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STATUTORY INSTRUMENTS

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**2001 No. 3265**

**The Electricity (Standards of Performance) Regulations 2001**

*Common individual standards of performance*

**Appointments**

14.—(1) This regulation applies where—

- (a) the customer informs the relevant operator that the customer wishes the relevant operator to visit the customer's premises, or
- (b) the relevant operator informs the customer that the relevant operator wishes to visit the customer's premises,

being in either case a visit in connection with the activities which the relevant operator is required or 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 relevant operator fails within a reasonable period from the applicable date to offer a timed appointment, the relevant operator shall, except in the circumstances described in paragraph (5), pay to the customer the prescribed sum.

(3) Where this regulation applies and the relevant operator fails to keep a timed appointment, the relevant operator 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 relevant operator 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 17 provided that in paragraph (6) of that regulation, the relevant operator 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 referred to in that paragraph 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 4, 8, 10, or 11 (or a request under regulation 9); and
- (c) that the visit is wholly or mainly in connection with disconnecting the premises in exercise of the power contained in sub-paragraph 2(1) of Schedule 6 to the Act<sup>(1)</sup>.

(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 relevant operator) of a day (also specified by the relevant operator) within a reasonable period from the applicable date, having regard to the purpose of visit, being either a part which falls either wholly

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(1) Section 51 of the Utilities Act 2000 substituted a new Schedule 6 into the Act.

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 relevant operator, such agreement not to be unreasonably withheld, provided that the relevant operator shall not be obliged to agree a part of a day less than two hours.

## **Disputes**

**15.**—(1) Where a dispute is referred to the Authority for determination under sub-section 39B(1) (a) of the Act, the parties shall furnish to the Authority or, if the Authority so notifies the parties, to a person prescribed by the Authority pursuant to sub-section 39B(1)(b) of the Act, such evidence in such form and at such time as it or the person so directs that it or the person may reasonably require to enable determination of the dispute.

(2) Where a dispute is determined by an order requiring a relevant operator to make a payment to the customer and the relevant operator fails to make that payment, the customer may set-off the amount so ordered to be paid against any charges that are owed by the customer to the relevant operator.

(3) An order determining a dispute—

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

## **Payments**

**16.**—(1) This regulation applies—

- (a) where a relevant operator is obliged to make a payment to a customer under any of regulations 4 to 14 (inclusive); or
- (b) to a relevant operator who is the successor company to a public electricity supplier (as defined by sub-section 6(9) of the Act before that sub-section was substituted by section 30 of the Utilities Act 2000) who was obliged to make a payment under any of regulations 3 to 11 (inclusive) of the Electricity (Standards of Performance) Regulations 1993.

(2) Where this regulation applies and the relevant operator fails within the prescribed period from the applicable date to dispatch a notice to the customer advising that the payment is due to the customer and to make payment to the customer of the sum to which he is entitled, the relevant operator 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 17; and
- (b) that there is a genuine dispute between the relevant operator and the customer as to whether the relevant operator is obliged to make the payment.

(4) Where a relevant operator 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 relevant operator to make the payment to all the customers of those premises;

- (b) nothing in, or done by a relevant operator in consequence of, these Regulations shall determine who is beneficially entitled to any payment made in pursuance of these Regulations;
- (c) a relevant operator shall not be required to make a payment other than to a customer; and
- (d) nothing in these Regulations shall permit a relevant operator to make a payment other than by means of—
  - (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**

17.—(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 relevant operator before the contravention time that the customer does not wish the relevant operator to take any action, or any further action in relation to the matter.

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

(4) Where information is or is required to be provided by the customer to the relevant operator, the information is provided to an address or by use of a telephone number other than the address or telephone number which the relevant operator 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), 10(1) or 13(1), was given outside such reasonable hours as the relevant operator has advised the customer are the hours during which the telephone number will be available for the receipt of information of that type.

(5) For the purposes of paragraph (4) the relevant operator 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 relevant operator 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 relevant operator;
- (c) the act or default of a person other than an officer, employee or agent of the relevant operator, or a person acting on behalf of an agent of the relevant operator;
- (d) the inability of the relevant operator to obtain any necessary access to any premises;
- (e) the existence of circumstances by reason of which the relevant operator 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 relevant operator;

and the relevant operator had 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.

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

(8) The customer has—

- (a) committed an offence under paragraph 6 of Schedule 6 or paragraph 11 of Schedule 7 to the Act, or
- (b) failed to pay any charges due to the relevant operator after receiving a notice under sub-paragraph 2(2) of Schedule 6 to the Act,

and the action taken or not taken by the relevant operator 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 5, 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 relevant operator would become liable to pay the prescribed sum to the customer.

### **Timing of notification**

**18.** For the purpose of regulations 6, 8, 9, 10, 12 and 13, 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.

### **Notice of rights**

**19.—(1)** In respect of the rights prescribed for the benefit of customers under regulations 4 to 8 and 14 to 18 (inclusive) a relevant distributor shall prepare and from time to time revise a statement describing those rights and the effect of section 39A(5) of the Act in a form and having a content which a relevant distributor could reasonably expect would be within the understanding of customers to which the statement relates and shall—

- (a) give a copy of the statement, and of any revision of the statement to the Authority and to the Consumer Council, before he sends it to the electricity suppliers referred to in sub-paragraph (b);
- (b) at least once in any period of 12 months dispatch to each electricity supplier which supplies electricity to premises in the relevant distributor’s distribution services area for onward transmission to the electricity supplier’s customers a copy of the statement (in the form current at the time it is provided);
- (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 relevant distributor open to the public in the normal course of the relevant distributor’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) In respect of the rights prescribed for the benefit of customers under regulations 9 to 18 (inclusive) a relevant 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 relevant supplier could reasonably expect would be within the understanding of customers to which the statement relates and shall—

- (a) give a copy of the statement, and of any revision of the statement to the Authority and to the Consumer Council, before he makes it available to customers;
- (b) at least once in any period of 12 months dispatch to each domestic customer of the relevant 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 domestic customer, the obligation shall be satisfied by dispatching copy of each such statement 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 the public 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.
- (3) A relevant operator may prepare a separate statement for domestic and non-domestic customer.
- (4) A relevant supplier may satisfy his obligation under sub-paragraph (b) or (d) of paragraph (2) by dispatching the statement he has prepared to the class of customer to whom it relates.
- (5) An electricity supplier shall at least once in any period of 12 months dispatch to each domestic customer of the electricity supplier the information in any statement sent to him by a relevant distributor pursuant to paragraph (1) in respect of the distribution services area in which the customer's premises are situated, provided that where in relation to any premises more than one person is a domestic customer, the obligation shall be satisfied by dispatching such information to any one of them.