
STATUTORY INSTRUMENTS

1993 No. 1193

ELECTRICITY

The Electricity (Standards of Performance) Regulations 1993

Made - - - - *28th April 1993*

Coming into force - - *8th June 1993*

The Director General of Electricity Supply in exercise of the powers conferred by sections 39 and 60 of the Electricity Act 1989⁽¹⁾ as amended by the Competition and Service (Utilities) Act 1992⁽²⁾, and all other enabling powers, 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 (as respects England and Wales) and the Secretary of State for Scotland (as respects Scotland) in accordance with section 39(1)(a) of the Electricity Act 1989⁽¹⁾, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Electricity (Standards of Performance) Regulations 1993 and shall come into force on 8th June 1993.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Electricity Act 1989;

“appropriate meter” has the meaning given in paragraph 1 of Schedule 7 to the Act;

“customer” means a person who is the owner or occupier of premises who requires a supplier to provide a supply and who is or expects to be charged for the supply in accordance with a tariff fixed under section 18 of the Act (other than a tariff in relation to an unmetered supply);

“commencement date” means, in relation to each occasion upon which a regulation applies, the day upon which that regulation first applies, or, where a prescribed period in a paragraph of a regulation is expressed in hours, the time on that day when that regulation first applies;

“domestic customer” means a customer supplied or to be supplied at premises used or to be used by him wholly or mainly for domestic purposes;

(1) 1989 c. 29.

(2) 1992 c. 43.

(1) 1989 c. 29.

“margins of error” means the prescribed margins of error or the agreed margins of error as defined in paragraph 13 of Schedule 7 to the Act;

“non-domestic customer” means any customer other than a domestic customer;

“pay” includes crediting the account of the customer for charges incurred or to be incurred in respect of the supply or in respect of the provision of any electricity meter, electric line or electrical plant, and “payment” shall be construed accordingly;

“prescribed period” means, in a paragraph or sub-paragraph of a regulation, the period in column 2 of Part I of the Schedule opposite the reference to that paragraph or sub-paragraph of the regulation in column 1 of Part I of the Schedule;

“prescribed sum” means, in a paragraph or sub-paragraph of a regulation, where the customer is a domestic customer the amount in column 3 of Part I of the Schedule, or where the customer is a non-domestic customer the amount in column 4 of Part I of the Schedule in either case opposite the reference to that paragraph or subparagraph of the regulation in column 1 of Part I of the Schedule;

“specified time” means—

- (a) unless sub-paragraph (b) applies, a part (specified by the supplier) of a day (also specified by the supplier) within the prescribed period from the commencement date, being either a part which falls either wholly before one o'clock in the afternoon or wholly after noon, or a part not exceeding two hours, or
- (b) such part of a day (whether or not within that period) as is requested by the customer and agreed with the supplier, such agreement not to be unreasonably withheld,

Provided

- (i) that a part of a day may be a specified time for the purpose of a regulation notwithstanding that it was requested, agreed or specified prior to the time at which that regulation first applied; and
- (ii) that the supplier shall not be obliged to agree part of a day less than two hours;

“supplier” means a public electricity supplier;

“supplier’s fuse” means the fusible cut-out or automatic switching device of the supplier for disconnecting the supply to the customer’s premises situated nearest to the supplier’s side of the appropriate meter for the customer’s premises; and

“supply” means supply of electricity through electric lines.

2.—(2) In relation to a customer and the premises of which that person is a customer—

- (a) a reference in a regulation to “the Schedule” means the Schedule bearing as its heading—
 - (i) the name of the supplier in whose authorised area the premises of that customer are situated; or
 - (ii) (where the supplier referred to in sub-paragraph (i) (“supplier A”) has, in accordance with any arrangement notified to the Director, appointed another person holding a licence under section 6(1)(c) of the Act (“supplier B”) to act on his behalf for the purpose of providing a supply to a customer) the name of supplier B; and
- (b) except in respect of any obligation to make a payment, where paragraph (ii) applies any reference to “supplier” is a reference to supplier B.

(3) Unless the context otherwise requires, any reference in these Regulations to a numbered regulation is a reference to the regulation in these Regulations bearing that number; and any reference in a regulation to a numbered paragraph or sub-paragraph is a reference to the paragraph or sub-paragraph of that regulation bearing that number.

(4) For the purpose of these Regulations—

- (a) where more than one person is a customer in respect of particular premises, a notice given by a supplier to one customer shall be a sufficient notice to every person who is a customer in respect of those premises;
- (b) where a person is a customer in respect of more than one premises, a reference in a regulation to “customer” is a reference to that person in respect of each of the premises of which he is a customer to which the regulation applies;
- (c) any reference to the dispatch by a supplier of an explanation or reply within a particular period shall not require that the explanation or reply (if in writing) is received by the customer within that period and shall be satisfied if the supplier provides the explanation or reply orally to the customer within that period; and
- (d) any reference to a customer shall (except in relation to the entitlement to any payment due from a supplier under these Regulations) include—
 - (i) any person having apparent authority to represent the customer; and
 - (ii) where the customer is the owner of the premises supplied, any person occupying those premises.

Supplier’s fuse

3.—(1) This regulation applies where a supplier is informed (other than by post) by a customer during working hours that, or of circumstances suggesting that the supplier’s fuse has operated so as to disconnect the supply to the customer’s premises.

(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 working hours.

(3) Where, within the prescribed period from the commencement date, an appropriate person fails to attend at the premises where the supplier’s fuse is situated for the purpose of replacing or reinstating the supplier’s fuse and restoring the supply, 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 restore the supply; and
- (c) that the supplier’s fuse had not operated so as to disconnect the supply.

