

SCHEDULES

SCHEDULE 7

Section 31.

USE ETC. OF ELECTRICITY METERS

Consumption to be ascertained by appropriate meter

- 1 (1) Where a customer of an electricity supplier is to be charged for his supply wholly or partly by reference to the quantity of electricity supplied, the supply shall be given through, and the quantity of electricity shall be ascertained by, an appropriate meter.
- (2) The meter shall be provided—
 - (a) by the electricity supplier, whether by way of sale, hire or loan; or
 - (b) if agreed by the parties in the case of a meter used or intended to be used in connection with an exempt supply, by the customer.
- (3) The meter shall be installed on the customer's premises in a position determined by the electricity supplier, unless in all the circumstances it is more reasonable to place it outside those premises or in some other position.
- (4) The electricity supplier may require the replacement of any meter provided and installed in accordance with sub-paragraphs (2) and (3) above where its replacement—
 - (a) is necessary to secure compliance with this Schedule or any regulations made under it; or
 - (b) is otherwise reasonable in all the circumstances;and any replacement meter shall be provided and installed in accordance with those sub-paragraphs.
- (5) If the customer refuses or fails to take his supply through an appropriate meter provided and installed in accordance with sub-paragraphs (2) and (3) above, the supplier may refuse to give or may discontinue the supply.
- (6) For the purposes of this paragraph a meter is an appropriate meter for use in connection with any particular supply if it is of a pattern or construction which, having regard to the terms on which the supply is to be charged for, is particularly suitable for such use.
- (7) Section 23 of this Act shall apply in relation to any dispute arising under this paragraph between a public electricity supplier and a customer as if it were a dispute arising under sections 16 to 22 of this Act.
- (8) Pending the determination under section 23 of this Act of any dispute arising under this paragraph, the meter and its provision and installation shall be such as the Director may direct; and directions under this sub-paragraph may apply either in cases of particular descriptions or in particular cases.

Status: This is the original version (as it was originally enacted).

- (9) Part I of this Act shall apply as if any duty or other requirement imposed on a public electricity supplier by directions under sub-paragraph (8) above were imposed by directions under section 23 of this Act.
- (10) In this Schedule “exempt supply” means a supply of electricity to any premises where—
- (a) the premises are not premises used wholly or mainly for domestic purposes; or
 - (b) the electricity supplier or the customer is a person authorised by an exemption to supply electricity to those premises.

Restrictions on use of meters

- 2 (1) No meter shall be used for ascertaining the quantity of electricity supplied by an electricity supplier to a customer unless the meter—
- (a) is of an approved pattern or construction and is installed in an approved manner; and
 - (b) subject to sub-paragraph (2) below, is certified under paragraph 5 below;
- and in this Schedule “approved” means approved by or under regulations made under this paragraph.
- (2) Paragraph (b) of sub-paragraph (1) above shall not apply to a meter used in connection with an exempt supply if the electricity supplier and the customer have agreed in writing to dispense with the requirements of that paragraph.
- (3) Regulations under this paragraph may provide—
- (a) for determining the fees to be paid for approvals given by or under the regulations;
 - (b) for revoking an approval so given to any particular pattern or construction of meter and requiring meters of that pattern or construction which have been installed to be replaced with meters of an approved pattern or construction within a prescribed period;
 - (c) for revoking an approval so given to any particular manner of installation and requiring meters which have been installed in that manner to be installed in an approved manner within such a period;
- and may make different provision for meters of different descriptions or for meters used or intended to be used for different purposes.
- 3 (1) If an electricity supplier supplies electricity through a meter which is used for ascertaining the quantity of electricity supplied and—
- (a) is not of an approved pattern or construction or is not installed in an approved manner; or
 - (b) in the case of a meter to which paragraph 2(1)(b) above applies, is not certified under paragraph 5 below,
- he shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (2) Where the commission by any person of an offence under this paragraph is due to the act or default of some other person, that other person shall be guilty of the offence; and a person may be charged with and convicted of the offence by virtue of this sub-paragraph whether or not proceedings are taken against the first-mentioned person.

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

- (3) In any proceedings in respect of an offence under this paragraph it shall be a defence for the person charged to prove that he took all reasonable steps and exercised all due diligence to avoid committing the offence.
- (4) No proceedings shall be instituted in England and Wales in respect of an offence under this paragraph except by or on behalf of the Director.

Meter examiners

- 4 (1) The Director shall appoint competent and impartial persons as meter examiners for the purposes of this Schedule.
- (2) There shall be paid out of money provided by Parliament to meter examiners such remuneration and such allowances as may be determined by the Director with the approval of the Treasury; and such pensions as may be so determined may be paid out of money provided by Parliament to or in respect of such examiners.
- (3) All fees payable in respect of the examination of meters by meter examiners shall be paid to the Director; and any sums received by him under this sub-paragraph shall be paid into the Consolidated Fund.

