



# Electricity Act 1989

## 1989 CHAPTER 29

### PART I **U.K.**

#### ELECTRICITY SUPPLY

#### *[<sup>F1</sup>Duties of electricity distributors]*

#### Textual Amendments

**F1** Ss. 16, 16A, 17 and cross-heading substituted for ss. 16, 17 (1.10.2001) by 2000 c. 27, s. 44; S.I. 2001/3266, art. 2, **Sch.** (subject to transitional provisions in arts. 3-20)

#### <sup>F2</sup>[16 **Duty to connect on request.** **E+W+S**

- (1) An electricity distributor is under a duty—
  - (a) to make a connection between a distribution system of his and any premises, when required to do so by—
    - (i) the owner or occupier of the premises; or
    - (ii) an authorised supplier acting with the consent of the owner or occupier of the premises,for the purpose of enabling electricity to be conveyed to or from the premises;
  - (b) to make a connection between a distribution system of his and any distribution system of another authorised distributor, when required to do so by that authorised distributor for the purpose of enabling electricity to be conveyed to or from that other system.
- (2) Any duty under subsection (1) includes a duty to provide such electric lines or electrical plant as may be necessary to enable the connection to be used for the purpose for which it is required.
- (3) The duties under this section shall be performed subject to such terms as may be agreed under section 16A for so long as the connection is required.

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- (4) In this section and sections 16A to 23 [<sup>F3</sup>and Schedule 5B]—
- (a) any reference to making a connection includes a reference to maintaining the connection (and continuing to provide the necessary electric lines or electrical plant);
  - (b) any reference to requiring a connection includes a reference to requiring the connection to be maintained (and the continued provision of the necessary electric lines and electrical plant); and
  - (c) any reference to the provision of any electric line or electrical plant is a reference to the provision of such a line or an item of electrical plant either by the installation of a new one or by the modification of an existing one.
- (5) The duties under this section are subject to the following provisions of this Part and any regulations made under those provisions.]

#### Textual Amendments

- F2** Ss. 16, 16A, 17 and cross-heading substituted for ss. 16, 17 (1.10.2001) by [2000 c. 27, s. 44](#); [S.I. 2001/3266, art. 2, Sch.](#)(subject to transitional provisions in art. 3-20)
- F3** Words in s. 16(4) inserted (6.4.2017) by [Infrastructure Act 2015 \(c. 7\), ss. 52\(4\), 57\(7\)\(c\)](#); [S.I. 2017/108, reg. 2](#)

#### Modifications etc. (not altering text)

- C1** S. 16 applied (1.10.2001) by [S.I. 2001/3264, reg. 4\(2\)](#)

#### [<sup>F4</sup>16A Procedure for requiring a connection. **E+W+S**

- (1) Where a person requires a connection to be made by an electricity distributor in pursuance of section 16(1), he shall give the distributor a notice requiring him to offer terms for making the connection.
  - (2) That notice must specify—
    - (a) the premises or distribution system to which a connection to the distributor’s system is required;
    - (b) the date on or by which the connection is to be made; and
    - (c) the maximum power at which electricity may be required to be conveyed through the connection.
  - (3) The person requiring a connection shall also give the distributor such other information in relation to the required connection as the distributor may reasonably request.
  - (4) A request under subsection (3) shall be made as soon as practicable after the notice under subsection (1) is given (if not made before that time).
- [ The Secretary of State may, after consulting the Authority, make provision by
- <sup>F5</sup>(4A) regulations for the purpose of entitling an electricity distributor to require a person requiring a connection in pursuance of section 16(1) to pay connection offer expenses to such extent as is reasonable in all the circumstances.
- (4B) In this section “connection offer expenses” means expenses which—
- (a) are of a kind specified by the regulations, and
  - (b) have been reasonably incurred by the electricity distributor.