(5) In this regulation—

“appropriate person” means a person employed or authorised by a supplier to restore the supply where the supplier’s fuse has operated; and

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

Supply restoration

4.—(1) This regulation applies where the supply to a customer’s premises is discontinued as a result of a failure of, fault in or damage to the supplier’s distribution system, except where regulation 3 applies.

(2) Where this regulation applies, the supplier shall, except in any of the circumstances described in paragraph (3), pay to the customer, where—

- (a) the supply is not restored to the customer’s premises within the relevant period, the prescribed sum; and

- (b) in respect of each succeeding period of 12 hours upon the expiry of which the supply is not restored, the prescribed sum.
- (3) The circumstances described in this paragraph are—
 - (a) each of the circumstances described in regulation 15;
 - (b) that it was not reasonable in all the circumstances for the supplier to be aware either that the supply to the customer’s premises had been discontinued or that the supply had not been restored;
 - (c) that—
 - (i) the premises to which the supply was discontinued are situated on an island;
 - (ii) the supply to premises on that island is normally provided through an electric line situated on or under the sea bed;
 - (iii) the failure, fault or damage occurred in that part of the electric line which is situated below the high water mark of spring tides; and
 - (iv) no alternative means is normally available to the supplier to supply the premises on that island; and
 - (d) that the supplier has not received a claim for compensation from the customer in respect of the circumstance referred to in paragraph (1) within a period of one month from the date upon which the supply was restored to the customer’s premises.
- (4) In this regulation—

“distribution system” means the system of electric lines situated wholly or partly within the authorised area owned or operated by a supplier for distribution of electricity between the grid supply points or generating stations or other entry points and the points where it is supplied to premises or delivered to persons holding a licence under the Act or who, under section 5 of the Act, are exempt from the requirement to hold a licence and includes any electrical plant and meters owned or operated by the supplier in connection with the distribution of electricity; and

“relevant period” means the prescribed period commencing at the time—

 - (i) the supplier is informed by a customer that the supply to the customer’s premises has been discontinued;
 - (ii) the supplier is informed by a person other than the customer or is otherwise made aware by the operation of any automatic system operated by the supplier of circumstances in which paragraph (1) applies or may reasonably be expected to apply to premises including the customer’s premises; or
 - (iii) where the failure, fault or damage has occurred in an underground electric line of a nominal voltage of 20 kilovolts, 12 hours after the time at which paragraph (i) or (ii) applies.

Providing a supply

- 5.—(1) This regulation applies where—
- (a) a customer has given a notice either under section 16(2) of the Act in respect of premises at which that person was not previously a tariff customer or requesting the installation of an appropriate meter at premises from which the meter has been removed at a customer’s request;
 - (b) it is necessary for the supplier to visit the customer’s premises to install an appropriate meter and to energise the supply at the supplier’s fuse to enable a supply to be provided to the customer’s premises;

- (c) the supplier is not required to install any electric line other than a line to connect the meter and the supplier's fuse where the distance between the connection points of the meter and the electrical plant containing the supplier's fuse does not or will not exceed one metre;
 - (d) the supplier has received from the customer—
 - (i) all the information in relation to the supply requested by the notice which the supplier might reasonably require; and
 - (ii) the amounts (if any) specified by him in any notice given by him under section 16(3) of the Act as being required prior to the supply being provided; and
 - (e) the customer has communicated orally with the supplier in connection with the ascertainment of the specified time.
- (2) Where this regulation applies and the supplier, in respect of a notice given—
- (a) by a domestic customer, fails within the prescribed period from the commencement date to make an appointment to visit during a specified time, the supplier shall, except in any of the circumstances described in paragraph (4), pay to the customer the prescribed sum;
 - (b) by a non-domestic customer to whose premises the supply will be given through and the quantity of electricity ascertained by a whole current meter, fails within the prescribed period from the commencement date to make an appointment to visit during a specified time, the supplier shall, except in any of the circumstances described in paragraph (4), pay to the customer the prescribed sum; or
 - (c) by any other customer, fails to make an appointment to visit during a part of a day as requested by the customer, the supplier shall, except in any of the circumstances described in paragraph (4), pay to the customer the prescribed sum.
- (3) If the supplier fails to visit during the specified time or, where sub-paragraph (2)(c) applies, during the part of the day as requested in accordance with that sub-paragraph, he 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 provided that, in relation to paragraph (6) of that regulation, the supplier gave the customer not less than one working day's prior warning (whether or not in writing) that he would be unable to make the visit or the circumstances referred to in that paragraph occurred at a time when it was not reasonably practicable to give such a warning;
 - (b) in relation to sub-paragraph (2)(c), that the customer requested the visit during a part of the day less than two hours or that it was otherwise reasonable that the supplier was unable to agree to make the visit as requested by the customer; and
 - (c) that the supplier reasonably believed that the maximum period for which the supply is required by the customer does not exceed three months.

Estimate of charges

- 6.—(1) This regulation applies where—
- (a) a customer gives a notice—
 - (i) under section 16(2) of the Act (including a notice modifying any previous notice); or
 - (ii) requesting that the position of the appropriate meter should be altered,and requests that the supplier provides an estimate;
 - (b) the supply is to be provided at low voltage; and
 - (c) the supplier receives from the customer the information relating to the provision of the supply or the proposed new position of the meter which is or could reasonably be expected

to be within the knowledge of the customer and is reasonably required by the supplier to enable him to provide the estimate.

(2) Where this regulation and paragraph (4) apply and the supplier fails to dispatch an estimate to the customer within the prescribed period from the commencement date, the supplier shall, except in any of the circumstances described in regulation 15, pay to the customer the prescribed sum.

(3) Where this regulation, but not paragraph (4), applies and the supplier fails to dispatch an estimate to the customer within the prescribed period from the commencement date, the supplier shall, except in any of the circumstances described in paragraph (5), pay to the customer the prescribed sum.

