



Utilities Act 2000

2000 CHAPTER 27

PART IV

AMENDMENT OF THE ELECTRICITY ACT 1989

Electricity performance standards

54 Standards of performance in individual cases.

- (1) In section 39 of the 1989 Act—
 - (a) in subsection (2)(a), after “section” there is inserted “ or their rights under section 39A ”; and
 - (b) subsections (5), (5A) and (6) shall cease to have effect.
- (2) After section 39 of the 1989 Act there is inserted—

“39A Standards of performance in individual cases: electricity distributors.

- (1) The Authority may with the consent of the Secretary of State make regulations prescribing such standards of performance in connection with the activities of electricity distributors, so far as affecting customers or potential customers of electricity suppliers, as in the Authority’s opinion ought to be achieved in individual cases.
- (2) If an electricity distributor fails to meet a prescribed standard, he shall make to any person who is affected by the failure and is of a prescribed description such compensation as may be determined by or under the regulations.
- (3) The regulations may—
 - (a) prescribe circumstances in which electricity distributors are to inform customers or potential customers of electricity suppliers of their rights under this section;

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- (b) prescribe such standards of performance in relation to any duty arising under paragraph (a) as, in the Authority’s opinion, ought to be achieved in all cases;
 - (c) make provision as to the manner in which compensation under this section is to be made;
 - (d) prescribe circumstances in which electricity distributors are to be exempted from any requirements of the regulations or this section; and
 - (e) if the Authority is of the opinion that the differences are such that no electricity distributor would be unduly disadvantaged in competing with other electricity distributors, make different provision with respect to different electricity distributors.
- (4) Provision made under subsection (3)(c) may—
- (a) require or permit compensation to be made on behalf of electricity distributors by electricity suppliers to customers or potential customers; and
 - (b) require electricity suppliers to provide services to electricity distributors in connection with the making of compensation under this section.
- (5) The making of compensation under this section in respect of any failure to meet a prescribed standard shall not prejudice any other remedy which may be available in respect of the act or omission which constituted that failure.
- (6) In this section “prescribed” means prescribed by regulations under this section.

39B Standards of performance in individual cases: disputes.

- (1) Any dispute arising under section 39 or 39A or regulations made under either of those sections—
- (a) may be referred to the Authority by either party or, with the agreement of either party, by the Council; and
 - (b) on such a reference, shall be determined by order made by the Authority or, if it thinks fit, by such person (other than the Council) as may be prescribed.
- (2) A person making an order under subsection (1) shall include in the order his reasons for reaching his decision with respect to the dispute.
- (3) The practice and procedure to be followed in connection with any such determination shall be such as may be prescribed.
- (4) An order under subsection (1) shall be final and shall be enforceable—
- (a) in England and Wales, as if it were a judgment of a county court; and
 - (b) in Scotland, as if it were an extract registered decree arbitral bearing a warrant for execution issued by the sheriff.
- (5) In this section “prescribed” means prescribed by regulations made by the Authority with the consent of the Secretary of State.”

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Commencement Information

- II** S. 54 partly in force; s. 54 not in force at Royal Assent see s. 110(2); s. 54(2) in force for specified purposes at 16.5.2001 by S.I. 2001/1781, art. 2, Sch. (subject to transitional provisions in arts. 3-10); s. 54(1) in force for all purposes and s. 54(2) in force for all remaining purposes at 1.10.2001 by S.I. 2001/3266, art. 2, Sch. (subject to transitional provisions in arts. 3-20)

55 Overall standards of performance.

After section 40 of the 1989 Act there is inserted—

“40A Overall standards of performance: electricity distributors.

- (1) The Authority may from time to time—
 - (a) determine such standards of overall performance in connection with the activities of electricity distributors as, in its opinion, ought to be achieved by them; and
 - (b) arrange for the publication, in such form and in such manner as it considers appropriate, of the standards so determined.
- (2) Different standards may be determined for different electricity distributors if the Authority is of the opinion that the differences are such that no electricity distributor would be unduly disadvantaged in competing with other electricity distributors.
- (3) It shall be the duty of every electricity distributor to conduct his business in such a way as can reasonably be expected to lead to his achieving the standards set under this section.”

Commencement Information

- I2** S. 55 wholly in force at 1.10.2001; s. 55 not in force at Royal Assent see s. 110(2); s. 55 in force for specified purposes at 16.5.2001 by S.I. 2001/1781, art. 2, Sch. (subject to transitional provisions in arts. 3-10); s. 55 in force for all remaining purposes at 1.10.2001 by S.I. 2001/3266, art. 2, Sch. (subject to transitional provisions in arts. 3-20)

56 Standards of performance: procedures.

After section 40A of the 1989 Act (which is inserted by section 55 above) there is inserted—

“40B Procedures for prescribing or determining standards of performance.