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- (4C) Regulations under subsection (4A) may specify—
- (a) circumstances in which an electricity distributor may not require the payment of connection offer expenses by virtue of the regulations;
  - (b) the manner in which expenses reasonably incurred by an electricity distributor are to be calculated for the purposes of subsection (4B)(b).]
- (5) As soon as practicable after receiving the notice under subsection (1)]<sup>F6</sup>, any information requested under subsection (3) and any amount payable by virtue of subsection (4A) to the distributor by the person requiring the connection, the distributor shall give to that person] a notice—
- (a) stating the extent (if any) to which his proposals are acceptable to the distributor and specifying any counter proposals made by him;
  - (b) specifying any payment which that person will be required to make under section 19(1) <sup>F7</sup> ... [<sup>F8</sup>or regulations under Schedule 5B];
  - (c) specifying any security which that person will be required to give under section 20; and
  - (d) stating any other terms which that person will be required to accept under section 21.
- (6) A notice under subsection (5) shall also contain a statement of the effect of section 23.]

#### Textual Amendments

- F4** Ss. 16, 16A, 17 and cross-heading substituted for ss. 16, 17 (1.10.2001) by 2000 c. 27, s. 44; S.I. 2001/3266, art. 2, Sch. (subject to transitional provisions in arts. 3-20)
- F5** Ss. 16A(4A)-(4C) inserted (26.1.2009) by Energy Act 2008 (c. 32), ss. 98(2), 110(2); S.I. 2009/45, art. 2(d)(v)
- F6** Words in s. 16A(5) substituted (26.1.2009) by Energy Act 2008 (c. 32), ss. 98(3), 110(2); S.I. 2009/45, art. 2(d)(v)
- F7** Words in s. 16A(5)(b) omitted (6.4.2017) by virtue of Infrastructure Act 2015 (c. 7), ss. 52(5)(a), 57(7)(c); S.I. 2017/108, reg. 2 (with reg. 3)
- F8** Words in s. 16A(5)(b) inserted (6.4.2017) by Infrastructure Act 2015 (c. 7), ss. 52(5)(b), 57(7)(c); S.I. 2017/108, reg. 2

#### [<sup>F9</sup>17 Exceptions from duty to connect. **E+W+S**

- (1) Nothing in section 16(1) requires an electricity distributor to make a connection if and to the extent that—
- (a) he is prevented from doing so by circumstances not within his control;
  - (b) circumstances exist by reason of which his doing so would or might involve his being in breach of regulations under section 29, and he has taken all such steps as it was reasonable to take both to prevent the circumstances from occurring and to prevent them from having that effect; or
  - (c) it is not reasonable in all the circumstances for him to be required to do so.
- (2) Without prejudice to the generality of subsection (1) an electricity distributor is not required to make a connection if—
- (a) making the connection involves the distributor doing something which, without the consent of another person, would require the exercise of a power conferred by any provision of Schedule 3 or 4;

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- (b) the distributor’s licence does not provide for that provision to have effect in relation to him; and
  - (c) any necessary consent has not, at the time the request is made, been given.
- (3) Subsection (1)(c) does not permit an electricity distributor to disconnect any premises or distribution system to which a connection is being maintained by him unless the distributor gives—
- (a) where the connection is to premises, to the occupier or to the owner if the premises are not occupied;
  - (b) where the connection is to another distribution system, to the person who is authorised by a licence or exemption to run that system,
- not less than seven working days’ notice of his intention to disconnect the premises or distribution system.]

**Textual Amendments**

**F9** Ss. 16, 16A, 17 and cross-heading substituted for ss. 16, 17 (1.10.2001) by 2000 c. 27, s. 44; S.I. 2001/3266, art. 2, Sch. (subject to transitional provisions in arts. 3-20)

<sup>F10</sup> 18 ..... **E+W+S**

**Textual Amendments**

**F10** S. 18 repealed (1.10.2001) by 2000 c. 27, ss. 45, 108, Sch. 8; S.I. 2001/3266, art. 2, Sch. (subject to transitional provisions in arts. 3-20)

**19 Power to recover expenditure. **E+W+S****

(1) Where any electric line or electrical plant is provided by [<sup>F11</sup>an electricity distributor] in pursuance of section 16(1) above, the [<sup>F11</sup>distributor] may require any expenses reasonably incurred in providing it to be defrayed by the person requiring the [<sup>F11</sup>connection] to such extent as is reasonable in all the circumstances.

