
STATUTORY INSTRUMENTS

1988 No. 1057

The Electricity Supply Regulations 1988

PART VII

MISCELLANEOUS

Inspections, etc. for the Secretary of State

33.—(1) For the purpose of ascertaining whether a breach of these Regulations may have occurred, a person duly authorised by the Secretary of State shall be entitled at all times to inspect and to make examinations and tests of a supplier's works and to examine and take records of the readings of any instruments used by the supplier.

(2) The supplier shall afford reasonable facilities for any such inspection, examination or test, but shall not be responsible for any interruption in the supply which may be occasioned thereby.

Notification of specified events

34.—(1) Every supplier shall give to the Secretary of State notice in accordance with paragraph (3) in respect of any event specified in paragraph (2), whether or not that event was caused accidentally.

(2) The events referred to in paragraph (1) are—

- (a) any event attributable in whole or in part to the generation, transformation, control, distribution or supply of energy up to and including the supply terminals which has given rise to—
 - (i) the death of any person other than a person engaged by the supplier for the purposes of his business;
 - (ii) an injury (including any electric shock)
 - to any person other than a person engaged by the supplier for the purposes of his business;
 - (iii) any fire; or
 - (iv) any explosion or implosion;
- (b) any event attributable in whole or in part to the presence of energy on the consumer's side of the supply terminals on any non-industrial and non-commercial premises resulting in the death of any person;
- (c) any event, whether or not accompanied by an event specified in sub-paragraph (a) above, which caused an overhead line to be at a height less than that required by regulation 13(2);
- (d) the occurrence of any damage to any underground electric line of the supplier resulting from an event not specified in sub-paragraphs (a) and (b) above; and
- (e) any event other than those listed in sub-paragraphs (a), (c) or (d) above which, taking into account the circumstances of that event, was likely to cause any of the events listed in sub-paragraph (a).

- (3) The notice shall be in writing and—
- (a) in respect of the events specified in paragraphs (2)(a) and (b)—
 - (i) shall be sent to the Secretary of State by the quickest practicable means after the event becomes known to the supplier; and
 - (ii) shall contain the particulars specified in Parts I and II respectively of Schedule 4;
 - (b) in respect of the events notifiable under paragraphs (2)(c) and (e)—
 - (i) shall be sent to the Secretary of State by means of a return to be submitted within 15 days of the end of the month in which the event became known to the supplier; and
 - (ii) in respect of an event specified in paragraph (2)(c) shall contain the particulars specified in Part III of Schedule 4; and
 - (iii) in respect of an event specified in paragraph (2)(e) shall contain the particulars specified in whichever of Parts I, II and III Of Schedule 4 is most appropriate to the circumstances;
 - (c) in respect of the events notifiable under paragraph (2)(d)—
 - (i) shall be sent to the Secretary of State by means of a return to be submitted within one month of the period of 3 months ending on 31st March, 30th June, 30th September or 31st December as the case may be, in which the event became known to the supplier; and
 - (ii) shall contain the particulars specified in Part IV of Schedule 4; and
 - (d) shall, in every case, indicate by a unique and sequential reference number, in respect of each year ending on 31st March, the number of that report.

(4) Notices in respect of any event specified in paragraph (2)(a), (b), (c) or (e) shall be sent to the Secretary of State notwithstanding that the supplier is unable to give the full particulars required by Parts I, II or III of Schedule 4 and any particulars omitted shall be sent by the supplier in a supplementary notice to the Secretary of State by the earliest practicable means after they become known to the supplier.

(5) Without prejudice to paragraph (3), the supplier shall give notice to the Secretary of State by telephone, telex or other immediate means of communication of any death reportable under paragraph (2)(a)(i) immediately the event becomes known to the supplier.

Notification of supply failure

35.—(1) Every supplier shall send to the Secretary of State notice in accordance with paragraph (2) of failures of supply of which two days prior notice has not been given where there has been—

- (a) any single interruption of supply to one or more consumers of 20 megawatts or more for a period of one minute or longer; or
 - (b) any single interruption of supply to one or more consumers of 5 megawatts or more for a period of one hour or longer; or
 - (c) any single interruption of supply to 5,000 or more consumers for a period of one hour or longer.
- (2) The notice shall—
- (a) be sent by the earliest practicable means after the failure becomes known to the supplier;
 - (b) contain the particulars specified in Schedule 5.