- (1) Before prescribing standards of performance in regulations under section 39 or 39A, or determining standards of performance under section 40 or 40A, the Authority shall—
 - (a) arrange for such research as the Authority considers appropriate with a view to discovering the views of a representative sample of persons likely to be affected and consider the results;

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- (b) publish a notice of its proposals in accordance with subsections (2) and (3) and consider any representations which are duly made in respect of those proposals; and
 - (c) consult the Council and other persons or bodies mentioned in subsection (4).
- (2) The notice required by subsection (1)(b) is a notice—
- (a) stating that the Authority proposes to prescribe or determine standards of performance and setting out the standards of performance proposed;
 - (b) stating the reasons why it proposes to prescribe or determine those standards of performance; and
 - (c) specifying the time (not being less than 28 days from the date of publication of the notice) within which representations with respect to the proposals may be made.
- (3) A notice required by subsection (1)(b) shall be published in such manner as the Authority considers appropriate for the purpose of bringing it to the attention of those likely to be affected by the proposals.
- (4) The persons or bodies to be consulted by the Authority under subsection (1) (c) are—
- (a) electricity suppliers (in the case of standards of performance under section 39 or 40) or electricity distributors and electricity suppliers (in the case of standards of performance under section 39A or 40A); and
 - (b) persons or bodies appearing to the Authority to be representative of persons likely to be affected by the regulations or determination.
- (5) The Authority shall make arrangements for securing that notices under subsection (1)(b), regulations under section 39 or 39A and determinations under section 40 or 40A are made available to the public by whatever means it considers appropriate.”

Commencement Information

- I3** S. 56 wholly in force at 1.10.2001; s. 56 not in force at Royal Assent see s. 110(2); s. 56 in force for specified purposes at 16.5.2001 by S.I. 2001/1781, art. 2, Sch. (subject to transitional provisions in arts. 3-10); s. 56 in force for all remaining purposes at 1.10.2001 by S.I. 2001/3266, art. 2, Sch. (subject to transitional provisions in arts. 3-20)

VALID FROM 01/10/2001

57 Information with respect to levels of performance.

- (1) Section 42 of the 1989 Act is amended as follows.
- (2) In subsection (1), paragraph (c) (and the word “and” preceding it) shall cease to have effect.
- (3) After subsection (1) there is inserted—
 - “(1A) The Authority shall from time to time collect information with respect to—

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- (a) the compensation made by electricity distributors under section 39A above;
 - (b) the levels of overall performance achieved by electricity distributors.”
- (4) In subsection (2) for the words from the beginning to “year” there is substituted “ At such times ” and in paragraph (b) the words “or 41 above” shall cease to have effect.
- (5) After subsection (2) there is inserted—
- “(2A) At such times as may be specified in a direction given by the Authority, each electricity distributor shall furnish to the Authority the following information, namely—
- (a) as respects each standard prescribed by regulations under section 39A, the number of cases in which compensation was made and the aggregate amount or value of that compensation; and
 - (b) as respects each standard determined under section 40A, such information with respect to the level of performance achieved by the distributor as may be so specified.”
- (6) Subsection (3) shall cease to have effect.

Commencement Information

I4 S. 57 wholly in force at 1.10.2001; s. 57 not in force at Royal Assent see s. 110(2); s. 57 in force at 1.10.2001 by S.I. 2001/3266, art. 2, Sch. (subject to transitional provisions in arts. 3-20)

58 Information to be given to customers.

For section 42A of the 1989 Act there is substituted—

“42A Information to be given to customers about overall performance.

- (1) The Authority may make regulations requiring such information as may be specified or described in the regulations about—
- (a) the standards of overall performance determined under section 40 or 40A; and
 - (b) the levels of performance achieved as respects those standards,
- to be given by electricity suppliers or electricity distributors to customers or potential customers of electricity suppliers.
- (2) Regulations under this section may include provision—
- (a) specifying the form and manner in which and the frequency with which information is to be given; and
 - (b) requiring information about the matters mentioned in subsection (1)(a) or (b) and relating to electricity distributors to be given by electricity distributors to electricity suppliers and by electricity suppliers to their customers or potential customers.”

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Commencement Information

- I5** S. 58 wholly in force at 1.10.2001; s. 58 not in force at Royal Assent see s. 110(2); s. 58 in force for specified purposes at 16.5.2001 by S.I. 2001/1781, art. 2, Sch. (subject to transitional provisions in arts. 3-10); s. 58 in force for all remaining purposes at 1.10.2001 by S.I. 2001/3266, art. 2, Sch. (subject to transitional provisions in arts. 3-20)

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