<sup>F12</sup>(2) .....

<sup>F12</sup>(3) .....

[<sup>F13</sup>(3A) Schedule 5B (reimbursement of persons who have met expenses) has effect.]

(4) Any reference in this section [<sup>F14</sup>and Schedule 5B] to any expenses reasonably incurred in providing an electric line or electrical plant includes a reference to the capitalised value of any expenses likely to be so incurred in [<sup>F15</sup>continuing to provide it]

**Textual Amendments**

**F11** Words in s. 19(1) substituted (1.10.2001) by 2000 c. 27, s. 46(2); S.I. 2001/3266, art. 2, Sch. (subject to transitional provisions in arts. 3-20)

**F12** S. 19(2)(3) omitted (6.4.2017) by virtue of Infrastructure Act 2015 (c. 7), ss. 52(2)(a), 57(7)(c); S.I. 2017/108, reg. 2 (with reg. 3)

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- F13** S. 19(3A) inserted (6.4.2017) by [Infrastructure Act 2015 \(c. 7\)](#), **ss. 52(2)(b)**, 57(7)(c); S.I. 2017/108, [reg. 2](#)
- F14** Words in s. 19(4) inserted (6.4.2017) by [Infrastructure Act 2015 \(c. 7\)](#), **ss. 52(2)(c)**, 57(7)(c); S.I. 2017/108, [reg. 2](#)
- F15** Words in s. 19(4) substituted (16.5.2001 for certain purposes and otherwise 1.10.2001) by [2000 c. 27, s. 46\(5\)](#); S.I. 2001/1781, [art. 2, Sch.](#) (subject to transitional provisions in [arts. 3-10](#)); S.I. 2001/3266, [art. 2, Sch.](#) (subject to transitional provisions in [arts. 3-20](#))

## 20 Power to require security. **E+W+S**

<sup>F16</sup>(1) Subject to the following provisions of this section, an electricity distributor may require any person who requires a connection in pursuance of section 16(1) to give him reasonable security for the payment to him under section 19 in respect of the provision of any electric line or electrical plant.

(1A) If a person fails to give any security required under subsection (1), or the security given has become invalid or insufficient, and he fails to provide alternative or additional security, the electricity distributor may if he thinks fit—

- (a) if the connection has not been made, refuse to provide the line or plant for so long as the failure continues; or
- (b) if the connection is being maintained, disconnect the premises or distribution system in question.]

<sup>F17</sup>(2) .....

(3) Where any money is deposited with <sup>F18</sup>[an electricity distributor] by way of security in pursuance of this section, the <sup>F18</sup>[distributor] shall pay interest, at such rate as may from time to time be fixed by the <sup>F18</sup>[distributor] with the approval of the Director, on every sum of 50p so deposited for every three months during which it remains in the hands of the <sup>F18</sup>[distributor].

<sup>F17</sup>(4) .....

### Textual Amendments

- F16** S. 20(1)(1A) substituted for s. 20(1) (1.10.2001) by [2000 c. 27, s. 47\(2\)](#); S.I. 2001/3266, [art. 2, Sch.](#) (subject to transitional provisions in [arts. 3-20](#))
- F17** S. 20(2)(4) repealed (1.10.2001) by [2000 c. 27, ss. 47\(4\), 108, Sch. 8](#); S.I. 2001/3266, [art. 2, Sch.](#) (subject to transitional provisions in [arts. 3-20](#))
- F18** Words in s. 20(3) substituted (1.10.2001) by [2000 c. 27, s. 47\(3\)](#); S.I. 2001/3266, [art. 2, Sch.](#) (subject to transitional provisions in [arts. 3-20](#))

