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STATUTORY RULES OF NORTHERN IRELAND

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**2012 No. 381**

**THE ELECTRICITY SAFETY, QUALITY  
AND CONTINUITY REGULATIONS  
(NORTHERN IRELAND) 2012**

**PART 8**

**MISCELLANEOUS**

**Networks, equipment or installations in breach of Regulations**

**35.**—(1) Paragraphs (2) to (10) shall apply in any case where the Department 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 operation 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 Department may serve notice on the generator, distributor, meter operator or consumer specifying the matter of which it 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 Department shall withdraw the notice.

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

(5) Where a notice is given to the Department pursuant to paragraph (4), the Department shall refer the dispute to an independent person agreed between the Department 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 Engineering and Technology.

(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 Department that the notice be withdrawn or modified; and shall notify their decision in writing to the Department 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/her; 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 the person may at their discretion treat that other person as if they 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 the person to whom the dispute was referred) or whether those costs shall be borne by the Department.

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