
STATUTORY INSTRUMENTS

2002 No. 2665

The Electricity Safety, Quality and Continuity Regulations 2002

PART VIII

MISCELLANEOUS

Inspections, etc. for the Secretary of State

30.—(1) A generator or distributor whose equipment is subject to inspection, test or examination for the purpose of ascertaining whether a breach of these Regulations may have occurred, by an inspector appointed under section 30 of the Electricity Act 1989, shall afford reasonable facilities therefor.

(2) A generator or distributor shall provide such information to the inspector as he may require for the purposes of performing his functions under this regulation.

Notification of specified events

31.—(1) Notice shall be given to the Secretary of State in accordance with this regulation by the distributor in respect of any event which is of a type specified in paragraph (2)(b) where the event involves a consumer's installation which is connected to the distributor's network and by the generator, distributor or meter operator, as the case may be, in respect of any event which is an event of a type otherwise specified in paragraph (2) and involves a network or equipment which is in the ownership of, under the control of, or used by, the generator, distributor or meter operator, as the case may be.

(2) The events referred to in paragraph (1) are—

- (a) any event attributable in whole or in part to the generating, transforming, control or carrying of energy up to and including the supply terminals, which has given rise to—
 - (i) the death of any person other than a person engaged by the generator, distributor or meter operator for the purposes of his business; or
 - (ii) an injury (including any electric shock) to any person other than a person engaged by the generator, distributor or meter operator for the purposes of his business; or
 - (iii) any fire; or
 - (iv) any explosion or implosion;
- (b) any event attributable in whole or in part to the presence of energy on the consumer's side of the supply terminals on any non-industrial and non-commercial premises resulting in the death of any person;
- (c) any event, whether or not accompanied by an event specified in sub-paragraph (a), which caused an overhead line to be at a height less than that required by regulation 17(2);
- (d) the occurrence of any damage to any underground cable resulting from an event not specified in sub-paragraphs (a) and (b); and

- (e) any event other than those listed in sub-paragraph (a), (c) or (d) which, taking into account the circumstances of that event, was likely to cause any of the events listed in sub-paragraph (a).
- (3) In respect of any event specified in paragraph (2)(a)—
 - (a) the requirement to give notice in accordance with paragraph (4) (so far as applicable) applies in addition to the requirement to give notice in accordance with paragraph (5) unless the notice given satisfies the requirements of both paragraphs; and
 - (b) the requirement to give notice in accordance with paragraphs (4) and (5) applies in addition to the requirement to give notice in accordance with paragraph (6).
- (4) In respect of any event specified in paragraph (2)(a)(i) or (in the case of a serious injury) in paragraph (2)(a)(ii), notice of the event shall be given to the Secretary of State by telephone or other immediate means of communication immediately after the event becomes known to the generator, distributor or meter operator, as the case may be.
- (5) In respect of any event specified in paragraph (2)(a) or (2)(b), notice containing the relevant particulars shall, subject to paragraph (8), as soon as possible after the event becomes known to the generator, distributor or meter operator, as the case may be, be given to the Secretary of State in writing by the quickest practicable means.
- (6) In respect of any event notifiable under paragraph (2)(a), (2)(c) or (2)(e), notice shall be given to the Secretary of State by post within 15 days of the end of the month in which the event becomes known to the generator, distributor or meter operator as the case may be, in the form of a computer disc which—
 - (a) conforms to the description specified in the Department’s publication; and
 - (b) subject to paragraph (8), contains the information comprising the relevant particulars, arranged in a form which complies with the technical requirements specified in that publication.
- (7) In respect of any event specified in paragraph (2)(d), notice containing the relevant particulars shall be sent to the Secretary of State by means of a return in writing to be submitted within one month of the end of the period of 3 months ending on 31st March, 30th June, 30th September or 31st December (as the case may be) in which the event became known to the generator, distributor or meter operator as the case may be.
- (8) The notices required by paragraphs (5) and (6) shall, where the giver of the notice is unable to provide full particulars, contain such of the relevant particulars as are available to the giver of the notice at the time of giving it, and the remaining particulars shall be supplied to the Secretary of State in writing by the quickest practicable means immediately after they have become known.
- (9) In this regulation—
 - “the Department’s publication” means the publication entitled (under the heading “ELECTRICITY SAFETY, QUALITY AND CONTINUITY REGULATIONS 2002”) “COMPUTERISATION OF THE NOTIFICATION OF CERTAIN SPECIFIED EVENTS UNDER REGULATION 31”, subtitled “SPECIFICATION OF THE DATA FILES”, and published in September 2002 by the Department of Trade and Industry, a copy of which was certified as such by the signature of the Minister of State for Energy and Construction, Department of Trade and Industry;
 - “event” means any event of the kind specified irrespective of whether it was accidental;
 - “relevant particulars” means—
 - (i) in respect of an event specified in paragraph (2)(a), (2)(b) or (2)(d), the particulars specified in Parts I, II and IV, respectively, of Schedule 3; and

- (ii) in respect of an event specified in paragraph (2)(c) or (2)(e), the particulars specified in Part III of Schedule 3; and

“serious injury” means any injury which results in the person injured being admitted into hospital as an in-patient.