(4) This paragraph applies where it is reasonable for the supplier to believe that it will not be necessary to carry out any significant work other than the provision of a service line, an appropriate meter and a supplier's fuse to enable the supply to be given.

(5) The circumstances described in this paragraph are—

- (a) each of the circumstances described in regulation 15; and
- (b) that the supplier reasonably believes that the premises referred to in the notice form or will form part of a development scheme comprising five or more premises.

(6) In this regulation—

“estimate” means a statement in writing of the amount which the supplier reasonably expects he will require the customer to pay under subsection (1) of section 19 of the Act or under regulations made under subsection (2) of that section having regard to the information which is known or ought reasonably be known by the supplier in relation to the carrying out of that work including—

- (i) where the supplier reserves the right to vary the amount stated having regard to the actual costs incurred by him in carrying out the work, a reference to any matters which the supplier considers may cause the amount to be varied significantly; and
- (ii) the terms for payment of the amount stated and any variation of that amount;

“low voltage” means a nominal voltage not exceeding 1,000 volts; and

“service line” means a low voltage electric line or any part of the line which will, at the time it is provided, only be used for supplying a single customer, excluding any part of the line which, at the time it is provided, is intended by the supplier to be used to enable him to provide a supply to premises (other than the customer's premises) in respect of which the supplier has received or would reasonably expect within the following 12 months to receive a notice under section 16(2) of the Act.

Notice of supply interruption

7.—(1) This regulation applies where a supplier discontinues the supply to a customer's premises for an authorised purpose.

(2) Where this regulation applies and the supplier—

- (a) has failed to give to the customer prior notice of not less than the prescribed period, stating the day upon which the supply is or is expected to be discontinued; or
- (b) disconnects the supply on a day other than a day stated in the notice,

the supplier shall, except in any of the circumstances described in paragraph (3), pay to the customer the prescribed sum.

(3) The circumstances described in this paragraph are—

- (a) each of the circumstances described in paragraphs (3), (6) and (7) of regulation 15; and

- (b) that the supplier has not received a claim for compensation from the customer in respect of the failure referred to in paragraph (2) within a period of one month from the commencement date.

(4) In this regulation “authorised purpose” means testing or any other purpose connected with the carrying on of the activities which he is authorised by his licence to carry on in relation to his electric lines and electrical plant (other than the supplier’s fuse).

Voltage complaint

8.—(1) This regulation applies where a supplier is informed by a customer that—

- (a) the customer believes that the supply is being or has been given at a voltage outside the limits of the permitted variations; or
- (b) an event has occurred in relation to the supply and a supplier might reasonably expect the cause of the event to have been a supply given at a voltage outside the limits of the permitted variations.

(2) Where this regulation and paragraph (3) apply, and the supplier fails within the prescribed period from the commencement date to offer to visit the customer’s premises to investigate the matter during a specified time the supplier shall, except in any of the circumstances described in paragraph (5), pay to the customer the prescribed sum.

(3) This paragraph applies where the supplier is reasonably satisfied that he is unable to provide an explanation to the customer of the probable reason for the matter notified under paragraph (1) without visiting the customer’s premises.

(4) Where this regulation applies and the supplier—

- (a) where paragraph (3) applies, fails to visit the customer’s premises during the specified time, he shall pay to the customer the prescribed sum; or
- (b) where paragraph (3) does not apply, fails to dispatch to the customer an explanation of the probable reason for the matter notified under paragraph (1) within the prescribed period from the receipt of the notice, he shall pay to the customer the prescribed sum,

except in either case in any of the circumstances described in paragraph (5).

(5) The circumstances described in this paragraph are each of the circumstances described in regulation 15 provided that, in relation to paragraph (6) of that regulation, the supplier gave the customer not less than one working day’s prior warning (whether or not in writing) that he would be unable to visit during the specified time or the circumstances in which that paragraph applied occurred at a time when it was not reasonably practicable to give such a warning.

(6) In this regulation, “permitted variations” has the same meaning as in regulation 30 of the Electricity Supply Regulations 1988(3).

Meter disputes

9.—(1) This regulation applies where a supplier is informed by a customer—

- (a) that the customer considers that an appropriate meter is or may have been operating outside the margins of error; or
- (b) that circumstances exist which a supplier might reasonably expect to have been caused by the meter operating outside the margins of error.

(2) Where this regulation and paragraph (3) apply, and the supplier fails within the prescribed period from the commencement date to offer to visit the customer’s premises to investigate the

(3) S.I.1988/1057; relevant amending instrument is S.I. 1990/390.

matter during a specified time the supplier shall, except in any of the circumstances described in paragraph (5), pay to the customer the prescribed sum.

(3) This paragraph applies where the supplier is reasonably satisfied that he is unable to provide an explanation to the customer of the probable reason for the matters notified under paragraph (1) without visiting the customer's premises.

(4) Where this regulation applies and the supplier—

- (a) where paragraph (3) applies, fails to visit the customer's premises during the specified time he shall pay to the customer the prescribed sum; or
- (b) where paragraph (3) does not apply, fails to dispatch to the customer an explanation of the probable reason for the matter notified under paragraph (1) within the prescribed period from the receipt of the notice he shall pay to the customer the prescribed sum,

except in either case in any of the circumstances described in paragraph (5).

(5) The circumstances described in this paragraph are each of the circumstances described in regulation 15 provided that, in relation to paragraph (6) of that regulation, the supplier gave the customer not less than one working day's prior warning (whether or not in writing) that he would be unable to visit during the specified time or the circumstances in which that paragraph applied occurred at a time when it was not reasonably practicable to give such a warning.