## <sup>F19</sup>21 Additional terms of connection. **E+W+S**

An electricity distributor may require any person who requires a connection in pursuance of section 16(1) above to accept in respect of the making of the connection—

- (a) any restrictions which must be imposed for the purpose of enabling the distributor to comply with regulations under section 29;
- (b) any terms which it is reasonable in all the circumstances for that person to be required to accept; and

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- (c) without prejudice to the generality of paragraph (b), any terms restricting any liability of the distributor for economic loss resulting from negligence which it is reasonable in all the circumstances for that person to be required to accept.]

#### Textual Amendments

**F19** S. 21 substituted (1.10.2001) by 2000 c. 27, s. 48; S.I. 2001/3266, art. 2, Sch. (subject to transitional provisions in arts. 3-20)

### <sup>F20</sup>[22 **Special agreements with respect to connection.** E+W+S

- (1) Notwithstanding anything in sections 16 to 21, a person who requires a connection in pursuance of section 16(1) may enter into an agreement with the electricity distributor (referred to in this Part as a “special connection agreement”) for the making of the connection on such terms as may be agreed by the parties.
- (2) So long as a special connection agreement is effective, the rights and liabilities of the parties shall be those arising under the agreement and not those provided for by sections 16 to 21.
- (3) Nothing in subsection (2) prevents the giving of a notice under section 16A(1) requiring a connection to be made as from the time when a special connection agreement ceases to be effective.]

#### Textual Amendments

**F20** S. 22 substituted (1.10.2001) by 2000 c. 27, s. 49; S.I. 2001/3266, art. 2, Sch. (subject to transitional provisions in arts. 3-20)

#### Modifications etc. (not altering text)

**C2** S. 22 applied (1.10.2001) by S.I. 2001/3264, reg. 5(2)

### **23 Determination of disputes.** E+W+S

[<sup>F21</sup>(1) This section applies (in addition to any disputes to which it applies by virtue of any other provision of this Act) to any dispute arising under sections 16 to 21 between an electricity distributor and a person requiring a connection.

[ This section also applies to any dispute arising under regulations under Schedule 5B <sup>F22</sup>(1ZA) between—

- (a) an electricity distributor, and
- (b) a person in respect of whom the electricity distributor exercises the reimbursement powers conferred by the regulations.]

(1A) A dispute to which this section applies—

- (a) may be referred to the [<sup>F23</sup>Authority—
  - (i) by either party, or
  - (ii) with the consent of either party, by Citizens Advice or Citizens Advice Scotland or Citizens Advice and Citizens Advice Scotland acting jointly;] and

