to any occasion upon which a regulation would otherwise apply, the applicable date falls before the date on which these Regulations come into force the Electricity (Standards of Performance) Regulations 1993⁽¹⁾ shall continue to apply to the exclusion of these Regulations.

Revocation

2. Subject to regulations 1 and 16, the Electricity (Standards of Performance) Regulations 1993 are revoked.

Interpretation

3.—(1) In these Regulations, unless the context otherwise requires—

“the Act” means the Electricity Act 1989;

“applicable date” means, in relation to each occasion upon which a regulation applies, the day upon which that regulation first applies, or, where a prescribed period in a paragraph of a regulation is expressed in hours, the time on that day when that regulation first applies;

“appropriate meter” has the meaning given in paragraph 1 of Schedule 7 to the Act;

“the Authority” means the Gas and Electricity Markets Authority;

“Consumer Council” means the Gas and Electricity Consumer Council;

“customer” means an owner or occupier of premises in Great Britain who is supplied or requiring to be supplied with electricity, and includes an electricity supplier where he is acting on behalf of such a person;

“distribution services area” means, in relation to a relevant distributor, the area specified or described pursuant to standard condition 2 of the standard conditions of electricity distribution licences as incorporated in that distributor’s licence;

“domestic customer” means a customer supplied or requiring to be supplied with electricity at domestic premises (but excluding such customer in so far as he is supplied or requires to be supplied at premises other than domestic premises);

“domestic premises” means premises at which a supply is taken or to be taken wholly or mainly for domestic purposes;

“low voltage” means a nominal voltage not exceeding 1,000 volts;

“margins of error” means the prescribed margins of error or the agreed margins of error as defined in paragraph 13 of Schedule 7 to the Act;

(1) [S.I. 1993/1193](#).

“non-domestic customer” means any customer other than a domestic customer;

“pay” includes crediting the account of the customer for charges incurred or to be incurred in respect of the supply or in respect of the provision of any electricity meter, electric line or electrical plant, and “payment” shall be construed accordingly;

“prescribed period” means, in a paragraph or sub-paragraph of a regulation, the period in column 2 of Part I of the Schedule opposite the reference to that paragraph or sub-paragraph of the regulation in column 1 of Part I of the Schedule;

“prescribed sum” means, in a paragraph or sub-paragraph of a regulation, where the customer is a domestic customer the amount in column 3 of Part I of the Schedule, or where the customer is a non-domestic customer the amount in column 4 of Part I of the Schedule in either case opposite the reference to that paragraph or sub-paragraph of the regulation in column 1 of Part I of the Schedule;

“relevant distributor” means an electricity distributor in whose licence Section C of the standard conditions of distribution licences is in effect but only to the extent that the distributor is undertaking activities within its distribution services area;

“relevant distributor’s fuse” means the fusible cut-out or automatic switching device of the relevant distributor for disconnecting the supply to the customer’s premises situated nearest to the relevant distributor’s side of the appropriate meter for the customer’s premises;

“relevant operator” means the relevant supplier or, as the case may be, the relevant distributor, according to the circumstances of the relevant customer’s case;

“relevant supplier” means an electricity supplier in whose licence Section D of the standard conditions of supply licences is in effect but only to the extent that the supplier is undertaking activities within its supply services area;

“specified time” means—

- (a) unless sub-paragraph (b) applies, a part (specified by the relevant operator) of a day (also specified by the relevant operator) within the prescribed period from the applicable date, being either a part which falls either wholly before one o'clock in the afternoon or wholly after noon, or a part not exceeding two hours, or
- (b) such part of a day (whether or not within that period) as is requested by the customer and agreed with the relevant operator, such agreement not to be unreasonably withheld,

Provided—

- (i) that a part of a day may be a specified time for the purpose of a regulation notwithstanding that it was requested, agreed or specified prior to the time at which that regulation first applied; and
- (ii) that the relevant operator shall not be obliged to agree part of a day less than two hours;

“standard conditions of electricity distribution licences” means such conditions as may be determined by the Secretary of State for electricity distribution licences pursuant to section 33(1) of the Utilities Act 2000(2) including any amendment or modification made to those standard conditions in accordance with the Utilities Act 2000 or the Act and a reference in a provision relating to relevant distributors to a numbered standard condition is a reference to the standard condition bearing that number in the standard conditions of electricity distribution licences;

“standard conditions of electricity supply licences” means such conditions as may be determined by the Secretary of State for electricity supply licences pursuant to section 33(1) of the Utilities Act 2000 including any amendment or modification made to those standard conditions in accordance with the Utilities Act 2000 or the Act and a reference in a provision

relating to relevant suppliers to a numbered standard condition is a reference to the standard condition bearing that number in the standard conditions of electricity supply licences;

“supply services area” means, in relation to a relevant supplier, the area specified or described pursuant to standard condition 3 of the standard conditions of the electricity supply licences as incorporated in that supplier’s licence; and

“working hours” means the period between the hours specified in Part II of the Schedule.