Charges and payments

10.—(1) This regulation applies where a customer informs a supplier—

- (a) that the customer requests a change in the methods by which he makes payment to the supplier in respect of the supply; or
- (b) of a query as to—
 - (i) the correctness of an account relating to the supply presented to the customer by the supplier (other than in circumstances in which regulation 9 applies); or
 - (ii) whether, in relation to the matter or matters described by the customer, any payment ought to be made to the customer and the matter is one to which these Regulations apply or appear to apply.

(2) Where this regulation applies the supplier shall, except in any of the circumstances described in paragraph (3), pay to the customer the prescribed sum if the supplier fails—

- (a) in the case of a request under sub-paragraph (1)(a) and where the supplier does not expect to be able to approve the request, to dispatch a substantive reply to the customer within the prescribed period from the date of receipt of the information; or
- (b) in the case of a query under sub-paragraph (1)(b), to dispatch a substantive reply to the customer within the prescribed period from the date of receipt of the information.

(3) The circumstances described in this paragraph are—

- (a) each of the circumstances described in regulation 15;
- (b) in respect of a query under paragraph (1)(b)(ii) that the supplier has previously dispatched a notice under regulation 14(2) relating to the matter; and
- (c) that the customer gave the information to the supplier before 1st October 1993, that the information was not submitted in writing, and that the supplier was Eastern Electricity plc, Scottish Power plc, or Yorkshire Electricity Group plc.

Appointments

11.—(1) This regulation applies where—

(a) the customer informs the supplier that the customer wishes the supplier to visit the customer's premises, or

(b) the supplier informs the customer that the supplier wishes to visit the customer's premises,

being in either case a visit in connection with the activities which the supplier is authorised to carry on under his licence which requires access to be afforded to his representative or for which it would otherwise be reasonable to expect the customer to be present.

(2) Where this regulation applies and the supplier fails within a reasonable period from the commencement date to offer a timed appointment, the supplier shall, except in the circumstances specified in paragraph (5), pay to the customer the prescribed sum.

(3) Where this regulation applies and the supplier fails to keep a timed appointment, the supplier shall, except in the circumstances described in paragraph (5), pay to the customer the prescribed sum.

(4) Where a timed appointment is made for more than one purpose, the supplier shall not be required to pay more than one prescribed sum under paragraph (3) in respect of that timed appointment.

(5) The circumstances described in this paragraph are—

- (a) each of the circumstances described in regulation 15 provided that in paragraph (6) of that regulation, he gave the customer not less than one working day's prior warning (whether or not in writing) that he would be unable to keep the timed appointment or the circumstances in which the paragraph applied occurred at a time when it was not reasonably practicable to give such a warning;
- (b) that the visit is for the purpose of responding to information received under regulations 3, 8 or 9 or, a notice under regulation 5; and
- (c) that the visit is wholly or mainly in connection with cutting off the supply in exercise of the power contained in sub-paragraph 1(6) of Schedule 6 of the Act.

(6) In this regulation, "timed appointment" means an appointment to make a visit to a customer's premises commencing—

- (a) unless sub-paragraph (b) applies, during a part (specified by the supplier) of a day (also specified by the supplier) within a reasonable period from the commencement date, having regard to the purpose of visit, being either a part which falls either wholly before one o'clock in the afternoon or wholly after noon, or a part not exceeding two hours; or
- (b) during such part of a day as is requested by the customer and agreed with the supplier, such agreement not to be unreasonably withheld, provided that the supplier shall not be obliged to agree a part of a day less than two hours.

Notice of rights

12.—(1) A supplier shall prepare and from time to time revise a statement describing the rights prescribed for the benefit of customers under these Regulations and the effect of section 39(4) of the Act in a form and having a content which a supplier could reasonably expect would be within the understanding of tariff customers and shall—

- (a) give a copy of the statement, and of any revision of the statement to the Director and to the consumers' committee allocated to the supplier, before he makes it available to customers;
- (b) at least once in any period of 12 months dispatch to each tariff customer of the supplier a copy of the statement (in the form current at the time it is provided), provided that where in relation to any premises more than one person is a tariff customer, the obligation shall be satisfied by dispatching a copy to any one of them;

- (c) make a copy of the statement (in its current form) available for inspection by any person at any premises of or occupied by the supplier open to customers in the normal course of the supplier's business during the normal opening hours of the premises; and
- (d) dispatch a copy of the statement (in its current form) to any person who requests It.

(2) A supplier may prepare a separate statement for domestic and non-domestic customers and satisfy his obligation under sub-paragraph (b) or (d) of paragraph (1) by dispatching the statement appropriate to the class of customer to whom it is dispatched.

Disputes

13.—(1) Where a dispute is referred to the Director for determination under section 39(5) of the Act, the parties shall furnish to the Director or, if the Director so notifies the parties, to the consumers' committee to which the supplier is allocated or any sub-committee of that committee, such evidence in such form and at such time as he or the committee or sub-committee may reasonably require to enable him or it to determine the dispute.

(2) Where a dispute is determined by an order and the supplier fails to give effect to the order, the customer may set-off the amount in question against any charges that are owed by the customer to the supplier in relation to the supply to the customer.

(3) An order determining a dispute—

- (i) may include a provision requiring the supplier or the customer to pay a sum in respect of the costs or expenses incurred by the person making the order; and
- (ii) shall not (where the customer is more than one person) determine who is beneficially entitled to any payment required to be made by the order.

Payments

14.—(1) This regulation applies where a supplier is obliged to make a payment to a customer under any of regulations 3 to 11 (inclusive) or under any of regulations 3 to 11 (inclusive) of the Electricity (Standards of Performance) Regulations 1991(4).

(2) Where this regulation applies and the supplier fails within the prescribed period from the commencement date to dispatch a notice to the customer advising that the payment is due to the customer, the supplier shall, except in any of the circumstances described in paragraph (3), pay to the customer the prescribed sum.

