
STATUTORY INSTRUMENTS

2015 No. 698

ELECTRICITY

**The Electricity (Connection Standards
of Performance) Regulations 2015**

Made - - - - *13th March 2015*

Coming into force - - *1st April 2015*

The Gas and Electricity Markets Authority⁽¹⁾ makes the following Regulations in exercise of the powers conferred by sections 39A, 39B, 40B and 60 of the Electricity Act 1989⁽²⁾ (“the Act”).

In accordance with section 40B(1) of the Act, the Authority has considered the results of research to discover the views of a representative sample of persons likely to be affected by these Regulations.

In accordance with section 40B(4) of the Act, the Authority has consulted Citizens Advice and Citizens Advice Scotland⁽³⁾, electricity licence holders and persons and bodies appearing to be representative of persons likely to be affected by these Regulations;

The Secretary of State has consented to making these Regulations in accordance with sections 39A(1) and 39B(3) and (5) of the Act 1989.

PART 1

General

Commencement, transitional provisions and revocation

1.—(1) These Regulations may be cited as the Electricity (Connection Standards of Performance) Regulations 2015 and come into force on 1st April 2015.

(2) Where, in relation to any occasion upon which a regulation would otherwise apply, the applicable date falls before the date on which these Regulations come into force, the Electricity

(1) The Gas and Electricity Markets Authority was established under section 1(1) of the Utilities Act 2000 (c.27).
(2) 1989 c.29; sections 39A and 39B were inserted by section 54(2) of the Utilities Act 2000 (c.27) and section 39B was amended by paragraph 52 of Schedule 9 to the Crime and Courts Act 2013 (c.22) and by paragraph 5 of Schedule 1 to 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); section 40B was inserted by section 56 of the Utilities Act 2000.
(3) 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) abolished the National Consumer Council and transferred its functions to The National Association of Citizens Advice Bureaux and the Scottish Association of Citizens Advice Bureaux.

(Connection Standards of Performance) Regulations 2010(4) shall continue to apply to the exclusion of these Regulations.

(3) Subject to regulations 1 and 13, the Electricity (Connection Standards of Performance) Regulations 2010(5) are revoked.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the Act” means the Electricity Act 1989(6);

“agreed date” means, in respect of the commencement or the completion of any works or the energisation of any connection, any date agreed between the electricity distributor and the customer or the relevant authority (as applicable) by which the works are to be commenced or completed or the connection energised (as applicable), and includes that date as subsequently varied by agreement between them or revised in accordance with regulation 16;

“applicable date” means, in relation to each occasion on which a regulation applies, the day on which that regulation first applies;

“associated works” means any works required in order to provide a connection to an electricity distributor’s distribution system, including any necessary reinforcement works or diversionary works;

“the Authority” means the Gas and Electricity Markets Authority established under section 1(1) of the Utilities Act 2000(7);

“budget estimate” means a statement in writing, which may be provided without carrying out a site visit or system studies, of the amount that the electricity distributor reasonably estimates it would require the customer to pay in respect of a connection if the customer were to require the electricity distributor to offer terms for making such a connection under section 16A(1) of the Act(8);

“completion” means, in respect of any works, the completion of electrical works to the point that, subject only to the fitting of an appropriate meter where necessary, energisation would be possible;

“contact” means—

- (a) to place a telephone call, post a letter, send an e-mail or initiate any other appropriate means of communication, in each case to a number or address specified by the customer for that purpose (as envisaged by regulations 8(1)(e), 9(1)(e) and 12(1)(f)); and
- (b) in the case of communication by telephone, where the customer does not answer a telephone call, to leave a message where it is possible to do so and to contact the customer by an alternative appropriate means of communication, if details sufficient to enable such contact have been provided by the customer;

“consumer advocacy body” means the National Association of Citizens Advice Bureaux or the Scottish Association of Citizens Advice Bureaux;

“customer” means an owner or occupier of premises in Great Britain who is supplied or requires to be supplied with electricity by an electricity supplier, and includes an electricity supplier where it is acting on behalf of such a person;

(4) [S.I. 2010/2088](#)

(5) [S.I. 2010/2088](#)

(6) [1989 c.29](#).

(7) [2000 c.27](#).

(8) [1989 c.29](#); section 16A was inserted by section 44 of the Utilities Act 2000 ([c.27](#)).

“demand connection” means a new or modified connection (including, for the purposes of regulations 4 to 7, any modification carried out solely to facilitate an alteration to the position of a meter) the purpose of which is to enable premises to receive a supply of electricity from an electricity distributor’s distribution system;

“dispatch” includes transmission by email or other electronic means;

“diversionary works” means (except in relation to any requirement arising under section 84 of the New Roads and Street Works Act 1991(9)) works to move any electric lines or electrical plant in order to facilitate the extension, redesign or redevelopment of any premises on which such lines or plant are located and to which they are connected;

“EHV demand connection” means a demand connection at any voltage level where the highest voltage of the assets involved in providing such connection, and any associated works, is extra-high voltage;

“energisation” means the insertion of a fuse or operation of a switch that will allow an electrical current to flow from an electricity distributor’s distribution system to the customer’s installation, when the action in question is required to be carried out by the electricity distributor and is subject to the provisions of any industry code maintained in accordance with the conditions of the electricity distributor’s distribution licence and with which the electricity distributor is required to comply;

“extra-high voltage” means a nominal voltage of more than 22,000 volts up to and including 132,000 volts in England and Wales and up to but excluding 132,000 volts in Scotland;

“high voltage” means a nominal voltage of more than 1,000 volts but not more than 22,000 volts;

“HV demand connection” means a demand connection at any voltage level where the highest voltage of the assets involved in providing such connection, and any associated works, is high voltage;

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

“LV demand connection” means a low-voltage demand connection where the highest voltage of the assets involved in providing such connection, and any associated works, is low voltage;

“payment date” means, in relation to any paragraph or sub-paragraph of these Regulations, the period specified in column 4 of Schedule 1 against the reference to that paragraph or sub-paragraph in column 1 of that Schedule;

“premises” includes any distribution system;

“prescribed period” means, in relation to any paragraph or sub-paragraph of these Regulations, the period specified in column 2 of Schedule 1 against the reference to that paragraph or sub-paragraph in column 1 of that Schedule;

“prescribed sum” means, in relation to any paragraph or sub-paragraph of these Regulations, the amount set out in column 3 of Schedule 1 against the reference to that paragraph or sub-paragraph in column 1 of that Schedule;

“quotation” means the notice required to be given by an electricity distributor in accordance with section 16A(5) of the Act;