Certification of meters

- 5 (1) Subject to sub-paragraph (2) below, a meter may be certified—
 - (a) by a meter examiner appointed under paragraph 4 above; or
 - (b) by a person who is authorised to certify meters of that description by or under regulations made under this paragraph;and in this paragraph “examiner” means a meter examiner or a person so authorised.
- (2) No meter shall be certified unless the examiner is satisfied—
 - (a) that the meter is of an approved pattern or construction; and
 - (b) that the meter conforms to such standards (including standards framed by reference to margins of error) as may be prescribed;and references in this Schedule to prescribed margins of error shall be construed accordingly.
- (3) An examiner may certify any meter submitted to him, notwithstanding that he has not himself examined or tested it, if—
 - (a) the meter is submitted to him by a public electricity supplier or by a person authorised by the Director for the purposes of this sub-paragraph;
 - (b) the meter is accompanied by a report stating that the meter has been examined and tested by the person submitting it and containing such other information as may be prescribed;
 - (c) the examiner considers that the report indicates that the meter is entitled to be certified;
 - (d) the meter is one of a number submitted at the same time by the same person, and the examiner has himself examined and tested as many of those meters as he may consider sufficient to provide a reasonable test of all of them.
- (4) Regulations under this paragraph may make different provision for meters of different descriptions or for meters used or intended to be used for different purposes and may include provision—

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

- (a) for the termination of certification in the case of meters which no longer conform to the prescribed standards and in such other cases as may be prescribed;
 - (b) for determining the fees to be paid for examining, testing and certifying meters, and the persons by whom they are to be paid; and
 - (c) as to the procedure to be followed in examining, testing and certifying meters.
- (5) Regulations under this paragraph above may also include provision—
- (a) for determining the fee to be paid in respect of any authorisation under sub-paragraph (1) or (3) above;
 - (b) for imposing conditions on any such authorisation; and
 - (c) for withdrawing any such authorisation before the end of any period for which it is given if any of those conditions is not satisfied.

Apparatus for testing etc. of meters

- 6 (1) It shall be the duty of a person to whom this paragraph applies, that is to say, a public electricity supplier or a person authorised by the Director for the purposes of paragraph 5(3) above—
- (a) to provide and maintain such apparatus for the examination, testing and regulation of meters, and such apparatus for the sealing and unsealing of meters, as may be specified by a direction of the Director;
 - (b) to use apparatus so provided and maintained to carry out such examination, testing and regulation of meters, or to seal or unseal meters in such circumstances, as may be so specified; and
 - (c) to keep such records and make such reports of things done in pursuance of paragraph (b) above as may be so specified.
- (2) It shall also be the duty of a person to whom this paragraph applies to afford to meter examiners, acting in the exercise of their functions under this Schedule, all necessary facilities for the use of apparatus provided and maintained in pursuance of sub-paragraph (1) above.
- (3) If the Director considers that any person to whom this paragraph applies has made satisfactory arrangements whereby apparatus provided by some other person is available for the examination, testing or regulation of the first mentioned person's meters, the Director may direct that this paragraph shall not apply to that person to such extent as may be specified in the direction.
- (4) Any two or more persons to whom this paragraph applies may with the approval of the Director enter and carry into effect arrangements whereby apparatus provided by one or more of the parties is to be available to all or any of them for the purposes of fulfilling their obligations under this paragraph.
- (5) Any public electricity supplier who provides apparatus in pursuance of such arrangements as are mentioned in sub-paragraph (4) above shall be under the same obligation under this paragraph, in relation to the meters of any public electricity supplier for whose benefit the apparatus is so made available, as he is or would be under in relation to meters measuring electricity supplied by him.

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

Testing etc. of meters

- 7 (1) It shall be the duty of a meter examiner, on being required to do so by any person and after giving notice to such persons as may be prescribed—
- (a) to examine and test any meter used or intended to be used for ascertaining the quantity of electricity supplied to any premises;
 - (b) to determine whether it is of an approved pattern or construction and, if it is installed for use, whether it is installed in an approved manner;
 - (c) to determine whether it is in proper order for ascertaining the quantity of electricity supplied within the prescribed margins of error and, if it has been in use and there is a dispute as to whether it registered correctly at any time, to determine if possible whether it registered within those margins at that time; and
 - (d) to make a written report of his conclusions as to the matters mentioned in paragraphs (b) and (c) above.
- (2) If a meter examiner determines that a meter is, or was at any time, operating outside the prescribed margins of error, he shall if possible give an opinion as to—
- (a) any period for which the meter has or may have been so operating; and
 - (b) the accuracy (if any) with which it was or may have been operating for any such period.
- (3) Regulations under this paragraph may make provision for determining the fees to be paid for examining and testing meters, and the persons by whom and the circumstances in which they are to be paid.
- (4) In relation to a meter used or intended to be used in connection with an exempt supply, this paragraph shall have effect as if any reference to the prescribed margins of error included a reference to any margins of error agreed between the electricity supplier and the customer (in this Schedule referred to as “agreed margins of error”).
- 8 (1) This paragraph applies where there is a genuine dispute as to the accuracy of a meter used for ascertaining the quantity of electricity supplied to any premises and notice of the dispute—
- (a) is given to the electricity supplier by the customer, or to the customer by the electricity supplier; or
 - (b) is given to the electricity supplier and to the customer by any other person interested.
- (2) Except with the approval of a meter examiner and, if he so requires, under his supervision, the meter shall not be removed or altered by the supplier or the customer until after the dispute is resolved by agreement or the meter is examined and tested under paragraph 7 above, whichever first occurs.
- (3) If the supplier or the customer removes or alters the meter in contravention of subparagraph (2) above, he shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Presumptions and evidence