(2) In these Regulations “the Schedule” means the Schedule to these Regulations.

(3) Unless the context otherwise requires, any reference in these Regulations to a numbered regulation is a reference to the regulation in these Regulations bearing that number, and any reference in a regulation to a numbered paragraph or sub-paragraph is a reference to the paragraph or sub-paragraph of the regulation bearing that number.

(4) For the purpose of these Regulations—

(a) where more than one person is a customer in respect of particular premises, a notice given by a relevant operator to one person who is a customer in respect of those premises shall be a sufficient notice to any other person who is a customer in respect of those premises at the time the notice is given;

(b) where a person is a customer in respect of more than one premises, a reference in a regulation to “customer” is a reference to that person in respect of each of the premises of which he is a customer to which the regulation applies;

(c) any reference to the dispatch by a relevant operator of an explanation or reply within a particular period shall not require that the explanation or reply (if in writing) is received by the customer within that period and shall be satisfied if the relevant operator provides the explanation or reply orally to the customer within that period;

(d) any reference to a customer shall (except in relation to the entitlement to any payment due from a relevant operator under these Regulations) include any person having apparent authority to represent the customer; and

(e) any reference to a customer shall not include any person who is supplied otherwise than through an appropriate meter (as prescribed in regulations made under paragraph 1A of Schedule 7 to the Act).

Relevant distributor’s individual standards of performance

Relevant distributor’s fuse

4.—(1) This regulation applies where a relevant distributor is informed (other than by post) by a customer that, or of circumstances suggesting that, the relevant distributor’s fuse has operated so as to disconnect the supply to the customer’s premises.

(2) For the purposes of paragraph (1), where information is received by a relevant distributor outside working hours it shall be deemed to have been received at the commencement of the next following working hours.

(3) Where, within the prescribed period from the applicable date, an appropriate person fails to attend at the premises where the relevant distributor’s fuse is situated for the purpose of replacing or reinstating the relevant distributor’s fuse and restoring the supply, the relevant distributor shall, except in any of the circumstances described in paragraph (4), pay to the customer the prescribed sum.

(4) The circumstances described in this paragraph are—

(a) each of the circumstances described in regulation 17;

- (b) that the customer requested the relevant distributor not to restore the supply; and
- (c) that the relevant distributor's fuse had not operated so as to disconnect the supply.

(5) In this regulation "appropriate person" means a person employed or authorised by a relevant distributor to restore the supply where the relevant distributor's fuse has operated.

Supply restoration

5.—(1) This regulation applies where the supply to a customer's premises is discontinued as a result of a failure of, fault in or damage to the relevant distributor's distribution system, except where regulation 4 applies.

(2) Where this regulation applies, the relevant distributor shall, except in any of the circumstances described in paragraph (3), pay the prescribed sum to the customer, where—

- (a) the supply is not restored to the customer's premises within the relevant period; and
- (b) in respect of each succeeding period of 12 hours upon the expiry of which the supply is not restored.

(3) The circumstances described in this paragraph are—

- (a) each of the circumstances described in regulation 17;
- (b) that it was not reasonable in all the circumstances for the relevant distributor to be aware that the supply had not been restored;
- (c) that—
 - (i) the premises to which the supply was discontinued are situated on an island;
 - (ii) the supply to premises on that island is normally provided through an electric line situated on or under the sea bed;
 - (iii) the failure, fault or damage occurred in that part of the electric line which is situated below the high water mark of spring tides; and
 - (iv) no alternative means is normally available to the relevant distributor to supply the premises on that island; and
- (d) that the relevant distributor has not received a claim for compensation from the customer in respect of the circumstance referred to in paragraph (1) within a period of one month from the date upon which the supply was restored to the customer's premises.

(4) In this regulation—

"relevant period" means the prescribed period commencing at the time—

- (i) the relevant distributor is informed by a customer that the supply to the customer's premises has been discontinued;
- (ii) the relevant distributor is informed by a person other than the customer or is otherwise made aware by the operation of any automatic system operated by the relevant distributor of circumstances in which paragraph (1) applies or may reasonably be expected to apply to premises including the customer's premises; or
- (iii) where the failure, fault or damage has occurred in an underground electric line of a nominal voltage of 20 kilovolts, 12 hours after the time at which paragraph (i) or (ii) applies.