“quotation accuracy scheme” means, in respect of an electricity distributor, a scheme, including a process through which a customer can challenge whether it has received an accurate quotation, published by the electricity distributor pursuant to a requirement of its distribution licence;

“reinforcement works” means works required on an electricity distributor’s distribution system to accommodate a new or modified connection;

“relevant authority” means an authority with responsibility for street lighting or street furniture;

“relevant unmetered connection scheme” means the connection of no more than 100 units of street lighting or other street furniture for which a relevant authority is responsible, where such units are in the same street or adjacent streets and are to receive an unmetered supply and where only low-voltage works are required;

“service line” means a low-voltage electric line or any part of that line that will, at the time it is provided, be used only for supplying single premises, excluding any part of the line that, at the time it is provided, is intended by the distributor to be used to enable it to provide a connection to other premises in respect of which the distributor has received, or would reasonably expect within the following 12 months to receive, a notice under section 16A(1) of the Act;

“single LV service demand connection” means an LV demand connection (other than of a load that could reasonably be expected to cause disruption to other customers) to single premises, involving a single-phase connection and no significant work other than the provision of a service line and the electricity distributor’s fuses; and

“small project demand connection” means a connection (other than of a load that could reasonably be expected to cause disruption to other customers) via low-voltage circuits fused at 100 amperes or less per phase with whole-current metering, and where the highest voltage of the assets involved in providing such connection, and any associated works, is low voltage, to—

- (a) a development scheme requiring more than one but fewer than five single-phase connections at domestic premises and involving only the provision of a service line and the electricity distributor’s fuses; or
- (b) a development scheme requiring fewer than five single-phase connections at domestic premises and involving an extension of the existing low-voltage network; or
- (c) single premises requiring a two-phase or three-phase connection and involving only the provision of a service line and the electricity distributor’s fuses.

(2) Unless otherwise provided in these Regulations, words or expressions defined (as at the date of these Regulations) for the purposes of any of the conditions of a distribution licence granted or treated as granted under the Act have the same meaning when used in these Regulations.

(3) For the purposes of these Regulations—

- (a) where a person is a customer in respect of multiple premises, a reference in a regulation to “customer” is a reference to that person in respect of each of the premises at which he is a customer to which the regulation applies; and
- (b) any reference to a customer (except in relation to the entitlement to any payment due from an electricity distributor under these Regulations) includes any person having apparent authority to represent the customer.

Application

3.—(1) Regulation 4 applies where an electricity distributor has received a request from a customer for the provision of a budget estimate on or after 1st October 2010.

(2) Subject to paragraph (4)—

- (a) regulations 5 to 9 and 11 and 12 apply where an electricity distributor has received notice pursuant to section 16A(1) of the Act from a customer who requires or may require a connection (whether metered or unmetered) to be made by the electricity distributor pursuant to section 16(1) of the Act; and
- (b) regulation 10 applies where an electricity distributor has been notified by a relevant authority of a fault repair that needs to be carried out in respect of an unmetered connection.

(3) The regulations referred to in paragraph (2)(a) apply whether or not the connection that was contemplated by the customer is subsequently made.

(4) The regulations referred to in paragraph (2) do not apply to connections (or, as the case may be, fault repairs) in any of the following circumstances—

- (a) in respect of regulations 5 to 7 and 10 and 11, where the notice given under section 16A(1) of the Act requesting terms for a connection (or, as the case may be, the notification by the relevant authority of the need for a fault repair) was received by the electricity distributor before 1st October 2010; and
- (b) in respect of regulations 8, 9 and 12, where the electricity distributor has sent an offer of terms to the customer in respect of the connection before 1st October 2010.

PART 2

Services and Standards for Metered Connections

Provision of budget estimates

4.—(1) This regulation applies to an electricity distributor where—

- (a) a customer requests that the electricity distributor provide a budget estimate in respect of a connection of the customer's premises to the electricity distributor's distribution system; and
- (b) the electricity distributor receives from the customer—
 - (i) the information relating to the provision of the connection that is or could reasonably be expected to be within the knowledge of the customer and that the electricity distributor reasonably requires to enable it to provide the budget estimate; and
 - (ii) payment of any reasonable charge that the law allows the electricity distributor to make for providing the budget estimate.

(2) Where this regulation applies and the requested capacity of the connection that is the subject of the budget estimate request is less than 1 MVA, and the electricity distributor fails to dispatch a budget estimate to the customer within the prescribed period from the applicable date, the electricity distributor must, except in any of the circumstances described in regulation 15, pay to the customer the prescribed sum.

(3) Where this regulation applies and the requested capacity of the connection that is the subject of the budget estimate request is 1 MVA or more, and the electricity distributor fails to dispatch a budget estimate to the customer within the prescribed period from the applicable date, the electricity distributor must, except in any of the circumstances described in regulation 15, pay to the customer the prescribed sum.

(4) In providing a budget estimate the electricity distributor must—

- (a) describe the assumptions on which the budget estimate is based, including a reference to any matters that the electricity distributor considers might cause the amount of the budget estimate to be varied significantly, in a quotation provided in accordance with section 16A(5)(b) of the Act; and
- (b) set out whether (and, if so, at what likely cost) associated works are likely to be required.

Provision of quotations: single LV service demand connections and small project demand connections

5.—(1) This regulation applies to an electricity distributor where—

- (a) a customer gives a notice under section 16A(1) of the Act⁽¹⁰⁾ (including a notice modifying any previous notice) requesting the offer of terms for making a connection;
 - (b) the connection to which the notice relates is a single LV service demand connection or a small project demand connection; and
 - (c) the electricity distributor receives from the customer—
 - (i) the information relating to the provision of the connection that is or could reasonably be expected to be within the knowledge of the customer and that the electricity distributor reasonably requires to enable it to provide the quotation (including information obtained by the electricity distributor at a site visit, where appropriate); and
 - (ii) payment of any connection offer expenses in accordance with regulations made under section 16A(4A) of the Act.
- (2) Where this regulation applies and the connection to which the notice relates is a single LV service demand connection, and the electricity distributor fails to dispatch a quotation to the customer within the prescribed period from the applicable date, the electricity distributor must, except in any of the circumstances described in regulation 15, pay to the customer the prescribed sum.
- (3) Where this regulation applies and the connection to which the notice relates is a small project demand connection, and the electricity distributor fails to dispatch a quotation to the customer within the prescribed period from the applicable date, the electricity distributor must, except in any of the circumstances described in regulation 15, pay to the customer the prescribed sum.
- (4) For the purposes of this regulation, the relevant prescribed period is to be determined on the basis (as applicable) of—
- (a) the works set out in the quotation dispatched by the electricity distributor; or
 - (b) the electricity distributor’s reasonable initial assessment of the works required prior to the dispatch of the quotation.

