



Electricity Act 1989

1989 CHAPTER 29

PART I

ELECTRICITY SUPPLY

Consumer protection: standards of performance

39 Electricity supply: performance in individual cases.

#

(1) The Director may—

- (a) with the consent of the Secretary of State; ^{F1} . . .
- (b) after consultation with public electricity suppliers and with persons or bodies appearing to the Director to be representative of persons likely to be affected, ^{F2}; and

(c) after arranging for such research as the Director considers appropriate with a view to discovering the views of a representative sample of persons likely to be affected and considering the results,]

make regulations prescribing such standards of performance in connection with the provision by such suppliers of electricity supply services to tariff customers as, in his opinion, ought to be achieved in individual cases.

(2) Regulations under this section may—

- (a) prescribe circumstances in which public electricity suppliers are to inform persons of their rights under this section;
- (b) prescribe such standards of Performance in relation to any duty arising under paragraph (a) above as, in the Director's opinion, ought to be achieved in all cases; and
- (c) prescribe circumstances in which public electricity suppliers are to be exempted from any requirements of the regulations or this section,

and may make different provision for different public electricity suppliers.

Status: Point in time view as at 31/10/1994. This version of this provision has been superseded.

Changes to legislation: Electricity Act 1989, Section 39 is up to date with all changes known to be in force on or before 20 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) If a public electricity supplier 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.
- (4) The making of compensation under this section in respect of any failure by a public electricity supplier 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.
- (5) Any dispute arising under this section or regulations made under it—
- (a) may be referred to the Director by either party; and
 - (b) on such a reference, shall be determined by order made either by the Director or, if he thinks fit, by the consumers' committee to which the supplier is allocated or any sub-committee of that committee;
- and the practice and procedure to be followed in connection with any such determination shall be such as may be prescribed.
- [^{F3}(5A) Any person making an order under subsection (5) above shall include in the order his reasons for reaching his decision with respect to the dispute.]
- (6) An order under subsection (5) above shall be final and shall be enforceable#
- (a) in England and Wales, as if it were a judgment of the county court;
 - (b) in Scotland, as if it were an extract registered decree arbitral bearing a warrant for execution issued by the sheriff.
- (7) In this section “prescribed” means prescribed by regulations under this section.

Textual Amendments

- F1** Word in s. 39(1) repealed (1.7.1992) by [Competition and Service \(Utilities\) Act 1992 \(c. 43\), s. 56\(7\), Sch.2](#); Commencement Order No. 1 made on 29.5.1992, art. 3, Sch. Pt.I.
- F2** S. 39(1)(c) and word “and” preceding it inserted (1.7.1992) by [Competition and Service \(Utilities\) Act 1992 \(c. 43\), s. 20\(1\)](#); Commencement Order No. 1 made on 29.5.1992, art. 3, Sch. Pt.I.
- F3** S. 39(5A) inserted (1.7.1992) by [Competition and Service \(Utilities\) Act 1992 \(c. 43\), s. 56\(6\), Sch. 1 para.14](#); Commencement Order No. 1 made on 29.5.1992, art. 3, Sch. Pt.I.

Modifications etc. (not altering text)

- C1** S. 39(1)(a): transfer of certain functions (S.) (1.7.1999) by [S.I. 1999/1750, arts. 1, 2, Sch. 1](#) (with art. 7)

Status:

Point in time view as at 31/10/1994. This version of this provision has been superseded.

Changes to legislation:

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