Notification of certain interruptions of supply

32.—(1) A distributor shall give to the Secretary of State notification in accordance with paragraph (2) of those interruptions of supply involving his network where there has been—

- (a) any single interruption of supply, to any demand of 20 megawatts or more at the time of the interruption, for a period of three minutes or longer; or
- (b) any single interruption of supply, to any demand of 5 megawatts or more at the time of the interruption, for a period of one hour or longer; or
- (c) any single interruption of supply to 5,000 or more consumer’s installations for a period of one hour or longer.

(2) The notification shall—

- (a) be sent in writing by the quickest practicable means immediately after the distributor becomes aware of the interruption; and
- (b) contain the particulars specified in Schedule 4.

(3) The notification given to the Secretary of State shall, where the distributor is unable to give the full particulars required by Schedule 4, contain such of the particulars as are available to the distributor at the time of giving the notification, and any remaining particulars shall be sent in a supplementary notification in writing to the Secretary of State by the quickest practicable means immediately after they have become known.

Exemption from requirements of Regulations

33.—(1) Where a request is made to the Secretary of State to grant an exemption from a requirement of these Regulations, that request shall be made in writing and shall state the full extent of the reasons for the exemption sought.

(2) Where the Secretary of State is satisfied that an exemption may be granted without prejudice to safety or interference with the supply to others, the Secretary of State may grant such an exemption as she thinks appropriate.

(3) An exemption granted under this regulation shall be for such period as the Secretary of State shall specify when granting that exemption or, where no period is so specified, for a period of 25 years.

Networks, equipment or installations in breach of Regulations

34.—(1) Paragraphs (2) to (10) shall apply in any case where the Secretary of State is satisfied that—

- (a) any network or any part thereof, or any equipment which is constructed, placed, erected, maintained, or used otherwise than in accordance with these Regulations; or
- (b) any part of a consumer’s installation which is not enclosed in a building; or
- (c) any network or any part thereof, any part of a consumer’s installation which is not enclosed in a building or any equipment which is in breach of any relevant exemption or other relevant provision made under these Regulations in force at the time when the notice referred to in paragraph (2) is served,

is or is liable to become—

- (i) a source of danger to others; or
- (ii) an interference with a supply to others; or
- (iii) a cause of interruption of a supply to others.

(2) The Secretary of State may serve notice on the generator, distributor, meter operator or consumer (as the case may be) specifying the matter of which she is satisfied and require that the network, consumer's installation, or the equipment or the part thereof specified in the notice—

- (a) shall not be used; or
- (b) shall be made dead; or
- (c) shall be removed; or
- (d) shall only be used subject to compliance with such conditions, improvements or modifications as that notice shall specify,

within the time specified in that notice and the person on whom that notice is served shall comply with the provisions of that notice.

(3) Where such a notice has required that any network, consumer's installation, equipment or the part thereof specified in the notice shall not be used or shall be made dead or shall be removed or only used subject to compliance with conditions, improvements or modifications, that notice shall remain in effect until such time as the network, consumer's installation, equipment or the part thereof specified in the notice shall comply with these Regulations or until the Secretary of State shall withdraw the notice.

(4) If, within the period specified by that notice for compliance or such longer period as the Secretary of State may allow, the person on whom the notice is served disputes the basis for, or the requirements of, the notice, he may give notice in writing to the Secretary of State of that dispute and shall state the grounds.

(5) Where a notice is given to the Secretary of State pursuant to paragraph (4), the Secretary of State shall refer the dispute to an independent person agreed between the Secretary of State and the person giving the notice, or in default of agreement, to a person nominated by the President for the time being of The Institution of Electrical Engineers.

(6) The person to whom a dispute is referred may decide—

- (a) to uphold the notice served under paragraph (2); or
- (b) to recommend to the Secretary of State that the notice be withdrawn or modified; and

shall notify his decision in writing to the Secretary of State and to the person who has given notice under paragraph (4).

(7) The person to whom a dispute is referred may and, if so requested by any party to the dispute, shall—

- (a) give the parties to the dispute an opportunity of appearing before and being heard by him; and
- (b) make an inspection of the network, consumer's installation, or equipment which is the subject of the dispute.

(8) Where it appears to the person to whom a dispute is referred that any other person, not being a party to the dispute, has an interest in the outcome of that dispute, he may at his discretion treat that other person as if he were a party to the dispute.

(9) The person to whom a dispute is referred shall, having deliberated upon the dispute, make a direction as to whether the person giving the notice under paragraph (4) shall bear the costs of the reference (including any fees or expenses payable to him) or whether those costs shall be borne by the Secretary of State.

(10) A copy of this regulation shall be endorsed upon or accompany every notice served by the Secretary of State pursuant to this regulation.

Offences

35. Any generator, distributor, supplier, or meter operator or any agent, contractor or sub-contractor of any of the foregoing who fails to comply with any provision of these Regulations which applies to him, any person who fails to comply with regulation 18(3), 21, 22 or 25(1) and any consumer who fails to comply with regulation 8(4) or 34(2) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Revocation

36. The Regulations set out in Schedule 5 are hereby revoked.