Estimate of charges for connection

6.—(1) This regulation applies where—

- (a) a customer gives a notice under sub-section 16A(1) of the Act⁽³⁾ (including a notice modifying any previous notice) and requests that the relevant distributor provides an estimate;
- (b) the supply is to be provided at low voltage; and
- (c) the relevant distributor receives from the customer the information relating to the provision of the connection which is or could reasonably be expected to be within the knowledge of the customer and is reasonably required by the relevant distributor to enable him to provide the estimate.

(2) Where this regulation applies and paragraph (4) applies and the relevant distributor fails to dispatch an estimate to the customer within the prescribed period from the applicable date, the relevant distributor shall, except in any of the circumstances described in regulation 17, pay to the customer the prescribed sum.

(3) Where this regulation applies, but paragraph (4) does not apply and the relevant distributor fails to dispatch an estimate to the customer within the prescribed period from the applicable date, the relevant distributor shall, except in any of the circumstances described in paragraph (5), pay to the customer the prescribed sum.

(4) This paragraph applies where it is reasonable for the relevant distributor to believe that it will not be necessary to carry out any significant work other than the provision of a service line and a relevant distributor's fuse to enable the connection to be given.

(5) The circumstances described in this paragraph are—

- (a) each of the circumstances described in regulation 17; and
- (b) that the relevant distributor reasonably believes that the premises referred to in the notice form or will form part of a development scheme comprising five or more premises.

(6) In providing an estimate referred to in sub-paragraph (1), the relevant distributor—

- (a) may reserve the right to vary the amount stated in the estimate having regard to the actual costs incurred by him in carrying out the work, but if he does so, the estimate shall include a reference to any matters which the relevant distributor considers may cause the amount to be varied significantly; and
- (b) shall state the terms for payment of the amount in the estimate and any variation of that amount.

(7) In this regulation—

- (i) “estimate” means a statement in writing of the amount which the relevant distributor reasonably expects he will require the customer to pay under sub-section 19(1) of the Act⁽⁴⁾ or under regulations made under sub-section (2) of that section having regard to the information which is known or ought reasonably be known by the relevant distributor in relation to the carrying out of that work; and
- (ii) “service line” means a low voltage electric line or any part of the line which will, at the time it is provided, only be used for supplying a single customer, excluding any part of the line which, at the time it is provided, is intended by the relevant distributor to be used to enable him to provide a connection to premises (other than the customer's premises) in respect of which the relevant distributor has received or would reasonably expect within the following 12 months to receive a notice under section 16A.

⁽³⁾ Section 16A was inserted by section 44 of the Utilities Act 2000.

⁽⁴⁾ Section 19 was amended by section 46 of the Utilities Act 2000.

Notice of supply interruption

7.—(1) This regulation applies where a relevant distributor discontinues the supply to a customer's premises for an authorised purpose.

(2) Where this regulation applies and the relevant distributor—

- (a) has failed to give to the customer prior notice of not less than the prescribed period, stating the day upon which the supply is or is expected to be discontinued; or
- (b) discontinues the supply on a day other than a day stated in the notice,

the relevant distributor shall, except in any of the circumstances described in paragraph (3), pay to the customer the prescribed sum.

(3) The circumstances described in this paragraph are—

- (a) each of the circumstances described in paragraphs (3), (6) and (7) of regulation 17; and
- (b) that the relevant distributor has not received a claim for compensation from the customer in respect of the failure referred to in paragraph (2) within a period of one month from the applicable date.

(4) In this regulation “authorised purpose” means testing or any other purpose connected with the carrying on of the activities which he is authorised by his licence to carry on in relation to his electric lines and electrical plant (other than the relevant distributor's fuse).

Voltage complaint

8.—(1) This regulation applies where a relevant distributor is notified by a customer that—

- (a) the customer believes that the supply to the premises is being or has been given at a voltage outside the limits of the permitted variations; or
- (b) an event has occurred in relation to the supply and a relevant distributor might reasonably expect the cause of the event to have been a supply given at a voltage outside the limits of the permitted variations.

(2) Where this regulation and paragraph (3) apply, and the relevant distributor fails within the prescribed period from the applicable date to offer to the customer to visit the customer's premises to investigate the matter during a specified time the electricity distributor shall, except in any of the circumstances described in paragraph (5), pay to the customer the prescribed sum.

(3) This paragraph applies where the relevant distributor is reasonably satisfied that he is unable to provide an explanation of the probable reason for the matter notified under paragraph (1) without visiting the customer's premises.

