

SCHEDULES

^{F1}SCHEDULE 6

Article 27.

THE PUBLIC ELECTRICITY SUPPLY CODE

F1 Sch. 6 substituted (1.11.2007) by Electricity Regulations (Northern Ireland) 2007 (S.R. 2007/321), regs. 1(2), 5(2), **Sch. 1** (with transitional provisions in Pt. IV)

Recovery of electricity charges, etc.

1.—(1) Subject to sub-paragraph (2), a public electricity supplier may recover from a tariff customer any charges due to him in respect of the supply of electricity, or in respect of the provision of any electricity meter, electric line or electrical plant.

(2) A public 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.

(3) If a tariff customer quits any premises at which electricity has been supplied to him by a public electricity supplier without giving notice thereof to the supplier so that it is received by the supplier at least 2 working days before he quits the premises, he shall be liable to pay the supplier all charges in respect of the supply of electricity to the premises accruing due up to whichever of the following first occurs, namely—

- (a) the second working day after he gives such notice to the supplier;
- (b) the next day on which the register of any meter falls to be ascertained; or
- (c) the day from which any subsequent occupier of the premises requires the supplier to supply electricity to the premises.

(4) Sub-paragraph (3), or a statement of the effect thereof, shall be endorsed upon every demand note for electricity charges payable to a public electricity supplier by a tariff customer.

(5) If a tariff customer quits any premises at which electricity has been supplied to him by a public electricity supplier without paying all charges due from him in respect of the supply, or the provision of any electricity meter, electric line or electrical plant for the purposes of the supply, the supplier—

- (a) may refuse to furnish him with a supply of electricity at any other premises until he pays the amount due; but
- (b) shall not be entitled to require payment of that amount from the next occupier of the premises.

(6) If a tariff customer has not, within the requisite period, paid all charges due from him to a public electricity supplier in respect of the supply of electricity to any premises, or the provision of any electricity meter, electric line or electrical plant for the purposes of that supply, the supplier, after the expiration of not less than 2 working days' notice of his intention, may—

Status: Point in time view as at 01/01/2006.

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- (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.
- (7) In sub-paragraph (6) “the requisite period” means—
- (a) in the case of premises which are used wholly or mainly for domestic purposes, the period of 20 working days from the making by the supplier of a demand in writing for payment of the charges due; and
 - (b) in the case of any other premises, the period of 15 working days from the making of such a demand.
- (8) The powers conferred by sub-paragraph (6) shall also be exercisable at any time which, in relation to a tariff customer, is after the effective date for the purposes of Article 343 of the Insolvency (Northern Ireland) Order 1989^{F2} (supplies of gas, water, electricity etc. to insolvent companies).
- (9) The powers conferred by sub-paragraph (6) 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.
- (10) In this paragraph a reference to the provision of any electric line or item of electrical plant is a reference to the provision of such a line or item by the installation of a new one or by the modification of an existing one.

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Restoration of supply by supplier

- 2.—(1) Where a public electricity supplier has cut off the supply of electricity to any premises in consequence of any default on the part of a tariff customer, the supplier shall be under an obligation to resume the supply of electricity before the end of the period of 2 working days from the day on which the requirements of sub-paragraph (2) are satisfied.
- (2) The requirements of this sub-paragraph are that the customer in default—
- (a) has made good the default;
 - (b) has paid the reasonable expenses of disconnecting and re-connecting the supply; and
 - (c) has given such security as is mentioned in Article 23(1).
- (3) The obligation imposed by sub-paragraph (1) shall be a duty owed to any person who may be affected by a failure to comply with the obligation.
- (4) Where a duty is owed under sub-paragraph (3) to any person any breach of the duty which causes that person to sustain loss or damage shall be actionable at the suit of that person.
- (5) In any proceedings brought against a public electricity supplier under sub-paragraph (4), it shall be a defence for the supplier to prove that he took all reasonable steps and exercised all due diligence to avoid failing to comply with the obligation imposed by sub-paragraph (1).
- (6) Without prejudice to any right which any person may have under sub-paragraph (4) to bring civil proceedings in respect of any failure to comply with the obligation imposed by sub-paragraph (1), compliance with that obligation shall be enforceable by civil proceedings by the Director for an injunction or for any other appropriate relief.

Restoration of supply without consent

3.—(1) Where a supply of electricity to any premises has been cut off by a public electricity supplier otherwise than in the exercise of a power conferred by regulations under Article 32, no person shall, without the consent of the supplier, restore the supply.

(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 may again cut off the supply.

Damage to electrical plant, etc.

