
STATUTORY INSTRUMENTS

1998 No. 1547

ELECTRICITY

**The Electricity (Standards of Performance)
(Amendment) Regulations 1998**

Made - - - - *24th June 1998*
Coming into force - - *1st July 1998*

The Director General of Electricity Supply, in exercise of the powers conferred by sections 39 and 60 of the Electricity Act 1989⁽¹⁾, after consultation with public electricity suppliers and with persons and bodies representative of persons likely to be affected by the exercise of the powers, after considering the results of research to discover the views of a representative sample of persons likely to be affected, and with the consent of the Secretary of State for Trade and Industry in accordance with section 39(1)(a) of the Electricity Act 1989, hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Electricity (Standards of Performance) (Amendment) Regulations 1998, and shall come into force on 1st July 1998.

(2) In these Regulations, the “Principal Regulations” means the Electricity (Standards of Performance) Regulations 1993⁽²⁾ as amended by the Electricity (Standards of Performance) (Amendment) Regulations 1995⁽³⁾.

Amendment of the Principal Regulations

2. Regulation 2 of the Principal Regulations shall be amended:

- (a) by relocating the definition of “customer” in paragraph (1) to follow immediately after the definition of “commencement date”;
- (b) by deleting paragraph (2) and replacing it with the following new paragraph:

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

and
- (c) by deleting sub-paragraph (a) of paragraph (4) and replacing it with the following new sub-paragraph:

(1) 1989 c. 29; section 39 was amended by section 20(1) of the Competition and Service (Utilities) Act 1992 (c. 43).
(2) S.I.1993/1193.
(3) S.I. 1995/687.

“(a) where more than one person is a customer in respect of particular premises, a notice given by a supplier 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;”.

3. Regulation 5 of the Principal Regulations shall be amended by deleting the words “by any other customer” in sub-paragraph (2)(c) and substituting “by any other non-domestic customer”.

4. The following new Regulation 9A shall be inserted after Regulation 9 of the Principal Regulations:

“Prepayment Meters

9A.—(1) This regulation applies where a supplier is informed (other than by post) during working hours by a customer who takes his supply through a prepayment meter either that the prepayment meter is not operating so as to permit a supply to the customer’s premises in the manner in which it is designed to do, or of circumstances suggesting that the prepayment meter is not so operating.

(2) For the purposes of paragraph (1), where information is received by a 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 commencement date, an appropriate person fails to attend at the premises where the prepayment meter is installed in order to repair or replace the prepayment meter so as to permit a supply in the manner in which it is designed to do, the 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 15;
- (b) that the customer did not request the supplier to attend the premises;
- (c) that the customer did not request the supplier to restore the supply; and
- (d) that the prepayment meter was found to be operating in the manner in which it was designed to do.

(5) In this regulation:

“appropriate person” means a person employed or authorised by a supplier to repair and replace prepayment meters; and

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

5. Regulation 10 of the Principal Regulations shall be amended:

- (a) by deleting the word “methods” in sub-paragraph (1)(a) and substituting “method”;
- (b) by deleting the word “or” at the end of sub-paragraph (2)(a);
- (c) by deleting “information.” at the end of sub-paragraph (2)(b) and substituting “information; or”; and
- (d) by inserting after sub-paragraph (2)(b) the following new sub-paragraph (2)(c):

“(c) in the case of a query under sub-paragraph (1)(b)(i) to which the supplier’s reply states that the customer is entitled to a payment from the 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 despatch of the supplier’s reply.”.

6. Regulation 11 of the Principal Regulations shall be amended:
- (a) by deleting the words “he gave the customer” in sub-paragraph (5)(a) and substituting “the supplier gave the customer”;
 - (b) by deleting “under regulations 3, 8 or 9” in sub-paragraph (5)(b) and substituting “under regulation 3, 8, 9 or 9A”; and
 - (c) by deleting the word “unreasonably” in sub-paragraph (6)(b) and substituting “unreasonably”.
7. Regulation 13 of the Principal Regulations shall be amended:
- (a) by deleting paragraph (2) and substituting the following new paragraph:

“(2) Where a dispute is determined by an order requiring the supplier to make a payment to the customer and the supplier 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 supplier in relation to the supply to the customer.”; and
 - (b) by re-designating sub-paragraphs (i) and (ii) of paragraph (3) as sub-paragraphs (a) and (b) respectively of paragraph (3).
8. Regulation 14 of the Principal Regulations shall be amended by deleting paragraph (2) and substituting the following new paragraph:
- “(2) Where this regulation applies and the supplier fails within the prescribed period from the commencement date both 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 supplier shall, except in any of the circumstances described in paragraph (3), pay to the customer the prescribed sum.”.
9. Regulation 16 of the Principal Regulations and the heading thereof shall be deleted and replaced by the following new regulation and heading:

“Timing of Notification

16. For the purpose of regulations 5, 6, 8, 9 and 10, where the requirements of paragraph (1) of any of those regulations are satisfied after 4 p.m. 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.”.