(4) Where this regulation applies and the relevant distributor—

- (a) where paragraph (3) applies, fails to visit the customer's premises during the specified time, he shall pay to the customer the prescribed sum; or
- (b) where paragraph (3) does not apply, fails to dispatch to the customer an explanation of the probable reason for the matter notified under paragraph (1) within the prescribed period from the receipt of the notification, he shall pay to the customer the prescribed sum,

except in either case in any of the circumstances described in paragraph (5).

(5) The circumstances described in this paragraph are each of the circumstances described in regulation 17 provided that, in relation to paragraph (6) of that regulation, the relevant distributor gave the customer not less than one working day's prior warning (whether or not in writing) that he would be unable to visit during the specified time or the circumstances in which that paragraph applied occurred at a time when it was not reasonably practicable to give such a warning.

(6) In this regulation, “permitted variations” has the same meaning as in regulations made under section 29 of the Act⁽⁵⁾.

Relevant supplier’s individual standards of performance

Providing a meter

- 9.—(1) This regulation applies where—
- (a) a customer makes a request to a relevant supplier for the installation of an appropriate meter at the premises;
 - (b) it is necessary for the relevant supplier to visit the customer’s premises to install an appropriate meter;
 - (c) the relevant supplier is not required to install any electric line other than a line to connect the meter where the distance between the connection points of the meter and the electrical plant containing the relevant distributor’s fuse does not or will not exceed one metre;
 - (d) the relevant supplier has received all the information in relation to the supply requested which the relevant supplier might reasonably require; and
 - (e) the customer has communicated orally with the relevant supplier in connection with the ascertainment of the specified time.
- (2) Where this regulation applies and the relevant supplier, in respect of a request by—
- (a) a domestic customer, fails within the prescribed period from the applicable date to make an appointment to visit during a specified time, the relevant supplier shall, except in any of the circumstances described in paragraph (4), pay to the customer the prescribed sum;
 - (b) a non-domestic customer to whose premises the supply will be given through, and the quantity of electricity ascertained by, a whole current meter, fails within the prescribed period from the applicable date to make an appointment to visit during a specified time, the relevant supplier shall, except in any of the circumstances described in paragraph (4), pay to the customer the prescribed sum; or
 - (c) any other non-domestic customer, fails to make an appointment to visit during a part of a day (being a part which falls either wholly before one o'clock in the afternoon or wholly after noon, or a part not exceeding two hours) as requested by the customer, the relevant supplier shall, except in any of the circumstances described in paragraph (4), pay to the customer the prescribed sum.
- (3) If the relevant supplier fails to visit during the specified time or, where sub-paragraph (2)(c) applies, during the part of the day as requested in accordance with that sub-paragraph, he shall, except in any of the circumstances described in paragraph (4), pay to the customer the prescribed sum.
- (4) The circumstances described in this paragraph are—
- (a) each of the circumstances described in regulation 17 provided that, in relation to paragraph (6) of that regulation, the relevant supplier gave the customer not less than one working day’s prior warning (whether or not in writing) that he would be unable to make the visit or the circumstances referred to in that paragraph occurred at a time when it was not reasonably practicable to give such a warning;
 - (b) in relation to sub-paragraph (2)(c), that the customer requested the visit during a part of the day of less than two hours or that it was otherwise reasonable that the relevant supplier was unable to agree to make the visit as requested by the customer, and

(5) Section 29 was amended by paragraph 30 of Schedule 6 to the Utilities Act 2000.

- (c) that the relevant supplier reasonably believed that the maximum period for which the meter was required by the customer would not exceed three months.

Meter disputes

10.—(1) This regulation applies where a relevant supplier is notified by a customer—

- (a) that the customer considers that an appropriate meter is or may have been operating outside the margins of error; or
- (b) that circumstances exist which a relevant supplier might reasonably expect to have been caused by the meter operating outside the margins of error.

(2) Where this regulation and paragraph (3) apply, and the relevant supplier fails within the prescribed period from the applicable date to offer to visit the customer’s premises to investigate the matter during a specified time the relevant supplier shall, except in any of the circumstances described in paragraph (5), pay to the customer the prescribed sum.

(3) This paragraph applies where the relevant supplier is reasonably satisfied that he is unable to provide an explanation to the customer of the probable reason for the matters notified under paragraph (1) without visiting the customer’s premises.