(3) The circumstances described in this paragraph are—

- (a) each of the circumstances described in regulation 15; and
- (b) that there is a genuine dispute between the supplier and the customer as to whether the supplier is obliged to make the payment.

(4) Where a supplier is required to make a payment under these Regulations—

- (a) in relation to any premises of which more than one person is a customer, a payment to any one or more of the customers of those premises shall be a complete discharge of the obligation of the supplier to make the payment to all the customers of those premises;
- (b) nothing in, or done by a supplier in consequence of these Regulations shall determine who is beneficially entitled to any payment made in pursuance of these Regulations;
- (c) a supplier shall not be required to make a payment other than to a customer; and
- (d) nothing in these Regulation shall permit a supplier to make a payment other than by means of—

(4) S.I. 1991/1344.

- (i) a cheque or cash; or
- (ii) a credit to the account of the customer for charges incurred or to be incurred in respect of the supply or the provision of any electricity meter, electric line or electrical plant.

Exemptions

15.—(1) The circumstances contained in paragraphs (2) to (4) and (6) to (8) are the circumstances described in this regulation.

(2) The customer informs the supplier before the contravention time that he does not wish the supplier to take any action, or any further action in relation to the matter.

(3) The customer agrees with the supplier that the action taken by the supplier before the contravention time shall be treated as the taking by the supplier of the action required by the regulation and, where the action taken by the supplier includes a promise to perform any action (whether before or after the contravention time), the supplier duly performs that promise.

(4) Where information is or is required to be provided by the customer to the supplier, the information is provided to an address or by use of a telephone number other than the address or number which the supplier has advised the customer is appropriate for receipt of information of that type or in the case of information given by telephone for the purpose of regulations 8(1), 9(1) or 10(1) was given outside such reasonable hours as the supplier has advised the customer are the hours during which the telephone numbers will be available for the receipt of information of that type.

(5) For the purposes of paragraph (4) the supplier may advise the customer by publishing the address, the telephone number or the hours in such a manner as may be appropriate for the purpose of bringing the advice to the attention of customers likely to be affected by it.

(6) It was not reasonably practicable for the supplier to take the action required by the regulation before the contravention time as a result of—

- (a) severe weather conditions;
- (b) industrial action by the employees of the supplier;
- (c) the act or default of a person other than an officer, employee or agent of the supplier, or a person acting on behalf of an agent of the supplier;
- (d) the inability of the supplier to obtain any necessary access to any premises;
- (e) the existence of circumstances by reason of which the supplier could reasonably expect that if he took the action he would or would be likely to be in breach of an enactment; or
- (f) other circumstances of an exceptional nature beyond the control of the supplier;

and the supplier had taken all such steps as it was reasonable to take both to prevent the circumstances from occurring add to prevent them from having that effect.

(7) The supplier reasonably considers that the information given by the customer was frivolous or vexatious.

(8) The customer has—

- (a) committed an offence under paragraph 4 of Schedule 6 or paragraph 11 of Schedule 7 to the Act, or
- (b) failed to pay any charges due to the supplier after receiving a notice under sub-paragraph 1(6) of Schedule 6 to the Act,

and the action taken or not taken by the supplier was in exercise of his powers under the relevant paragraph or sub-paragraph.

(9) In this regulation, “contravention time” means—

- (a) in relation to regulation 4, the expiry of the relevant period referred to in sub-paragraph (2) (a) and (where applicable) of each period referred to in sub-paragraph (2)(b) of that regulation;
- (b) in relation to regulation 7, the time at which the supply was discontinued; and
- (c) in relation to any other regulation, the time at which, if this regulation did not apply, the supplier would become liable to pay the prescribed sum to the customer.

Presumptions and evidence

16.—(1) Where the the supplier holds—

- (a) a record, or
- (b) certified information,

concerning the receipt of information, stating the time and date upon which the information was received by the supplier, that information shall be presumed to have been received at that time and on that date, unless the contrary is proved.

(2) Where the supplier holds—

- (a) a record, or
- (b) certified information,

concerning the making of a visit, stating the time and date upon which the visit was made by the supplier, that visit shall be presumed to have been made at that time and on that date, unless the contrary is proved.

(3) 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 pm 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.

(4) In this regulation—

“record” means a statement made and signed by the person receiving the information contemporaneously with the matters to which it refers or, if later, as soon as practicable thereafter.

“certified information” means a transcription of information held on computer programme, film, disk or other tangible evidence, accompanied by a certificate signed by a person authorised by the supplier that he has made all reasonable enquiries and reasonably believes that the transcription is a true statement of the information and does not omit any material matter, and that the information from which the transcription was made was created contemporaneously with the matter to which it refers, or if later, as soon as practicable thereafter.

Transitional provisions

17. Where, in relation to any occasion upon which a regulation would otherwise apply, the commencement date falls before the date on which these Regulations come into force the Electricity (Standards of Performance) Regulations 1991(5) shall continue to apply to the exclusion of these Regulations.

Revocation

18. Subject to regulation 17, the Electricity (Standards of Performance) Regulations 1991(5) are revoked.

15th April 1993

S.C. Littlechild
The Director General of Electricity Supply

We consent

26th April 1993

Michael Heseltine
Secretary of State for Trade and Industry

28th April 1993

Ian Lang
Secretary of State for Scotland

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

SCHEDULE 1

Regulation 2(2)

EASTERN ELECTRICITY PLC

PART I

(1) <i>Regulations</i>	(2) <i>Period</i>	(3) <i>Prescribed Sum Domestic Customer</i>	(4) <i>Non-Domestic Customer</i>
3(3)	3 hours	£20	£20
4(2)(a)	24 hours	£40	£100
4(2)(b)		£20	£20
5(2)(a)	2 working days	£20	
5(2)(b)	5 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)	2 days	£20	£40
8(2)	10 working days	£20	£20
8(4)(a)		£20	£20
8(4)(b)	5 working days	£20	£20
9(2)	10 working days	£20	£20
9(4)(a)		£20	£20
9(4)(b)	5 working days	£20	£20
10(2)		£20	£20
10(2)(a)	5 working days		
10(2)(b)	5 working days		
11(2)		£20	£20
11(3)		£20	£20
14(2)	10 working days	£20	£20

PART II

8.00 am to 8.00 pm on each working day.