Provision of quotations: other than single LV service demand connections and small project demand connections

- 6.—(1) This regulation applies to an electricity distributor where—
- (a) a customer gives a notice under section 16A(1) of the Act (including a notice modifying any previous notice) requesting the offer of terms for making a connection;
 - (b) the connection to which the notice relates is a demand connection other than a single LV demand service connection or a small project demand connection; and
 - (c) the electricity distributor receives from the customer—
 - (i) the information relating to the provision of the connection that is or could reasonably be expected to be within the knowledge of the customer and that the electricity distributor reasonably requires to enable it to provide the quotation; and
 - (ii) payment of any connection offer expenses in accordance with regulations made under section 16A(4A) of the Act.
- (2) Where this regulation applies and the connection to which the notice relates is an LV demand connection, and the electricity distributor fails to dispatch a quotation to the customer within the prescribed period from the applicable date, the electricity distributor must, except in any of the circumstances described in regulation 15, pay to the customer the prescribed sum.

(10) 1989 c.29; section 16A was inserted by the section 44 of the Utilities Act 2000 (c.27) and amended by section 98 of the Energy Act 2008 (c.32).

(3) Where this regulation applies and the connection to which the notice relates is an HV demand connection, and the electricity distributor fails to dispatch a quotation to the customer within the prescribed period from the applicable date, the electricity distributor must, except in any of the circumstances described in regulation 15, pay to the customer the prescribed sum.

(4) Where this regulation applies and the connection to which the notice relates is an EHV demand connection and the electricity distributor fails to dispatch a quotation to the customer within the prescribed period from the applicable date, the electricity distributor must, except in any of the circumstances described in regulation 15, pay to the customer the prescribed sum.

(5) For the purposes of this regulation, the relevant prescribed period is to be determined on the basis (as applicable) of—

- (a) the works set out in the quotation dispatched by the electricity distributor; or
- (b) the electricity distributor's reasonable initial assessment of the works required prior to the dispatch of the quotation.

Provision of quotations: quotation accuracy scheme

7.—(1) This regulation applies to an electricity distributor where—

- (a) the electricity distributor has provided a customer with a quotation to which the electricity distributor's quotation accuracy scheme applies (being a quotation for either a single LV service demand connection or a small project demand connection);
- (b) the customer challenges the quotation under the quotation accuracy scheme; and
- (c) the quotation is found, in accordance with the quotation accuracy scheme, to have been inaccurate or incomplete.

(2) Where this regulation applies, the electricity distributor must, in accordance with the provisions of its quotation accuracy scheme, refund to the customer the amount of any overpayment made by the customer in respect of the quotation.

(3) Where this regulation applies, and the quotation relates to a single LV service demand connection, the electricity distributor must pay to the customer the prescribed sum.

(4) Where this regulation applies, and the quotation relates to a small project demand connection, the electricity distributor must pay to the customer the prescribed sum.

Post-acceptance scheduling and completion of works: single LV service demand connections and small project demand connections

8.—(1) This regulation applies to an electricity distributor where it receives—

- (a) a customer's written acceptance of a quotation relating to a single LV service demand connection or a small project demand connection within the requisite timescale specified by the electricity distributor in that quotation;
- (b) payment of any amount due to be paid to the electricity distributor in accordance with the accepted quotation—
 - (i) in respect of paragraph (2), on acceptance of the quotation; or
 - (ii) in respect of paragraph (3), prior to completion of the works or a phase of the works (as applicable);
- (c) any reasonable security required by the electricity distributor under section 20(1) of the Act⁽¹¹⁾;

(11) 1989 c.29; section 20 was amended by section 47 of, and schedule 8 to, the Utilities Act 2000 (c.27) and modified by section 3(2) of that Act.

- (d) written acceptance of any additional terms of connection proposed by the electricity distributor under section 21 of the Act(12); and
- (e) details of any reasonable means by which the customer may be contacted in Great Britain by the electricity distributor during the period 9am to 5pm on a working day in respect of the quotation.

(2) Where this regulation applies and the electricity distributor fails within the prescribed period from the applicable date to contact the customer to commence the process of agreeing a schedule of dates for completion of the works specified in the accepted quotation, the electricity distributor must, except in any of the circumstances described in regulation 15, pay to the customer the prescribed sum.

(3) Where this regulation applies and a relevant date has been agreed between the electricity distributor and the customer, if the electricity distributor fails to complete the works (or a phase of the works) provided for in the accepted quotation by the agreed date, the electricity distributor must, except in any of the circumstances described in regulations 15(2), 15(3), 15(7), 15(8) and 16, pay to the customer the prescribed sum.

Post-acceptance scheduling and completion of works, and energisation: other than single LV service demand connections and small project demand connections

9.—(1) This regulation applies to an electricity distributor where it receives—

- (a) a customer's written acceptance of a quotation relating to a connection other than a single LV service demand connection or a small project demand connection within the requisite timescale specified by the electricity distributor in that quotation;
- (b) payment of any amount due to be paid to the electricity distributor in accordance with the accepted quotation—
 - (i) in respect of paragraph (2), (3) or (4), on acceptance of the quotation;
 - (ii) in respect of paragraph (5), prior to commencement of works at or in relation to the premises or a phase of works at or in relation to the premises (as applicable);
 - (iii) in respect of paragraph (6), (7) or (8), prior to completion of the works or a phase of the works (as applicable); or
 - (iv) in respect of paragraph (9), (10) or (11), if applicable, prior to energisation of the connection or connections;
- (c) any reasonable security required by the electricity distributor under section 20(1) of the Act;
- (d) written acceptance of any additional terms of connection proposed by the electricity distributor under section 21 of the Act; and
- (e) details of any reasonable means by which the customer may be contacted in Great Britain by the electricity distributor during the period 9am to 5pm on a working day in respect of the quotation.

(2) Where this regulation applies and the accepted quotation relates to the provision of an LV demand connection and the electricity distributor fails within the prescribed period from the applicable date to contact the customer to commence the process of agreeing a schedule of dates for commencement of works at or in relation to the premises, completion of the works and (if applicable) energisation of the connection (in each case as specified in the accepted quotation), the electricity distributor must, except in any of the circumstances described in regulation 15, pay to the customer the prescribed sum.

(12) 1989 c.29; section 21 was amended by section 47 of, and Schedule 8 to, the Utilities Act 2000 (c.27) and modified by section 3(2) of that Act.

(3) Where this regulation applies and the accepted quotation relates to the provision of an HV demand connection and the electricity distributor fails within the prescribed period from the applicable date to contact the customer to commence the process of agreeing a schedule of dates for commencement of works at or in relation to the premises, completion of the works and (if applicable) energisation of the connection (in each case as specified in the accepted quotation), the electricity distributor must, except in any of the circumstances described in regulation 15, pay to the customer the prescribed sum.