(3) The notice shall be Sent to the Secretary of State notwithstanding that the supplier is unable to give the full particulars required by Schedule 5 and any particulars omitted shall be sent by the

supplier in a supplementary notice to the Secretary of State by the earliest practicable means after they became known to the supplier.

Maps of supplier's works underground

36.—(1) This regulation applies in respect of supplier's works placed below ground other than works placed in land under the control of the supplier.

(2) Subject to paragraph (6), every supplier shall cause to be made and, so far as is reasonably practicable, kept up to date, a map or series of maps indicating the position and depth below surface level of all his works.

(3) The supplier shall make a copy of the whole or the relevant part of any map prepared for the purpose of paragraph (2) available for inspection by any of—

- (a) the Secretary of State;
- (b) the local planning authority for the area where the supplier's works in the map are situated; and
- (c) any other person who can show reasonable cause for requiring to inspect any part of the map,

and shall, on request, provide a copy of such map or part of the map free of charge.

(4) Where the supplier is not an Electricity Board and has prepared a map for the purposes of paragraph (2) he shall provide, free of charge, to every Electricity Board a copy of that part of the map which relates to the area of that Electricity Board.

(5) Any map prepared for the purposes of paragraph (2) may be prepared and retained by electronic means provided that that means has the capability of reproducing such map in printed form.

(6) Nothing in this regulation shall require the inclusion on a map prepared for the purposes of paragraph (2) of information relating to the position and depth below surface level of supplier's works which were placed below ground before the coming into force of this regulation where it would not be reasonably practicable to obtain such information.

Exemption from requirements of Regulations

37.—(1) Where a request is made to the Secretary of State to grant an exemption from a requirement of these Regulations, that request shall be made in writing and shall state the full extent of the reasons for the exemption sought.

(2) Where the Secretary of State is satisfied that an exemption may be granted without prejudice to safety or interference with the supply to others, the Secretary of State may grant such an exemption as he thinks appropriate.

Works in breach of Regulations

38.—(1) Paragraphs (2) to (10) shall apply in any case where the Secretary of State is satisfied that—

- (a) any supplier's works or any part thereof which are 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) those works, that installation or the part thereof which are or is in breach of any relevant exemption or other relevant provision made under these Regulations in force at the time when the notice referred to in paragraph (2) is given,

are or is liable to

- (i) become a source of danger to others; or
- (ii) interfere with a supply to others.

(2) The Secretary of State may serve notice in writing on the supplier or consumer specifying the matter of which he is satisfied and require that those works, that installation or the part specified in the notice—

- (a) shall not be used, or shall be used only subject to compliance with such conditions as that notice may specify; or
- (b) shall be made dead; or
- (c) shall be removed,

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 works, installation or part shall not be used or shall be made dead that notice shall remain in effect until such time as the works, installation or part specified in the notice shall comply with these Regulations or until the Secretary of State shall withdraw the notice.

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

(5) Where a notice is given to the Secretary of State pursuant to paragraph (4), the Secretary of State shall refer the dispute to an independent person agreed between the Secretary of State 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 Electrical Engineers.

(6) The person to whom a dispute is referred shall, on reaching a determination of 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 him) or whether those costs shall be borne by the Secretary of State.

(7) The person to whom a dispute is referred may decide

- (a) to uphold the notice; or
- (b) to recommend to the Secretary of State that the notice be withdrawn or modified, and

shall notify his decision in writing to the Secretary of State and to the person giving notice under paragraph (4).

(8) 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; and
- (b) make an inspection of the supplier's works, or consumer's installation the subject of the dispute.

(9) Where it appears to the person to whom a dispute is referred that any person, not being a party to the dispute, has an interest in the outcome of that dispute, he may at his discretion treat that person as if he were a party to the dispute.

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

Offences

39. Any supplier who fails to comply with any provision of these Regulations, any person who fails to comply with regulation 26 and any consumer who fails to comply with regulation 38 shall be guilty of an offence under section 16 of the Energy Act 1983.