- 9 (1) This paragraph applies to meters used for ascertaining the quantity of electricity supplied to any premises.

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

- (2) The register of a meter to which this paragraph applies shall be admissible in any proceedings as evidence of the quantity of electricity supplied through it.
- (3) Where electricity has been supplied for any period through such a meter which is of an approved pattern or construction and is installed in an approved manner, the register of the meter shall be presumed to have been registering for that period—
 - (a) within the prescribed margins of error; and
 - (b) in the case of a meter used in connection with an exempt supply, within any agreed margins of error,
 unless the contrary is proved.
- (4) Where a meter to which this paragraph applies has been operating for any period—
 - (a) within the prescribed margins of error; and
 - (b) in the case of a meter used in connection with an exempt supply, within any agreed margins of error,
 the meter shall be conclusively presumed to have been correctly registering for that period the quantity of electricity supplied through it.
- (5) The report of a meter examiner on any question relating to such a meter shall be admissible in evidence in any proceedings in which that question is raised; and any conclusions in the report as to the accuracy of the meter when it was tested shall be presumed to be correct unless the contrary is proved.

Meters to be kept in proper order

- 10 (1) A customer of an electricity supplier shall at all times, at his own expense, keep any meter belonging to him in proper order for correctly registering the quantity of electricity supplied to him; and in default of his doing so the supplier may discontinue the supply of electricity through that meter.
- (2) An electricity supplier shall at all times, at his own expense, keep any meter let for hire or lent by him to any customer in proper order for correctly registering the quantity of electricity supplied and, in the case of pre-payment meters, for operating properly on receipt of the necessary payment.
- (3) An electricity supplier shall have power to remove, inspect and re-install any meter by which the quantity of electricity supplied by him to a customer is registered, and shall, while any such meter is removed, fix a substituted meter on the premises; and the cost of removing, inspecting and re-installing a meter and of fixing a substituted meter shall be defrayed by the supplier.
- (4) Sub-paragraphs (2) and (3) above are without prejudice to any remedy the supplier may have against the customer for failure to take proper care of the meter.

Interference with meters

- 11 (1) If any person intentionally or by culpable negligence—
 - (a) alters the register of any meter used for measuring the quantity of electricity supplied to any premises by an electricity supplier; or
 - (b) prevents any such meter from duly registering the quantity of electricity supplied,

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

he shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

- (2) Where any person is prosecuted for an offence under sub-paragraph (1) above, the possession by him of artificial means for causing an alteration of the register of the meter or, as the case may be, the prevention of the meter from duly registering shall, if the meter was in his custody or under his control, be prima facie evidence (or in Scotland sufficient evidence) that the alteration or prevention was intentionally caused by him.
- (3) Where an offence under sub-paragraph (1) above has been committed, the supplier may discontinue the supply of electricity to the premises until the matter has been remedied and remove the meter in respect of which the offence was committed.
- (4) Where an electricity supplier removes a meter under sub-paragraph (3) above, he shall keep it safely until the Director authorises him to destroy or otherwise dispose of it.

Special provision for pre-payment meters

- 12 (1) A customer of an electricity supplier who takes his supply through a pre-payment meter shall be under a duty to take all reasonable precautions for the safekeeping of any money or tokens which are inserted into that meter.
- (2) A pre-payment meter shall not be used to recover any sum owing to an electricity supplier otherwise than in respect of the supply of electricity, the provision of an electric line or electrical plant or the provision of the meter.

Interpretation

- 13 In this Schedule—
 - “agreed margins of error” has the meaning given by paragraph 7(4) above;
 - “approved” means approved by or under regulations made under paragraph 2 above;
 - “electricity supplier” means a person authorised by a licence or exemption to supply electricity;
 - “exempt supply” has the meaning given in paragraph 1(10) above;
 - “prescribed” means prescribed by regulations;
 - “prescribed margins of error” has the meaning given by paragraph 5(2) above;
 - “regulations” means regulations made by the Director with the consent of the Secretary of State.