(4) Where this regulation applies and the accepted quotation relates to the provision of an EHV demand connection and the electricity distributor fails within the prescribed period from the applicable date to contact the customer to commence the process of agreeing a schedule of dates for commencement of works at or in relation to the premises, completion of the works and (if applicable) energisation of the connection (in each case as specified in the accepted quotation), the electricity distributor must, except in any of the circumstances described in regulation 15, pay to the customer the prescribed sum.

(5) Where this regulation applies and a relevant date has been agreed between the electricity distributor and the customer, if the electricity distributor fails to commence works at or in relation to the premises (or a phase of works at or in relation to the premises) provided for in the accepted quotation by the agreed date, the electricity distributor must, except in any of the circumstances described in regulations 15(2), 15(3), 15(7), 15(8) and 16, pay to the customer the prescribed sum.

(6) Where this regulation applies and a relevant date has been agreed between the electricity distributor and the customer, if the accepted quotation relates to the provision of an LV demand connection and the electricity distributor fails to complete the works (or a phase of the works) provided for in the accepted quotation by the agreed date, the electricity distributor must, except in any of the circumstances described in regulations 15(2), 15(3), 15(7), 15(8) and 16, pay to the customer the prescribed sum.

(7) Where this regulation applies and a relevant date has been agreed between the electricity distributor and the customer, if the accepted quotation relates to the provision of an HV demand connection and the electricity distributor fails to complete the works (or a phase of the works) provided for in the accepted quotation by the agreed date, the electricity distributor must, except in any of the circumstances described in regulations 15(2), 15(3), 15(7), 15(8) and 16, pay to the customer the prescribed sum.

(8) Where this regulation applies and a relevant date has been agreed between the electricity distributor and the customer, if the accepted quotation relates to the provision of an EHV demand connection and the electricity distributor fails to complete the works (or a phase of the works) provided for in the accepted quotation by the agreed date, the electricity distributor must, except in any of the circumstances described in regulations 15(2), 15(3), 15(7), 15(8) and 16, pay to the customer the prescribed sum.

(9) Where this regulation applies and a relevant date has been agreed between the electricity distributor and the customer, if the accepted quotation relates to the provision of an LV demand connection and the electricity distributor fails to energise the connection (or connections) provided for in the accepted quotation by the agreed date, the electricity distributor must, except in any of the circumstances described in regulations 15(2), 15(3), 15(7), 15(8) and 16, pay to the customer the prescribed sum.

(10) Where this regulation applies and a relevant date has been agreed between the electricity distributor and the customer, if the accepted quotation relates to the provision of an HV demand connection and the electricity distributor fails to energise the connection (or connections) provided for in the accepted quotation by the agreed date, the electricity distributor must, except in any of the circumstances described in regulations 15(2), 15(3), 15(7), 15(8) and 16, pay to the customer the prescribed sum.

(11) Where this regulation applies and a relevant date has been agreed between the electricity distributor and the customer, if the accepted quotation relates to the provision of an EHV demand connection and the electricity distributor fails to energise the connection (or connections) provided for in the accepted quotation by the agreed date, the electricity distributor must, except in any of the circumstances described in regulations 15(2), 15(3), 15(7), 15(8) and 16, pay to the customer the prescribed sum.

PART 3

Services and Standards for Unmetered Connections

Fault repairs

10.—(1) This regulation applies to an electricity distributor where it is notified by a relevant authority of a fault repair that needs to be carried out in respect of an unmetered connection through which a supply of electricity is provided to street lighting or street furniture, and the electricity distributor's performance in responding to the fault repair is not the subject of a specific bilateral agreement between the electricity distributor and the relevant authority.

(2) Where this regulation applies and the notification received by the electricity distributor calls for an emergency response, and the electricity distributor fails to attend on site within the prescribed period from the receipt of the notification to carry out works to remove immediate danger to the public or to property arising from the electricity distributor's distribution system, the electricity distributor must, except in any of the circumstances described in paragraph (7), pay to the relevant authority the prescribed sum.

(3) Where this regulation applies and the notification received by the electricity distributor calls for a high-priority fault repair involving traffic lights, and the electricity distributor fails to complete fault-rectification works within the prescribed period from the receipt of the notification, the electricity distributor must, except in any of the circumstances described in paragraph (7), pay to the relevant authority the appropriate prescribed sum.

(4) Where this regulation applies and the notification received by the electricity distributor calls for a high-priority fault repair not involving traffic lights, and the electricity distributor fails to complete fault-rectification works within the prescribed period from the receipt of the notification, the electricity distributor must, except in any of the circumstances described in paragraph (7), pay to the relevant authority the appropriate prescribed sum.

(5) Where this regulation applies and the notification received by the electricity distributor calls for a multiple-unit fault repair, and the electricity distributor fails to complete fault-rectification works within the prescribed period from the receipt of the notification, the electricity distributor must, except in any of the circumstances described in paragraph (7), pay to the relevant authority the appropriate prescribed sum.

(6) Where this regulation applies and the notification received by the electricity distributor calls for a single-unit fault repair, and the electricity distributor fails to complete fault-rectification works within the prescribed period from the receipt of the notification, the electricity distributor must, except in any of the circumstances described in paragraph (7), pay to the relevant authority the appropriate prescribed sum.

(7) The circumstances described in this paragraph are—

- (a) each of the circumstances described in regulation 15; and

- (b) the existence in relation to the required fault repair of any matter or event that is contrary to any regulations made under paragraph 1(1A) of Schedule 7 to the Act(13) or to the applicable provisions of any industry code maintained in accordance with the conditions of the electricity distributor’s distribution licence and with which the electricity distributor is required to comply.

Provision of quotations for new works

11.—(1) This regulation applies to an electricity distributor where—

- (a) a relevant authority gives a notice under section 16A(1) of the Act (including a notice modifying any previous notice) requesting the offer of terms for making an unmetered connection;
- (b) the notice relates to a relevant unmetered connection scheme and the electricity distributor’s performance in relation to the relevant unmetered connection scheme is not the subject of a specific bilateral agreement between the electricity distributor and the relevant authority; and
- (c) the electricity distributor receives from the relevant authority—
 - (i) the information relating to the provision of the connection that is or could reasonably be expected to be within the knowledge of the relevant authority and that the electricity distributor reasonably requires to enable it to provide the quotation; and
 - (ii) payment of any connection offer expenses in accordance with regulations made under section 16A(4A) of the Act.