10. Schedules 1 to 14 to the Principal Regulations shall be revoked and substituted by the Schedule to these Regulations.

12th June 1998

S. C. Littlechild
The Director General of Electricity Supply

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

I consent

24th June 1998

John Battle
Minister for Science, Energy and Industry
Department of Trade and Industry

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SCHEDULE

Regulation 10

“SCHEDULE

Regulation 2(1)

PART I

PRESCRIBED PERIODS AND PRESCRIBED SUMS
APPLICABLE TO ALL PUBLIC ELECTRICITY SUPPLIERS

<i>(1)</i> <i>Regulation</i>	<i>(2)</i> <i>Period</i>	<i>(3)</i> <i>Prescribed Sum</i> <i>Domestic Customer</i>	<i>(4)</i> <i>Non-Domestic</i> <i>Customer</i>
3(3)	3 hours on a working day	£20	£20
3(3)	4 hours on any other day	£20	£20
4(2)(a)	24 hours	£50	£100
4(2)(b)		£25	£25
5(2)(a)	2 working days	£20	
5(2)(b)	4 working days		£20
5(2)(c)			£20
5(3)		£40	£100
6(2)	5 working days	£40	£40
6(3)	15 working days	£40	£40
7(2)	5 days	£20	£40
8(2)	7 working days	£20	£20
8(4)(a)		£20	£20
8(4)(b)	5 working days	£20	£20
9(2)	7 working days	£20	£20
9(4)(a)		£20	£20
9(4)(b)	5 working days	£20	£20
9A(3)	3 hours on a working day	£20	£20
9A(3)	4 hours on any other day	£20	£20
10(2)		£20	£20
10(2)(a)	5 working days		
10(2)(b)	5 working days		
10(2)(c)	5 working days		

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<i>(1)</i> <i>Regulation</i>	<i>(2)</i> <i>Period</i>	<i>(3)</i> <i>Prescribed Sum</i> <i>Domestic Customer</i>	<i>(4)</i> <i>Non-Domestic</i> <i>Customer</i>
11(2)		£20	£20
11(3)		£20	£20
14(2)	10 working days	£20	£20

PART II

7.00 am and 7.00 pm on each working day and 9.00 am and 5.00 pm on any other day.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Electricity (Standards of Performance) Regulations 1993 as amended by the Electricity (Standards of Performance) (Amendment) Regulations 1995 (“the Principal Regulations”). In addition to minor and drafting amendments, they make the following amendments of substance:

Regulation 4 introduces as Regulation 9A of the Principal Regulations a new guaranteed standard relating to prepayment meters. It requires a supplier to arrange for an appropriate person to attend in order to repair or replace a prepayment meter which has been notified to it (otherwise than by post) as defective within the prescribed period and to make a payment of the prescribed sum on failure to do so.

Regulation 5 introduces into Regulation 10 of the Principal Regulations an additional requirement, where a supplier’s response to a customer’s query in relation to the correctness of an account states that a payment is due from the supplier to the customer, to pay the amount due within the prescribed period and to make a payment of the prescribed sum on failure to do so.

Regulation 6 amends Regulation 11 of the Principal Regulations. That Regulation requires a supplier to offer the customer, and to keep, a timed appointment in certain circumstances. Regulation 6 adds to Regulation 11 of the Principal Regulations a requirement on a supplier to offer and keep a timed visit in response to a notification from the customer under the new Regulation 9A (prepayment meters).

Regulation 8 incorporates a new requirement on a supplier under Regulation 14 of the Principal Regulations. Where the supplier has notified the customer that a payment is due to the customer, the supplier must, in addition to the notification, pay the sum due to the customer within the prescribed period and make a payment of the prescribed sum on failure to do so.

Regulation 9 makes alterations to Regulation 16 of the Principal Regulations. It removes the provision formerly contained in Regulation 16 which made certain records or information held by a supplier conclusive evidence in specified circumstances. Regulation 16 of the Principal Regulations, as inserted by Regulation 9, now provides only that notification or information given to a supplier under Regulations 5, 6, 8, 9 and 10 of the Principal Regulations after 4.00 pm on a working day, or at any time on a non-working day, is deemed to have been given on the next working day.

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Regulation 10 substitutes a single new schedule of revised prescribed periods and prescribed sums which apply to all public electricity suppliers in substitution for the 14 separate schedules formerly applicable to individual public electricity suppliers. It also alters the definition of working hours from the period between 8.00 am and 6.00 pm on working days, to the period between 7.00 am and 7.00 pm on those days and between 9.00 am and 5.00 pm on any other day.