(4) Where this regulation applies and the relevant supplier—

- (a) where paragraph (3) applies, fails to visit the customer’s premises during the specified time he shall pay to the customer the prescribed sum; or
- (b) where paragraph (3) does not apply, fails to dispatch to the customer an explanation of the probable reason for the matter notified under paragraph (1) within the prescribed period from the receipt of the notification he shall pay to the customer the prescribed sum;

except in either case in any of the circumstances described in paragraph (5).

(5) The circumstances described in this paragraph are each of the circumstances described in regulation 17 provided that, in relation to paragraph (6) of that regulation, the relevant supplier gave the customer not less than one working day’s prior warning (whether or not in writing) that he would be unable to visit during the specified time or the circumstances referred to in that paragraph occurred at a time when it was not reasonably practicable to give such a warning.

Pre-payment meters

11.—(1) This regulation applies where a relevant supplier is informed (other than by post) by a customer who takes his supply through a pre-payment meter either that the pre-payment meter is not operating so as to permit a supply to the customer’s premises in the manner for which it was designed, or of circumstances suggesting that the pre-payment meter is not so operating.

(2) For the purposes of paragraph (1), where information is received by a relevant supplier outside working hours it shall be deemed to have been received at the commencement of the next following period of working hours.

(3) Where, within the prescribed period from the applicable date, an appropriate person fails to attend at the premises where the pre-payment meter is installed in order to repair or replace the pre-payment meter so as to permit a supply in the manner for which it was designed the relevant supplier shall, except in any of the circumstances described in paragraph (4), pay to the customer the prescribed sum.

(4) The circumstances described in this paragraph are—

- (a) each of the circumstances described in regulation 17;
- (b) that the customer requested the relevant supplier not to attend the premises;
- (c) that the customer requested the relevant supplier not to restore the supply; and

(d) that the pre-payment meter was found to be operating in the manner for which it was designed.

(5) In this regulation, “appropriate person” means a person employed or authorised by a relevant supplier to repair and replace pre-payment meters.

Estimate of charges for repositioning a meter

12.—(1) This regulation applies where—

- (a) a customer gives a notice requesting that the position of the appropriate meter should be altered and requests that the relevant supplier provides an estimate;
- (b) the supply is to be provided at low voltage; and
- (c) the relevant supplier receives from the customer the information relating to the proposed new position of the meter which is or could reasonably be expected to be within the knowledge of the customer and is reasonably required by the relevant supplier to enable him to provide the estimate.

(2) Where this regulation applies and the relevant supplier fails to dispatch an estimate to the customer within the prescribed period from the applicable date, the relevant supplier shall, except in any of the circumstances described in regulation 17, pay to the customer the prescribed sum.

(3) In providing an estimate referred to in sub-paragraph (1), the relevant supplier—

- (a) may reserve the right to vary the amount stated in the estimate having regard to the actual costs incurred by him in carrying out the work, but if it does so, the estimate shall include a reference to any matters which the relevant supplier considers may cause the amount to be varied significantly; and
- (b) shall state the terms for payment of the amount in the estimate and any variation of that amount.

(4) In this regulation—

“estimate” means a statement in writing of the amount which the relevant supplier reasonably expects he will require the customer to pay having regard to the information which is known or ought reasonably be known by the relevant supplier in relation to the carrying out of that work.

Charges and payments

13.—(1) This regulation applies where a customer informs a relevant supplier—

- (a) that the customer requests a change in the method by which he makes payment to the relevant supplier in respect of the supply; or
- (b) of a query as to—
 - (i) the correctness of an account relating to the supply presented to the customer by the relevant supplier (other than in circumstances in which regulation 10 applies); or
 - (ii) whether, in relation to the matter or matters described by the customer, any payment ought to be made to the customer and the matter is one to which these regulations apply or appear to apply.

(2) Where this regulation applies the relevant supplier shall, except in any of the circumstances described in paragraph (3), pay to the customer the prescribed sum if the relevant supplier fails—

- (a) in the case of a request under sub-paragraph (1)(a) and where the relevant supplier does not expect to be able to approve the request, to dispatch a substantive reply to the customer within the prescribed period from the date of receipt of the information;

- (b) in the case of a query under sub-paragraph (1)(b), to dispatch a substantive reply to the customer within the prescribed period from the date of receipt of the information; or
 - (c) in the case of a query under sub-paragraph (1)(b)(i) to which the relevant supplier's reply states that the customer is entitled to a payment from the relevant supplier, to make payment by cash, cheque, bank transfer or postal order to the customer of the amount due within the prescribed period from the date of dispatch of the relevant supplier's reply.
- (3) The circumstances described in this paragraph are—
- (a) each of the circumstances described in regulation 17; and
 - (b) in respect of a query under sub-paragraph (1)(b)(ii) that the relevant supplier has previously dispatched a notice under paragraph (2) of regulation 16 relating to the matter.