(2) Where this regulation applies and the electricity distributor fails to dispatch a quotation to the relevant authority within the prescribed period from the applicable date, the electricity distributor must, except in any of the circumstances described in paragraph (3), pay to the relevant authority the prescribed sum.

(3) The circumstances described in this paragraph are—

- (a) each of the circumstances described in regulation 15;
- (b) the existence in relation to the required connection of any matter or event that is contrary to any regulations made under paragraph 1(1A) of Schedule 7 to the Act or to the applicable provisions of any industry code maintained in accordance with the conditions of the electricity distributor’s distribution licence and with which the electricity distributor is required to comply; and
- (c) that the notice requesting the offer of terms causes the total number of units of street lighting or other street furniture for which such a notice has been given by the relevant authority to the electricity distributor in the month to exceed 115% of the monthly average for the calendar year last ending prior to the start of that month where this has not been pre-agreed (where “monthly average” means, in respect of a calendar year, the total number of units of street lighting or other street furniture for which such a notice was given by the relevant authority to the electricity distributor during that calendar year, divided by 12).

Completion of new works

12.—(1) This regulation applies to an electricity distributor where it receives—

- (a) a relevant authority’s written acceptance of a quotation relating to a relevant unmetered connection scheme within the requisite timescale specified by the electricity distributor in that quotation;

(13) 1989 c.29; sub-paragraph (1A) of Schedule 7 was inserted by paragraph 3(2) of Schedule 5 to the Utilities Act 2000 (c.27).

- (b) payment of any amount due to be paid to the electricity distributor in accordance with the accepted quotation prior to completion of the works;
- (c) any reasonable security required by the electricity distributor under section 20(1) of the Act;
- (d) written acceptance of any additional terms of connection proposed by the electricity distributor under section 21 of the Act;
- (e) confirmation that any other matters stated in the accepted quotation to be prerequisite to the completion of the works, and that are not the responsibility of the electricity distributor, have been satisfied in the manner or within the time envisaged by the accepted quotation or as otherwise agreed between the parties; and
- (f) details of the reasonable means by which the relevant authority may be contacted in Great Britain by the electricity distributor during the period 9am to 5pm on a working day in respect of the quotation,

and the electricity distributor's performance in completing the works is not the subject of a specific bilateral agreement between the electricity distributor and the relevant authority.

(2) Where this regulation applies and a relevant date has been agreed between the electricity distributor and the relevant authority, if—

- (a) the works provided for in the accepted quotation are to be carried out on a new site (being any location other than an adopted highway); and
- (b) the electricity distributor fails to complete those works by the agreed date,

the electricity distributor must, except in any of the circumstances described in paragraph (4) and except to the extent that the works relate (in total with all other works to which this regulation applies) to the connection during a month of a number of street lighting or other street furniture units for which the relevant authority is responsible in excess of the monthly threshold, pay to the relevant authority the prescribed sum.

(3) Where this regulation applies and if—

- (a) the works provided for in the accepted quotation are to be carried out in an existing adopted highway; and
- (b) the electricity distributor fails to complete those works within the prescribed period from the applicable date,

the electricity distributor must, except in any of the circumstances described in paragraph (4) and except to the extent the works relate (in total with all other works to which this regulation applies) to the connection during a month of a number of street lighting or other street furniture units for which the relevant authority is responsible in excess of the monthly threshold, pay to the relevant authority the prescribed sum.

(4) The circumstances described in this paragraph are—

- (a) any of the circumstances described in regulations 15(2), 15(3), 15(7), 15(8) and 16; and
- (b) the existence in relation to the works in question of any matter or event that is contrary to any regulations made under paragraph 1(1A) of Schedule 7 to the Act or to the provisions of any industry code maintained in accordance with the conditions of the electricity distributor's distribution licence and with which the electricity distributor is required to comply.

(5) In this regulation, "monthly threshold" means, in respect of a month, 115% of the monthly average for the calendar year last ending prior to the start of that month (where "monthly average" means, in respect of a calendar year, the total number of units of street lighting or other street furniture for which the relevant authority is responsible and in respect of which the electricity distributor completed connection works in that calendar year, divided by 12).

PART 4

Governance and Other Issues

Disputes

13. Where a dispute under any provision of these Regulations is referred to the Authority for determination under section 39B(1) of the Act, the dispute is to be determined in accordance with the practice and procedure set out in Schedule 2.

Payments

14.—(1) Subject to paragraph (2), this regulation applies to an electricity distributor where it is obliged to make a payment to a customer or a relevant authority (as appropriate) under any of regulations 4 to 12 and the electricity distributor fails to make the payment to the customer or relevant authority (as appropriate) within the prescribed period from the payment date.

(2) Paragraph (1) does not apply in respect of payments due to a relevant authority under any of regulations 10, 11 and 12 if the relevant authority has agreed to accept any such payments on a consolidated basis.

(3) Where this regulation applies, the electricity distributor must, except in any of the circumstances described in paragraph (4), pay the prescribed sum to the customer or relevant authority (as appropriate).

(4) The circumstances described in this paragraph are—

- (a) each of the circumstances described in regulation 15;
- (b) that there is a genuine dispute between the electricity distributor and the customer or relevant authority as to whether the electricity distributor is obliged to make the payment; and
- (c) that the electricity distributor does not have, for the customer or relevant authority (as appropriate), a postal address in Great Britain or bank account details to which the payment could be sent, and has made reasonable endeavours to obtain such an address or details.

(5) Nothing in, or done by an electricity distributor in consequence of, these Regulations can determine who is beneficially entitled to any payment made in pursuance of these Regulations.

(6) Nothing in these Regulations permits an electricity distributor to make a payment other than by means of—

- (a) a cheque or cash;
- (b) electronic transmission of the amount in question; or
- (c) a credit to the account of the customer or relevant authority by way of set-off for charges incurred or to be incurred in respect of the provision of any connection to the electricity distributor's distribution system.

(7) Where the electricity distributor makes a payment under these Regulations by way of a cheque, that payment is deemed to have been made on the day that the cheque is posted to the recipient.

Exemptions

15.—(1) The circumstances described in this regulation are those set out in paragraphs (2) to (4) and (6) to (8): provided that the circumstances set out in paragraphs (6) to (8) will only apply where the electricity distributor makes reasonable efforts to notify the customer or the relevant authority

(as appropriate) of the occurrence of such circumstances as soon as reasonably practicable after their occurrence.

(2) The customer or relevant authority (as appropriate) informs the electricity distributor before the contravention time that he or it does not wish the electricity distributor to take any action, or any further action, in relation to the matter.