SCHEDULE 2

Regulation 2(2)

EAST MIDLANDS ELECTRICITY PLC

PART I

(1) <i>Regulations</i>	(2) <i>Period</i>	(3) <i>Prescribed Sum Domestic Customer</i>	(4) <i>Non-Domestic Customer</i>
3(3)	4 hours	£20	£20
4(2)(a)	24 hours	£40	£100
4(2)(b)		£20	£20
5(2)(a)	3 working days	£20	
5(2)(b)	5 working days		£20
5(2)(c)			£20
5(3)		£40	£100
6(2)	10 working days	£40	£40
6(3)	20 working days	£40	£40
7(2)	2 days	£20	£40
8(2)	10 working days	£20	£20
8(4)(a)		£20	£20
8(4)(b)	10 working days	£20	£20
9(2)	10 working days	£20	£20
9(4)(a)		£20	£20
9(4)(b)	10 working days	£20	£20
10(2)		£20	£20
10(2)(a)	5 working days		
10(2)(b)	5 working days		
11(2)		£20	£20
11(3)		£20	£20
14(2)	10 working days	£20	£20

PART II

8.00 am to 6.00 pm on each working day.

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

SCHEDULE 3

Regulation 2(2)

LONDON ELECTRICITY PLC

PART I

(1) <i>Regulations</i>	(2) <i>Period</i>	(3) <i>Prescribed Sum Domestic Customer</i>	(4) <i>Non-Domestic Customer</i>
3(3)	4 hours	£20	£20
4(2)(a)	24 hours	£40	£100
4(2)(b)		£20	£20
5(2)(a)	3 working days	£20	
5(2)(b)	5 working days		£20
5(2)(c)			£20
5(3)		£40	£100
6(2)	10 working days	£40	£40
6(3)	20 working days	£40	£40
7(2)	2 days	£20	£40
8(2)	10 working days	£20	£20
8(4)(a)		£20	£20
8(4)(b)	10 working days	£20	£20
9(2)	10 working days	£20	£20
9(4)(a)		£20	£20
9(4)(b)	10 working days	£20	£20
10(2)		£20	£20
10(2)(a)	10 working days		
10(2)(b)	10 working days		
11(2)		£20	£20
11(3)		£20	£20
14(2)	10 working days	£20	£20

PART II

8.00 am to 6.00 pm on each working day.

SCHEDULE 4

Regulation 2(2)

MANWEB PLC

PART I

(1) <i>Regulations</i>	(2) <i>Period</i>	(3) <i>Prescribed Sum Domestic Customer</i>	(4) <i>Non-Domestic Customer</i>
3(3)	4 hours	£20	£20
4(2)(a)	24 hours	£40	£100
4(2)(b)		£20	£20
5(2)(a)	3 working days	£20	
5(2)(b)	5 working days		£20
5(2)(c)			£20
5(3)		£40	£100
6(2)	10 working days	£40	£40
6(3)	20 working days	£40	£40
7(2)	3 days	£20	£40
8(2)	10 working days	£20	£20
8(4)(a)		£20	£20
8(4)(b)	10 working days	£20	£20
9(2)	10 working days	£20	£20
9(4)(a)		£20	£20
9(4)(b)	10 working days	£20	£20
10(2)		£20	£20
10(2)(a)	10 working days		
10(2)(b)	10 working days		
11(2)		£20	£20
11(3)		£20	£20
14(2)	10 working days	£20	£20

PART II

8.00 am to 8.00 pm on each working day.

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

SCHEDULE 5

Regulation 2(2)

MIDLANDS ELECTRICITY PLC

PART I

(1) <i>Regulations</i>	(2) <i>Period</i>	(3) <i>Prescribed Sum Domestic Customer</i>	(4) <i>Non-Domestic Customer</i>
3(3)	3 hours	£20	£20
4(2)(a)	24 hours	£40	£100
4(2)(b)		£20	£20
5(2)(a)	2 working days	£20	
5(2)(b)	5 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)	10 working days	£20	£20
8(4)(a)		£20	£20
8(4)(b)	5 working days	£20	£20
9(2)	10 working days	£20	£20
9(4)(a)		£20	£20
9(4)(b)	5 working days	£20	£20
10(2)		£20	£20
10(2)(a)	5 working days		
10(2)(b)	5 working days		
11(2)		£20	£20
11(3)		£20	£20
14(2)	5 working days	£20	£20

PART II

8.00 am to 6.00 pm on each working day.

SCHEDULE 6

Regulation 2(2)

NORTHERN ELECTRICITY PLC

PART I

(1) <i>Regulations</i>	(2) <i>Period</i>	(3) <i>Prescribed Sum Domestic Customer</i>	(4) <i>Non-Domestic Customer</i>
3(3)	4 hours	£20	£20
4(2)(a)	24 hours	£40	£100
4(2)(b)		£20	£20
5(2)(a)	3 working days	£20	
5(2)(b)	5 working days		£20
5(2)(c)			£20
5(3)		£40	£100
6(2)	10 working days	£40	£40
6(3)	20 working days	£40	£40
7(2)	2 days	£20	£40
8(2)	10 working days	£20	£20
8(4)(a)		£20	£20
8(4)(b)	10 working days	£20	£20
9(2)	10 working days	£20	£20
9(4)(a)		£20	£20
9(4)(b)	10 working days	£20	£20
10(2)		£20	£20
10(2)(a)	10 working days		
10(2)(b)	10 working days		
11(2)		£20	£20
11(3)		£20	£20
14(2)	10 working days	£20	£20

PART II

8.00 am to 6.00 pm on each working day.