Common individual standards of performance

Appointments

14.—(1) This regulation applies where—

- (a) the customer informs the relevant operator that the customer wishes the relevant operator to visit the customer's premises, or
- (b) the relevant operator informs the customer that the relevant operator wishes to visit the customer's premises,

being in either case a visit in connection with the activities which the relevant operator is required or authorised to carry on under his licence which requires access to be afforded to his representative or for which it would otherwise be reasonable to expect the customer to be present.

(2) Where this regulation applies and the relevant operator fails within a reasonable period from the applicable date to offer a timed appointment, the relevant operator shall, except in the circumstances described in paragraph (5), pay to the customer the prescribed sum.

(3) Where this regulation applies and the relevant operator fails to keep a timed appointment, the relevant operator shall, except in the circumstances described in paragraph (5), pay to the customer the prescribed sum.

(4) Where a timed appointment is made for more than one purpose, the relevant operator shall not be required to pay more than one prescribed sum under paragraph (3) in respect of that timed appointment.

(5) The circumstances described in this paragraph are—

- (a) each of the circumstances described in regulation 17 provided that in paragraph (6) of that regulation, the relevant operator gave the customer not less than one working day's prior warning (whether or not in writing) that he would be unable to keep the timed appointment or the circumstances referred to in that paragraph occurred at a time when it was not reasonably practicable to give such a warning;
- (b) that the visit is for the purpose of responding to information received under regulations 4, 8, 10, or 11 (or a request under regulation 9); and
- (c) that the visit is wholly or mainly in connection with disconnecting the premises in exercise of the power contained in sub-paragraph 2(1) of Schedule 6 to the Act(6).

(6) In this regulation, "timed appointment" means an appointment to make a visit to a customer's premises commencing—

(6) Section 51 of the Utilities Act 2000 substituted a new Schedule 6 into the Act.

- (a) unless sub-paragraph (b) applies, during a part (specified by the relevant operator) of a day (also specified by the relevant operator) within a reasonable period from the applicable date, having regard to the purpose of visit, being either a part which falls either wholly before one o'clock in the afternoon or wholly after noon, or a part not exceeding two hours; or
- (b) during such part of a day as is requested by the customer and agreed with the relevant operator, such agreement not to be unreasonably withheld, provided that the relevant operator shall not be obliged to agree a part of a day less than two hours.

Disputes

15.—(1) Where a dispute is referred to the Authority for determination under sub-section 39B(1)(a) of the Act, the parties shall furnish to the Authority or, if the Authority so notifies the parties, to a person prescribed by the Authority pursuant to sub-section 39B(1)(b) of the Act, such evidence in such form and at such time as it or the person so directs that it or the person may reasonably require to enable determination of the dispute.

(2) Where a dispute is determined by an order requiring a relevant operator to make a payment to the customer and the relevant operator fails to make that payment, the customer may set-off the amount so ordered to be paid against any charges that are owed by the customer to the relevant operator.

- (3) An order determining a dispute—
 - (a) may include a provision requiring the relevant operator or the customer to pay a sum in respect of the costs or expenses incurred by the person making the order; and
 - (b) shall not (where there is more than one customer at the premises) determine who is beneficially entitled to any payment required to be made by the order.

Payments

- 16.**—(1) This regulation applies—
- (a) where a relevant operator is obliged to make a payment to a customer under any of regulations 4 to 14 (inclusive); or
 - (b) to a relevant operator who is the successor company to a public electricity supplier (as defined by sub-section 6(9) of the Act before that sub-section was substituted by section 30 of the Utilities Act 2000) who was obliged to make a payment under any of regulations 3 to 11 (inclusive) of the Electricity (Standards of Performance) Regulations 1993.

(2) Where this regulation applies and the relevant operator fails within the prescribed period from the applicable date to dispatch a notice to the customer advising that the payment is due to the customer and to make payment to the customer of the sum to which he is entitled, the relevant operator shall, except in any of the circumstances described in paragraph (3), pay to the customer the prescribed sum.