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

(4) Where information or a request is (or is required to be) provided by the customer or relevant authority (as appropriate), and the information is provided to an address or email account or by use of a telephone number other than any address, email account or telephone number that the electricity distributor has advised the customer or relevant authority is appropriate for the receipt of information of that type or, in the case of information given by telephone for the purpose of regulation 10(2), was given outside such reasonable hours as the electricity distributor has advised the relevant authority 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 electricity distributor may advise the customer or relevant authority (as appropriate) by publishing the address, the email account, 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 or relevant authorities likely to be affected by it.

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

- (a) industrial action by employees of the electricity distributor or its agent;
- (b) the act or default of a person other than an officer, employee or agent of the electricity distributor, or of a person acting on behalf of an agent of the electricity distributor;
- (c) the inability of the electricity distributor to obtain any necessary access to any premises (which may include its own premises);
- (d) the existence of circumstances by reason of which the electricity distributor could reasonably expect that, if it took the action, it would or would be likely to be in breach of an enactment (including any directions given by the Secretary of State under section 96 of the Act⁽¹⁴⁾);
- (e) the effects of an event for which emergency regulations have been made under Part 2 of the Civil Contingencies Act 2004⁽¹⁵⁾;
- (f) any other circumstances of an exceptional nature beyond the control of the electricity distributor.

(7) The electricity distributor reasonably considers that the information given by the customer or the relevant authority (as appropriate) is frivolous or vexatious.

(8) The electricity distributor reasonably considers that the customer or relevant authority (as appropriate) has committed an offence under paragraph 6 of Schedule 6 to the Act⁽¹⁶⁾, or under paragraph 11 of Schedule 7 to the Act.

(9) In this regulation, “contravention time” means the time at which, if this regulation did not apply, the electricity distributor would become liable to pay the prescribed sum to the customer or relevant authority as appropriate.

⁽¹⁴⁾ 1989 c.29; section 96 was amended by S.I. 2012/2400.

⁽¹⁵⁾ 2004 c.36.

⁽¹⁶⁾ Schedule 6 was substituted by section 51(2) of, and Schedule 4 to, the Utilities Act 2000 (c.27).

Extensions of time

16.—(1) Where one or more of the circumstances referred to in paragraph (6(a) to 6(e) of regulation 15 or described in paragraph (4) below arises, an agreed date under any of regulations 8(3), 9(5) to 9(11), and 12(2) will be extended by such reasonable period (or to such reasonable date) as the electricity distributor may specify.

(2) Provided the electricity distributor specifies such period or date within a reasonable period of time after the circumstance in question arises, the electricity distributor may specify such period or date before or after the date that would otherwise have been the agreed date.

(3) The period or date so specified will only be effective if the electricity distributor contacts the customer or relevant authority (as appropriate) to communicate the period or date so specified.

(4) The circumstances described in this paragraph are as follows—

- (a) severe weather conditions that either of themselves prevent the electricity distributor from carrying out the requisite work or, being of any of the categories 1, 2 or 3 of severity as defined in the Electricity (Standards of Performance) Regulations 2015⁽¹⁷⁾, cause the electricity distributor, acting reasonably, to postpone pre-planned works in order to restore supplies to customers as quickly as possible;
- (b) a network system emergency that causes the electricity distributor, acting reasonably, to redirect its resources and thereby prevents it from completing any action required by these Regulations;
- (c) an inability to undertake live working on the distribution system because of compliance with safety procedures in circumstances where the electricity distributor would normally expect to undertake such working and where this restriction has a material impact on the timescale for completion of the works;
- (d) delays imposed by a requirement to obtain a notice and/or permit for street works under the Traffic Management Act 2004⁽¹⁸⁾ or the New Roads and Street Works Act 1991⁽¹⁹⁾;
- (e) delays in obtaining any necessary consents or rights, and/or in acquiring any necessary interest in land, in relation to the location of electric lines and electrical plant needed to provide the connection;
- (f) that works that are stated in the accepted quotation to be prerequisite to the commencement, completion or energisation (as appropriate) of the works, and that are not the responsibility of the electricity distributor, have not been completed in the agreed manner or within the time agreed; and
- (g) that any other matters stated in the accepted quotation to be prerequisite to the commencement, completion or energisation (as appropriate) of the works, and that are not the responsibility of the electricity distributor, have not been satisfied in the manner or within the time envisaged by the accepted quotation.

Timing of notification

17. For the purposes of regulations 4 to 9, 11 and 12, where the requirements of paragraph (1) of any of those regulations are satisfied after 5pm on a working day or at any time on any other day, they are deemed to have been satisfied on the next following working day.

⁽¹⁷⁾ S.I. 2015/699

⁽¹⁸⁾ 2004 c.18.

⁽¹⁹⁾ 1991 c.22.

Notice of rights

18. In respect of the rights prescribed for the benefit of customers or relevant authorities (as the case may be) under these Regulations, an electricity distributor must 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 that is standardised with that of other electricity distributors and has a content that the electricity distributor could reasonably expect would be within the understanding of customers or relevant authorities to which the statement relates, and must—

- (a) give a copy of the statement, and of any revision of the statement, to the Authority and to the consumer advocacy bodies, before it 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 that supplies electricity to premises that are directly connected to the electricity distributor's distribution system a copy of the statement (in the form current at the time that it is provided) for onward transmission to the electricity supplier's customers;
- (c) make a copy of the statement (in its current form) available on its website and for inspection by any person at any premises of or occupied by the electricity distributor open to the public in the normal course of the electricity 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.

The seal of the Gas and Electricity Markets Authority here affixed is authenticated by the signature of



12th March 2015

Dermot Nolan
A member of the Authority

I consent

13th March 2015

Matthew Hancock
Minister of State
Department of Energy and Climate Change

SCHEDULE 1

Regulation 2(1)

Data for the Purpose of Calculating Payments

Prescribed periods and prescribed sums applicable to all electricity distributors

<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>
<i>Regulation</i>	<i>Prescribed Period</i>	<i>Prescribed Sum</i>	<i>Payment Date</i>
4(2)	10 working days	£65	the working day on which the budget estimate should have been dispatched
4(3)	20 working days	£65	the working day on which the budget estimate should have been dispatched
5(2)	5 working days	£15 for each working day after the end of the prescribed period up to and including the day on which the quotation is dispatched	the working day on which the quotation is dispatched
5(3)	15 working days	£15 for each working day after the end of the prescribed period up to and including the day on which the quotation is dispatched	the working day on which the quotation is dispatched
6(2)	25 working days	£65 for each working day after the end of the prescribed period up to and including the day on which the quotation is dispatched	the working day on which the quotation is dispatched
6(3)	35 working days	£135 for each working day after the end of the prescribed period up to and including the day on which the quotation is dispatched	the working day on which the quotation is dispatched
6(4)	65 working days	£200 for each working day after the end of the prescribed period up to and including the day on which the quotation is dispatched	the working day on which the quotation is dispatched