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

SCHEDULE 7

Regulation 2(2)

NORWEB PLC

PART I

(1) <i>Regulations</i>	(2) <i>Period</i>	(3) <i>Prescribed Sum Domestic Customer</i>	(4) <i>Non-Domestic Customer</i>
3(3)	4 hours	£20	£20
4(2)(a)	24 hours	£40	£100
4(2)(b)		£20	£20
5(2)(a)	3 working days	£20	
5(2)(b)	5 working days		£20
5(2)(c)			£20
5(3)		£40	£100
6(2)	10 working days	£40	£40
6(3)	20 working days	£40	£40
7(2)	2 days	£20	£40
8(2)	10 working days	£20	£20
8(4)(a)		£20	£20
8(4)(b)	10 working days	£20	£20
9(2)	10 working days	£20	£20
9(4)(a)		£20	£20
9(4)(b)	10 working days	£20	£20
10(2)		£20	£20
10(2)(a)	10 working days		
10(2)(b)	10 working days		
11(2)		£20	£20
11(3)		£20	£20
14(2)	10 working days	£20	£20

PART II

8.30 am to 5.30 pm on each working day.

SCHEDULE 8

Regulation 2(2)

SCOTTISH HYDRO-ELECTRIC PLC

PART I

(1) <i>Regulations</i>	(2) <i>Period</i>	(3) <i>Prescribed Sum Domestic Customer</i>	(4) <i>Non-Domestic Customer</i>
3(3)	4 hours	£20	£20
4(2)(a)	24 hours	£40	£100
4(2)(b)		£20	£20
5(2)(a)	6 working days	£20	
5(2)(b)	6 working days		£20
5(2)(c)			£20
5(3)		£40	£100
6(2)	10 working days	£40	£40
6(3)	30 working days	£40	£40
7(2)	2 days	£20	£40
8(2)	10 working days	£20	£20
8(4)(a)		£20	£20
8(4)(b)	10 working days	£20	£20
9(2)	10 working days	£20	£20
9(4)(a)		£20	£20
9(4)(b)	10 working days	£20	£20
10(2)		£20	£20
10(2)(a)	10 working days		
10(2)(b)	10 working days		
11(2)		£20	£20
11(3)		£20	£20
14(2)	20 working days	£20	£20

PART II

8.30 am to 4.30 pm on each working day.

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

SCHEDULE 9

Regulation 2(2)

SCOTTISH POWER PLC

PART I

(1) <i>Regulations</i>	(2) <i>Period</i>	(3) <i>Prescribed Sum Domestic Customer</i>	(4) <i>Non-Domestic Customer</i>
3(3)	4 hours	£20	£20
4(2)(a)	24 hours	£40	£100
4(2)(b)		£20	£20
5(2)(a)	5 working days	£20	
5(2)(b)	5 working days		£20
5(2)(c)			£20
5(3)		£40	£100
6(2)	10 working days	£40	£40
6(3)	20 working days	£40	£40
7(2)	2 days	£20	£40
8(2)	10 working days	£20	£20
8(4)(a)		£20	£20
8(4)(b)	10 working days	£20	£20
9(2)	10 working days	£20	£20
9(4)(a)		£20	£20
9(4)(b)	10 working days	£20	£20
10(2)		£20	£20
10(2)(a)	10 working days		
10(2)(b)	10 working days		
11(2)		£20	£20
11(3)		£20	£20
14(2)	10 working days	£20	£20

PART II

8.30 am to 4.45 pm on each working day.

SCHEDULE 10

Regulation 2(2)

SEEBOARD PLC

PART I

(1) <i>Regulations</i>	(2) <i>Period</i>	(3) <i>Prescribed Sum Domestic Customer</i>	(4) <i>Non-Domestic Customer</i>
3(3)	4 hours	£20	£20
4(2)(a)	24 hours	£40	£100
4(2)(b)		£20	£20
5(2)(a)	3 working days	£20	
5(2)(b)	5 working days		£20
5(2)(c)			£20
5(3)		£40	£100
6(2)	10 working days	£40	£40
6(3)	20 working days	£40	£40
7(2)	5 days	£20	£40
8(2)	10 working days	£20	£20
8(4)(a)		£20	£20
8(4)(b)	10 working days	£20	£20
9(2)	10 working days	£20	£20
9(4)(a)		£20	£20
9(4)(b)	10 working days	£20	£20
10(2)		£20	£20
10(2)(a)	10 working days		
10(2)(b)	10 working days		
11(2)		£20	£20
11(3)		£20	£20
14(2)	10 working days	£20	£20

PART II

7.00 am to 7.00 pm on each working day.

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

SCHEDULE 11

Regulation 2(2)

SOUTHERN ELECTRIC PLC

PART I

(1) <i>Regulations</i>	(2) <i>Period</i>	(3) <i>Prescribed Sum Domestic Customer</i>	(4) <i>Non-Domestic Customer</i>
3(3)	4 hours	£20	£20
4(2)(a)	24 hours	£40	£100
4(2)(b)		£20	£20
5(2)(a)	3 working days	£20	
5(2)(b)	3 working days		£20
5(2)(c)			£20
5(3)		£40	£100
6(2)	10 working days	£40	£40
6(3)	20 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)	7 working days	£20	£20
9(2)	7 working days	£20	£20
9(4)(a)		£20	£20
9(4)(b)	7 working days	£20	£20
10(2)		£20	£20
10(2)(a)	10 working days		
10(2)(b)	10 working days		
11(2)		£20	£20
11(3)		£20	£20
14(2)	10 working days	£20	£20

PART II

8.00 am to 8.00 pm on each working day.