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- (b) on such a reference, shall be determined by order made either by the Authority or, if the Authority thinks fit, by an arbitrator (or in Scotland an arbiter) appointed by the Authority.
- (1B) The practice and procedure to be followed in connection with any such determination shall be such as the Authority may consider appropriate. .
- (1C) No dispute arising under sections 16 to 21 which relates to the making of a connection between any premises and a distribution system may be referred to the Authority after the end of the period of 12 months beginning with the time when the connection is made..
- [ No dispute arising under regulations under Schedule 5B may be referred to the
- <sup>F24</sup>(1D) Authority after the end of the period of 12 months beginning with the time when the second connection (within the meaning of Schedule 5B) is made.]
- (2) Where a dispute arising under sections 16 to 21 between an electricity distributor and a person requiring a connection falls to be determined under this section, the Authority may give directions as to the circumstances in which, and the terms on which, the distributor is to make or (as the case may be) to maintain a connection pending the determination of the dispute.]
- [<sup>F25</sup>(2A) Where a dispute arising under regulations under Schedule 5B falls to be determined under this section, the Authority may give directions as to the circumstances in which, and the terms on which, an electricity distributor is to make or (as the case may be) to maintain the second connection (within the meaning of Schedule 5B) pending the determination of the dispute.]
- (3) Where any dispute arising under section 20(1) above falls to be determined under this section, the Director may give directions as to the security (if any) to be given pending the determination of the dispute.
- (4) Directions under subsection (2)[<sup>F26</sup>, (2A)] or (3) above may apply either in cases of particular descriptions or in particular cases.
- [<sup>F27</sup>(4A) A person making an order under this section shall include in the order his reasons for reaching his decision with respect to the dispute.]
- (5) An order under this section—
- (a) may include such incidental, supplemental and consequential provision (including provision requiring either party to pay a sum in respect of the costs or expenses incurred by the person making the order) as that person considers appropriate; and
- (b) shall be final and—
- (i) in England and Wales, shall be enforceable, in so far as it includes such provision as to costs or expenses, as if it were a judgment of the county court;
- (ii) in Scotland, shall be enforceable as if it were an extract registered decree arbitral bearing a warrant for execution issued by the sheriff.
- (6) In including in an order under this section any such provision as to costs or expenses as is mentioned in subsection (5) above, the person making the order shall have regard to the conduct and means of the parties and any other relevant circumstances.
- [<sup>F28</sup>(7) Section 16(4)(a) does not apply to the references in this section to making a connection.]

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#### Textual Amendments

- F21** S. 23(1)(1A)-(1C)(2) substituted for s. 23(1)(2) (1.10.2001) by 2000 c. 27, s. 108, **Sch. 6 Pt. II para. 26(2)**; S.I. 2001/3266, art. 2, **Sch.** (subject to transitional provisions in arts. 3-20)
- F22** S. 23(1ZA) inserted (6.4.2017) by **Infrastructure Act 2015 (c. 7)**, **ss. 52(6)(a)**, 57(7)(c); S.I. 2017/108, reg. 2
- F23** Words in s. 23(1A)(a) substituted (1.4.2014) by **The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631)**, art. 1(3), **Sch. 1 para. 5(7)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F24** S. 23(1D) inserted (6.4.2017) by **Infrastructure Act 2015 (c. 7)**, **ss. 52(6)(b)**, 57(7)(c); S.I. 2017/108, reg. 2
- F25** S. 23(2A) inserted (6.4.2017) by **Infrastructure Act 2015 (c. 7)**, **ss. 52(6)(c)**, 57(7)(c); S.I. 2017/108, reg. 2
- F26** Word in s. 23(4) inserted (6.4.2017) by **Infrastructure Act 2015 (c. 7)**, **ss. 52(6)(d)**, 57(7)(c); S.I. 2017/108, reg. 2
- F27** S. 23(4A) inserted (1.10.2001) by 2000 c. 27, s. 108, **Sch. 6 Pt. II para. 26(3)**; S.I. 2001/3266, art. 2, **Sch.** (subject to transitional provisions in arts. 3-20)
- F28** S. 23(7) inserted (1.10.2001) by 2000 c. 27, s. 108, **Sch. 6 Pt. II para. 26(4)**; S.I. 2001/3266, art. 2, **Sch.** (subject to transitional provisions in arts. 3-20)

#### Modifications etc. (not altering text)

- C3** S. 23 applied (with modifications) (1.10.2001) by S.I. 2001/3266, **arts. 1(2)**, 6(3)
- C4** S. 23 applied (1.10.2001) by S.I. 2001/3266, **arts. 1(2)**, 11(3)

## 24 The public electricity supply code. **E+W+S**

The provisions of Schedule 6 to this Act (which relate to the [<sup>F29</sup>distribution and supply of electricity]) shall have effect.

#### Textual Amendments

- F29** Words in s. 24 substituted (1.10.2001) by 2000 c. 27, s. 51(1); S.I. 2001/3266, art. 2, **Sch.** (subject to transitional provisions in arts. 3-20)



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