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<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>
<i>Regulation</i>	<i>Prescribed Period</i>	<i>Prescribed Sum</i>	<i>Payment Date</i>
7(3)	not applicable	£335	the working day on which the quotation is found, in accordance with the quotation accuracy scheme, to have been inaccurate or incomplete
7(4)	not applicable	£670	the working day on which the quotation is found, in accordance with the quotation accuracy scheme, to have been inaccurate or incomplete
8(2)	7 working days	£15 for each working day after the end of the prescribed period up to and including the day on which contact occurs	the working day on which contact occurs
8(3)	the agreed date	£35 for each working day after the agreed date up to and including the day on which the works are completed	the working day on which the works are completed
9(2)	7 working days	£65 for each working day after the end of the prescribed period up to and including the day on which contact occurs	the working day on which contact occurs
9(3)	10 working days	£135 for each working day after the end of the prescribed period up to and including the day on which contact occurs	the working day on which contact occurs
9(4)	15 working days	£200 for each working day after the end of the prescribed period up to and including the day on which contact occurs	the working day on which contact occurs
9(5)	the agreed date	£25 for each working day after the agreed	the working day on which the works

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<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>
<i>Regulation</i>	<i>Prescribed Period</i>	<i>Prescribed Sum</i>	<i>Payment Date</i>
		date up to and including the day on which the works at the premises are commenced	at the premises are commenced
9(6)	the agreed date	£135 for each working day after the agreed date up to and including the day on which the works are completed	the working day on which the works are completed
9(7)	the agreed date	£200 for each working day after the agreed date up to and including the day on which the works are completed	the working day on which the works are completed
9(8)	the agreed date	£270 for each working day after the agreed date up to and including the day on which the works are completed	the working day on which the works are completed
9(9)	the agreed date	£135 for each working day after the agreed date up to and including the day on which energisation occurs	the working day on which energisation occurs
9(10)	the agreed date	£200 for each working day after the agreed date up to and including the day on which energisation occurs	the working day on which energisation occurs
9(11)	the agreed date	£270 for each working day after the agreed date up to and including the day on which energisation occurs	the working day on which energisation occurs
10(2)	2 hours	£65	the working day after the day on which the emergency attendance should have taken place

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<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>
<i>Regulation</i>	<i>Prescribed Period</i>	<i>Prescribed Sum</i>	<i>Payment Date</i>
10(3)	2 calendar days	£15 for each working day after the end of the prescribed period up to and including the day on which the fault rectification works are completed	the working day on which the fault rectification works are completed
10(4)	10 working days	£15 for each working day after the end of the prescribed period up to and including the day on which the fault rectification works are completed	the working day on which the fault rectification works are completed
10(5)	20 working days	£15 for each working day after the end of the prescribed period up to and including the day on which the fault rectification works are completed	the working day on which the fault rectification works are completed
10(6)	25 working days	£15 for each working day after the end of the prescribed period up to and including the day on which the fault rectification works are completed	the working day on which the fault rectification works are completed
11(2)	25 working days	£15 for each working day after the end of the prescribed period up to and including the day the quotation is dispatched	the working day on which the quotation is dispatched
12(2)	the agreed date	£15 for each working day after the agreed date up to and including the day on which the works are completed	the working day on which the works are completed
12(3)	35 working days	£15 for each working day after the end of the prescribed period up to and including the day on which the works are completed	the working day on which the works are completed

<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>
<i>Regulation</i>	<i>Prescribed Period</i>	<i>Prescribed Sum</i>	<i>Payment Date</i>
14(1)	10 working days	£65	not applicable

SCHEDULE 2

Regulation 13

Practice and Procedure for Determinations

Determination of disputes

1.—(1) This Schedule applies where a dispute to which regulation 13 applies has arisen under any provision of these Regulations between an electricity distributor and a customer or relevant authority (as applicable).

(2) A dispute to which this Schedule applies—

- (a) may be referred to the Authority by any party or, with the agreement of any party, by a consumer advocacy body; and
- (b) on such reference, is to be determined by order made by the Authority.

(3) In making an order under this Schedule, the Authority must include in the order the reasons for reaching its decision with respect to a dispute.

Timetable for the determination of individual disputes

2.—(1) The Authority must determine a dispute to which this Schedule applies before the end of eighty working days from the date when the dispute was referred to the Authority.

(2) If the Authority is satisfied that there are good reasons for departing from the requirements of sub-paragraph (1), the period in which a dispute may be determined may be extended with the consent of the referring party or parties.

Procedure for the determination of individual disputes

3.—(1) Where an individual dispute is referred to the Authority, the Authority must, at the outset, send to the parties a notice of procedure for the determination of individual disputes.

(2) The notice under sub-paragraph (1) must—

- (a) set out a timetable by which each part of the procedure for the determination of individual disputes under this Schedule is to take place;
- (b) provide a list of any documentation or other evidence that the Authority has received in connection with the dispute and inform the parties that such documentation or other evidence may be disclosed to other parties to the dispute unless it is specifically classed as confidential by the party to whom it belongs before the date expressly stated in the notice;
- (c) inform the parties of any specific information that the Authority is requesting as part of the written statement prepared in accordance with paragraph 7; and
- (d) explain the manner in which the Authority intends to publish the determination decision.

(3) Upon receipt of a notice under sub-paragraph (1), the parties to the dispute must provide the Authority with—

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- (a) the information specified in sub-paragraph (2)(c);
 - (b) any other information that they consider relevant to the dispute.
- (4) If the Authority decides it is necessary to obtain third party advice in relation to technical issues or any other issues that may arise during the determination, it must inform the parties to the dispute of its request for such advice and indicate to them in writing how that request will affect the timetable outlined in the notice issued under sub-paragraph (1).
- (5) At any time after receiving a written statement the Authority may, if it considers it appropriate to do so, request an oral hearing in accordance with paragraph 9.
- (6) If the Authority is satisfied that it has sufficient information to determine a dispute, it must prepare a draft determination statement containing the submissions of the parties and then send that statement to the parties for comment.
- (7) When the Authority has received comments from the parties, and is satisfied that it has sufficient information to make the determination decision, it must prepare and then issue to the parties a final determination statement.
- (8) The parties must, within one week of receiving a final determination statement, notify the Authority of any issue or information within that statement that should be excluded because such issue or information is of a confidential nature.
- (9) The Authority shall, upon receipt of any notification under sub-paragraph (8), make the necessary adjustments to the final determination statement and then publish that statement on its website in accordance with sub-paragraph (2)(d).