- (3) The circumstances described in this paragraph are—
 - (a) each of the circumstances described in regulation 17; and
 - (b) that there is a genuine dispute between the relevant operator and the customer as to whether the relevant operator is obliged to make the payment.
- (4) Where a relevant operator is required to make a payment under these Regulations—
 - (a) in relation to any premises of which more than one person is a customer, a payment to any one or more of the customers of those premises shall be a complete discharge of the obligation of the relevant operator to make the payment to all the customers of those premises;

- (b) nothing in, or done by a relevant operator in consequence of, these Regulations shall determine who is beneficially entitled to any payment made in pursuance of these Regulations;
- (c) a relevant operator shall not be required to make a payment other than to a customer; and
- (d) nothing in these Regulations shall permit a relevant operator to make a payment other than by means of—
 - (i) a cheque or cash; or
 - (ii) a credit to the account of the customer for charges incurred or to be incurred in respect of the supply or the provision of any electricity meter, electric line or electrical plant.

Exemptions

17.—(1) The circumstances contained in paragraphs (2) to (4) and (6) to (8) are the circumstances described in this regulation.

(2) The customer informs the relevant operator before the contravention time that the customer does not wish the relevant operator to take any action, or any further action in relation to the matter.

(3) The customer agrees with the relevant operator that the action taken by the relevant operator before the contravention time shall be treated as the taking by the relevant operator of the action required by the regulation and, where the action taken by the relevant operator includes a promise to perform any action (whether before or after the contravention time), the relevant operator duly performs that promise.

(4) Where information is or is required to be provided by the customer to the relevant operator, the information is provided to an address or by use of a telephone number other than the address or telephone number which the relevant operator has advised the customer is appropriate for receipt of information of that type or, in the case of information given by telephone for the purpose of regulations 8(1), 10(1) or 13(1), was given outside such reasonable hours as the relevant operator has advised the customer are the hours during which the telephone number will be available for the receipt of information of that type.

(5) For the purposes of paragraph (4) the relevant operator may advise the customer by publishing the address, the telephone number or the hours in such a manner as may be appropriate for the purpose of bringing the advice to the attention of customers likely to be affected by it.

(6) It was not reasonably practicable for the relevant operator to take the action required by the regulation before the contravention time as a result of—

- (a) severe weather conditions;
- (b) industrial action by the employees of the relevant operator;
- (c) the act or default of a person other than an officer, employee or agent of the relevant operator, or a person acting on behalf of an agent of the relevant operator;
- (d) the inability of the relevant operator to obtain any necessary access to any premises;
- (e) the existence of circumstances by reason of which the relevant operator could reasonably expect that if he took the action he would or would be likely to be in breach of an enactment; or
- (f) other circumstances of an exceptional nature beyond the control of the relevant operator;

and the relevant operator had taken all such steps as it was reasonable to take both to prevent the circumstances from occurring and to prevent them from having that effect.

(7) The relevant operator reasonably considers that the information given by the customer was frivolous or vexatious.

(8) The customer has—

- (a) committed an offence under paragraph 6 of Schedule 6 or paragraph 11 of Schedule 7 to the Act, or
- (b) failed to pay any charges due to the relevant operator after receiving a notice under sub-paragraph 2(2) of Schedule 6 to the Act,

and the action taken or not taken by the relevant operator was in exercise of his powers under the relevant paragraph or sub-paragraph.

(9) In this regulation, “contravention time” means—

- (a) in relation to regulation 5, the expiry of the relevant period referred to in sub-paragraph 2(a) and (where applicable) of each period referred to in sub-paragraph 2(b) of that regulation;
- (b) in relation to regulation 7, the time at which the supply was discontinued; and
- (c) in relation to any other regulation, the time at which, if this regulation did not apply, the relevant operator would become liable to pay the prescribed sum to the customer.

Timing of notification

18. For the purpose of regulations 6, 8, 9, 10, 12 and 13, where the requirements of paragraph (1) of any of those regulations are satisfied after 4 pm on a working day or at any time on any other day, they shall be deemed to have been satisfied on the next following working day.

Notice of rights

19.—(1) In respect of the rights prescribed for the benefit of customers under regulations 4 to 8 and 14 to 18 (inclusive) a relevant distributor shall prepare and from time to time revise a statement describing those rights and the effect of section 39A(5) of the Act in a form and having a content which a relevant distributor could reasonably expect would be within the understanding of customers to which the statement relates and shall—

- (a) give a copy of the statement, and of any revision of the statement to the Authority and to the Consumer Council, before he sends it to the electricity suppliers referred to in sub-paragraph (b);
- (b) at least once in any period of 12 months dispatch to each electricity supplier which supplies electricity to premises in the relevant distributor’s distribution services area for onward transmission to the electricity supplier’s customers a copy of the statement (in the form current at the time it is provided);
- (c) make a copy of the statement (in its current form) available for inspection by any person at any premises of or occupied by the relevant distributor open to the public in the normal course of the relevant distributor’s business during the normal opening hours of the premises; and
- (d) dispatch a copy of the statement (in its current form) to any person who requests it.