4.—(1) If any person intentionally or by culpable negligence damages or allows to be damaged—

- (a) any electrical plant or electric line belonging to a public electricity supplier; or
- (b) any electricity meter so belonging,

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.

(2) Where an offence has been committed under sub-paragraph (1)(a), the supplier may discontinue the supply of electricity to the person so offending until the matter has been remedied.

(3) Where an offence has been committed under sub-paragraph (1)(b), the supplier—

- (a) may discontinue the supply of electricity to that person so offending until the matter has been remedied; and
- (b) remove the meter as respects which the offence was committed.

(4) Where a public electricity supplier removes a meter under sub-paragraph (3), he shall keep it safely until the Director authorises him to destroy or otherwise dispose of it.

Entry during continuance of supply

5.—(1) Any person authorised by a public electricity supplier may at all reasonable times, on the production of some duly authenticated document showing his authority, enter any premises to which a supply of electricity is being given by the public electricity supplier, or by a private electricity supplier (wholly or partly) through the public electricity supplier's electric lines and electrical plant, for any of the following purposes, namely—

- (a) inspecting any electric line or electrical plant belonging to the supplier;
- (b) 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;
- (c) removing, inspecting or re-installing any electricity meter or installing any substitute meter.

(2) Except where a supply of electricity is being given to the premises by a private electricity supplier (wholly or partly) through the public electricity supplier's electric lines and electrical plant, sub-paragraph (1)(a) and (b) does not apply if—

- (a) the customer has applied in writing to the supplier for the supplier to cease to supply electricity to the premises; and
- (b) the supplier has failed to do so within a reasonable time.

(3) Sub-paragraph (1)(c) does not apply in relation to the removal of a meter unless 2 working days' notice is given to the occupier, or the owner of the premises if they are unoccupied.

Status: Point in time view as at 01/01/2006.

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Entry on discontinuance of supply

6.—(1) Where a public electricity supplier is authorised by paragraph 4(3) of this Schedule or 12(3) of Schedule 7—

- (a) to discontinue the supply of electricity to any premises; and
- (b) to remove the electricity meter as respects which the offence under that paragraph was committed,

any person authorised by the supplier may at all reasonable times, on production of some duly authenticated document showing his authority, enter the premises for the purpose of disconnecting the supply and removing the meter.

(2) Where—

- (a) a public electricity supplier is authorised by any other provision of this Order or of regulations made under it (including any such provision as applied by such an agreement as is mentioned in Article 25(1)) to cut off or discontinue the supply of electricity to any premises;
- (b) a person occupying premises supplied with electricity by a public electricity supplier, or by a private electricity supplier (wholly or partly) through a public electricity supplier's electric lines and electrical plant, ceases to require such a supply;
- (c) a person entering into occupation of any premises previously supplied with electricity by a public electricity supplier, or by a private electricity supplier (wholly or partly) through a public electricity supplier's electric lines and electrical plant, does not require such a supply; or
- (d) a person entering into occupation of any premises previously supplied with electricity through a meter belonging to a public electricity supplier does not hire or borrow that meter,

any person authorised by the supplier, after one working day's notice to the occupier, or to the owner of the premises if they are unoccupied, may at all reasonable times, on production of some duly authenticated document showing his authority, enter the premises for the purpose of disconnecting the supply or removing any electrical plant, electric line or electricity meter.

Entry for replacing, repairing or altering lines or plant

7.—(1) Any person authorised by a public electricity supplier, after 5 working days' notice to the occupier of any premises, or to the owner of any premises which are unoccupied, may at all reasonable times, on production of some duly authenticated document showing his authority, enter the premises for the purpose of—

- (a) placing a new electric line or 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 any electric line or electrical plant entry may be made under sub-paragraph (1) without the notice required to be given by that sub-paragraph, but the notice shall then be given as soon as possible after the occurrence of the emergency.

Exercise of powers of entry

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

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- (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 9;

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 10(1).

Warrant to authorise entry

9.—(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 a public electricity supplier would, apart from paragraph 8, 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 6 an application for admission, or the serving of a notice under paragraph 6(2), 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

10.—(1) Where, under any powers conferred by this Schedule, entry is made on any premises by a person authorised by a public electricity supplier—

- (a) he shall ensure that the premises are left no less secure by reason of the entry, and
- (b) the supplier 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.

Penalty for obstruction

11. Any person who intentionally obstructs a person authorised by a public electricity supplier 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.

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Exemption of electrical plant, etc., for certain processes

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

- (a) shall continue to be the property of the supplier 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^{F3}; and
- (c) shall not be taken in execution under proceedings in bankruptcy against the person in whose possession they may be.

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