SCHEDULE 12

Regulation 2(2)

SOUTH WALES ELECTRICITY PLC

PART I

(1) <i>Regulations</i>	(2) <i>Period</i>	(3) <i>Prescribed Sum Domestic Customer</i>	(4) <i>Non-Domestic Customer</i>
3(3)	4 hours	£20	£20
4(2)(a)	24 hours	£40	£100
4(2)(b)		£20	£20
5(2)(a)	3 working days	£20	
5(2)(b)	5 working days		£20
5(2)(c)			£20
5(3)		£40	£100
6(2)	10 working days	£40	£40
6(3)	20 working days	£40	£40
7(2)	2 days	£20	£40
8(2)	10 working days	£20	£20
8(4)(a)		£20	£20
8(4)(b)	10 working days	£20	£20
9(2)	10 working days	£20	£20
9(4)(a)		£20	£20
9(4)(b)	10 working days	£20	£20
10(2)		£20	£20
10(2)(a)	10 working days		
10(2)(b)	10 working days		
11(2)		£20	£20
11(3)		£20	£20
14(2)	10 working days	£20	£20

PART II

8.00 am to 8.00 pm on each working day.

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

SCHEDULE 13

Regulation 2(2)

SOUTH WESTERN ELECTRICITY PLC

PART I

(1) <i>Regulations</i>	(2) <i>Period</i>	(3) <i>Prescribed Sum Domestic Customer</i>	(4) <i>Non-Domestic Customer</i>
3(3)	4 hours	£20	£20
4(2)(a)	24 hours	£40	£100
4(2)(b)		£20	£20
5(2)(a)	3 working days	£20	
5(2)(b)	5 working days		£20
5(2)(c)			£20
5(3)		£40	£100
6(2)	10 working days	£40	£40
6(3)	20 working days	£40	£40
7(2)	2 days	£20	£40
8(2)	10 working days	£20	£20
8(4)(a)		£20	£20
8(4)(b)	10 working days	£20	£20
9(2)	10 working days	£20	£20
9(4)(a)		£20	£20
9(4)(b)	10 working days	£20	£20
10(2)		£20	£20
10(2)(a)	10 working days		
10(2)(b)	10 working days		
11(2)		£20	£20
11(3)		£20	£20
14(2)	10 working days	£20	£20

PART II

8.00 am to 10.00 pm on each working day.

SCHEDULE 14

Regulation 2(2)

YORKSHIRE ELECTRICITY PLC

PART I

(1) <i>Regulations</i>	(2) <i>Period</i>	(3) <i>Prescribed Sum Domestic Customer</i>	(4) <i>Non-Domestic Customer</i>
3(3)	4 hours	£20	£20
4(2)(a)	24 hours	£40	£100
4(2)(b)		£20	£20
5(2)(a)	3 working days	£20	
5(2)(b)	5 working days		£20
5(2)(c)			£20
5(3)		£40	£100
6(2)	10 working days	£40	£40
6(3)	20 working days	£40	£40
7(2)	2 days	£20	£40
8(2)	10 working days	£20	£20
8(4)(a)		£20	£20
8(4)(b)	10 working days	£20	£20
9(2)	10 working days	£20	£20
9(4)(a)		£20	£20
9(4)(b)	10 working days	£20	£20
10(2)		£20	£20
10(2)(a)	10 working days		
10(2)(b)	10 working days		
11(2)		£20	£20
11(3)		£20	£20
14(2)	10 working days	£20	£20

PART II

8.30 am to 5.00 pm on each working day.

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations re-enact the Electricity (Standards of Performance) Regulations 1991 with amendments. They prescribe the sum which a public electricity supplier (“supplier”) must pay to a customer by way of compensation for failure to meet specified standards of performance in respect of the electricity supply services to be provided by such suppliers. The sum payable differs between domestic and non-domestic customers, and between standards. The standards do not apply to customers supplied under special agreements. In addition to minor and drafting amendments, they make the following amendments of substance:

a claim for compensation for failure to restore the electricity supply to a customer’s premises (regulation 4) or for failure by an electricity supplier to give notice of an interruption of supply (regulation 7) need no longer be in writing;

where it is necessary for a supplier to visit a customer’s premises to install a meter and energise the supply (regulation 5), to investigate a voltage complaint (regulation 8), to investigate a complaint about a meter (regulation 9) or in any other circumstances in connection with his activities as public electricity supplier (regulation 11), the supplier must offer to visit during a morning, an afternoon, a period not exceeding two hours, or such reasonable period as the customer requests; where a supplier proposes to interrupt supply, the notice he is required to give to customers is extended in the case of some suppliers from two days to a longer period (regulation 7);

where a customer makes a voltage complaint under regulation 8, a meter complaint under regulation 9, or a request to change his methods of payment or a query about charges or payments under regulation 10, the customer is not obliged to submit the matter in writing, although queries and requests under regulation 10 to the suppliers mentioned in regulation 10(3)(c) must be in writing until 1 October 1993; and the supplier may indicate the hours when a telephone number is available to receive such matters (regulation 15(4));

the supplier is required to offer to visit a customer’s premises whenever a visit is requested in connection with the supplier’s activities as a public electricity supplier (regulation 11);

where a supplier is required to dispatch to a tariff customer a statement of rights under these Regulations, the obligation shall be satisfied in relation to any premises where more than one person is a tariff customer by dispatching the statement to any one of them (regulation 12(1)(b)); and

in the Schedules, the prescribed period has in some cases been changed and the amount payable to the customer has in each case been doubled.

The Electricity (Standards of Performance) Regulations 1991 are revoked (regulation 18) subject to the transitional provisions in regulation 17.