(2) In respect of the rights prescribed for the benefit of customers under regulations 9 to 18 (inclusive) a relevant supplier shall prepare and from time to time revise a statement describing the rights prescribed for the benefit of customers under these Regulations and the effect of section 39(4) of the Act in a form and having a content which a relevant supplier could reasonably expect would be within the understanding of customers to which the statement relates and shall—

- (a) give a copy of the statement, and of any revision of the statement to the Authority and to the Consumer Council, before he makes it available to customers;
- (b) at least once in any period of 12 months dispatch to each domestic customer of the relevant supplier a copy of the statement (in the form current at the time it is provided), provided that where in relation to any premises more than one person is a domestic customer, the obligation shall be satisfied by dispatching copy of each such statement to any one of them;

- (c) make a copy of the statement (in its current form) available for inspection by any person at any premises of or occupied by the supplier open to the public in the normal course of the supplier's business during the normal opening hours of the premises; and
 - (d) dispatch a copy of the statement (in its current form) to any person who requests it.
- (3) A relevant operator may prepare a separate statement for domestic and non-domestic customer.
- (4) A relevant supplier may satisfy his obligation under sub-paragraph (b) or (d) of paragraph (2) by dispatching the statement he has prepared to the class of customer to whom it relates.
- (5) An electricity supplier shall at least once in any period of 12 months dispatch to each domestic customer of the electricity supplier the information in any statement sent to him by a relevant distributor pursuant to paragraph (1) in respect of the distribution services area in which the customer's premises are situated, provided that where in relation to any premises more than one person is a domestic customer, the obligation shall be satisfied by dispatching such information to any one of them.

Overall standards of performance

Information to be given to customers about overall performance

20.—(1) In respect of the overall standards of performance determined by the Authority under section 40A of the Act a relevant distributor shall prepare and from time to time revise a statement describing those standards and the levels of performance achieved as respects those standards in a form and having a content which a relevant distributor could reasonably expect would be within the understanding of customers to which the statement relates and shall—

- (a) give a copy of the statement, and of any revision of the statement to the Authority and to the Consumer Council, before he sends it to the electricity supplier;
- (b) at least once in any period of 12 months dispatch to each electricity supplier which supplies electricity to premises in the relevant distributor's distribution services area for onward transmission to the electricity supplier's customers a copy of the statement (in the form current at the time it is provided);
- (c) make a copy of the statement (in its current form) available for inspection by any person at any premises of or occupied by the relevant distributor open to the public in the normal course of the relevant distributor's business during the normal opening hours of the premises; and
- (d) dispatch a copy of the statement (in its current form) to any person who requests it.

(2) In respect of the overall standards of performance determined by the Authority under section 40 of the Act a relevant supplier shall prepare and from time to time revise a statement describing those standards and the levels of performance achieved as respects those standards in a form and having a content which a relevant supplier could reasonably expect would be within the understanding of customers to which the statement relates and shall—

- (a) give a copy of the statement, and of any revision of the statement to the Authority and to the Consumer Council, before he makes it available to customers;
- (b) at least once in any period of 12 months dispatch to each domestic customer of the electricity supplier a copy of the statement (in the form current at the time it is provided), provided that where in relation to any premises more than one person is a domestic customer, the obligation shall be satisfied by dispatching a copy of each such statement to any one of them;

- (c) make a copy of the statement (in its current form) available for inspection by any person at any premises of or occupied by the supplier open to customers in the normal course of the supplier's business during the normal opening hours of the premises; and
 - (d) dispatch a copy of the statement (in its current form) to any person who requests it.
- (3) A relevant operator may prepare a separate statement for domestic and non-domestic customers.
- (4) A relevant supplier may satisfy his obligation under sub-paragraph (b) or (d) of paragraph (2) by dispatching the statement he has prepared to the class of customer to whom it relates.
- (5) An electricity supplier shall at least once in any period of 12 months dispatch to each domestic customer of the electricity supplier the information in any statement sent to him by a relevant distributor pursuant to paragraph (1) in respect of the distribution services area in which the customer's premises are situated, provided that where in relation to any premises more than one person is a domestic customer, the obligation shall be satisfied by dispatching such information to any one of them.

The seal of the Gas and Electricity Markets Authority here affixed is authenticated by the signature of

L.S.

21st September 2001

M. C. McCarthy,
A member of the Authority

I Consent

28th September 2001

Brian Wilson,
Minister of State for Industry and Energy,
Department of Trade and Industry