Determination of multiple disputes

- 4.—(1) The Authority may, if it considers it appropriate to do so, consolidate into one or more categories (in each case a “consolidated group”) similar or related disputes for the purposes of determining those disputes.
- (2) A determination made by the Authority for one or more consolidated groups must apply, in respect of each consolidated group, to each individual dispute within that group.

Timetable for determination of multiple disputes

- 5.—(1) The Authority, when determining disputes falling within a consolidated group, must determine those disputes before the end of six months from the date when they were consolidated into that group by the Authority under paragraph 4.
- (2) If the Authority is satisfied that there are good reasons for departing from the requirements of sub-paragraph (1), the period in which disputes falling within a consolidated group may be determined may be extended by notice to the representatives of any such group nominated under paragraph 10.

Procedure for the determination of multiple disputes

- 6.—(1) Where the Authority considers it appropriate to consolidate disputes under paragraph 4, it must send to the parties a notice of procedure for the determination of those disputes.
- (2) The notices under sub-paragraph (1) must—
- (a) set out a timetable by which each part of the procedure for the determination of multiple disputes under this Schedule is to take place;

- (b) provide a list of any documentation or other evidence that the Authority has received in connection with the dispute and inform the parties that such documentation or other evidence may be disclosed to other parties to the dispute unless it is specifically classed as confidential by the party to whom it belongs before the date expressly stated in the notice;
 - (c) inform the parties of any specific information that the Authority is requesting in accordance with paragraph 11; and
 - (d) explain the manner in which the Authority intends to publish the determination decision.
- (3) Upon receipt of a notice under sub-paragraph (1), the parties to the dispute must provide the Authority with—
- (a) the information specified in sub-paragraph (2)(c); and
 - (b) any other information that they consider relevant to the dispute.
- (4) Upon receipt of the information provided in accordance with sub-paragraph (3), the Authority may, if it considers it fitting to do so, prepare a list of consolidated groups and then consult as to whether those consolidated groups are appropriate.
- (5) When consulting under sub-paragraph (4), the Authority must—
- (a) publish and explain its proposals in a manner which it believes will bring them to the attention of persons most likely to be affected; and
 - (b) invite those persons to comment to the Authority within a period of time specified in the publication of the proposals.
- (6) Upon receipt of responses to the consultation under sub-paragraph (5), the Authority must have regard to those responses before finalising the consolidated groups.
- (7) When the Authority has decided on the consolidated groups for the purpose of determining multiple disputes, it must appoint customer representatives as required by paragraph 10.
- (8) Following the appointment of the customer representatives for the consolidated groups, those customer representatives and the electricity distributors must prepare a written statement.
- (9) Upon receipt of the written statements, the Authority may decide that it is necessary to obtain third party advice in relation to technical issues or any other issues that may arise during the determination. If third party advice is requested, then the Authority must inform the customer representatives and the electricity distributors of that request and indicate in writing how this request will affect the timetable outlined in the notice issued under sub-paragraph (1).
- (10) At any time after receiving the written statement the Authority may request an oral hearing in accordance with paragraph 9.
- (11) If the Authority is satisfied that it has the necessary information, it must prepare a draft determination statement containing the submissions of the customer representatives and the electricity distributors and then send that statement to the customer representatives and the electricity distributors for comment.
- (12) When the Authority has received comments from the customer representatives and the electricity distributors, and is satisfied that it has sufficient information to make the determination decision, it must issue a final determination statement for a consolidated group or for each consolidated group where there is more than one.
- (13) The customer representatives and the electricity distributors must within one week of receiving a final determination statement notify the Authority of any issue or information within that statement that should be excluded because it is of a confidential nature.
- (14) The Authority must, upon receipt of any notification under sub-paragraph (13), make the necessary adjustments to the final determination statement and then publish that statement on its website in accordance with sub-paragraph (2)(d).

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Written statements

7.—(1) The Authority may, by notice, ask any party to a dispute to produce a written statement with respect to a matter specified in the notice.

(2) The power to ask for the production of a written statement includes power to specify the time and place at which it is to be produced.

(3) No person is to be compelled under this paragraph to produce a written statement with respect to any matter about which he could not be compelled to give evidence in civil proceedings in the High Court or Court of Session.

(4) The Authority may make copies of a document produced to it under this paragraph.

Production of documents and other evidence

8.—(1) The Authority may, by notice, ask a party to a dispute to produce such documentation (including other evidence), in such form and at such time as it directs, as the Authority may reasonably require to enable it to make the determination decision.

(2) The power to ask for the production of a document is a power to ask for its production—

(a) at the time and place specified in the notice; and

(b) in a legible form.

(3) No person is to be compelled under this paragraph to produce a document that he could not be compelled to produce in civil proceedings in the High Court or Court of Session.

(4) The Authority may make copies of a document produced to it under this paragraph.

Oral hearings

9.—(1) For the purposes of this Schedule, an oral hearing may be held, and evidence may be heard at such a hearing from any party to a dispute.

(2) The Authority may, by notice, request any party to a dispute—

(a) to attend at a time and place specified in the notice; and

(b) at that time and place, to give evidence to any person appointed by the Authority to conduct the oral hearing.

(3) At any oral hearing, the Authority may request the customer or a person attending the hearing as a representative of the electricity distributor to give evidence or make representations or observations.

(4) If any party fails to attend a hearing to be subjected to a requirement under sub-paragraph (3), the Authority may determine the dispute without hearing his evidence, representations, or observations.

(5) No person is to be compelled under this paragraph to give evidence that he could not be compelled to give in civil proceedings in the High Court or Court of Session.

Customer representatives for multiple disputes

10.—(1) Where disputes are consolidated into categories under paragraph 4, the Authority must nominate one or more customers to be representatives of each consolidated group.

(2) A customer nominated to be a representative of a consolidated group under this paragraph is only to become a representative if he consents to do so.

Collection of information in multiple disputes

11.—(1) The Authority may by notice ask any customer or relevant authority (as applicable) who is a party to a dispute falling within a consolidated group to produce such information with respect to a matter specified in the notice as the Authority may reasonably require to enable it to make the determination decision.

(2) The power to require the production of information under this paragraph includes the power to specify the time and place at which it is to be produced.

(3) No person is to be compelled under this paragraph to produce information with respect to any matter about which he could not be compelled to give evidence in civil proceedings in the High Court or Court of Session.

Payment to customers

12. An order determining a dispute does 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.

Set-off

13. Where a dispute is determined by an order requiring an electricity distributor to make a payment to the customer or the relevant authority (as applicable) and the electricity distributor 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 electricity distributor.

Costs

14.—(1) An order determining a dispute may include a provision requiring the electricity distributor or the customer or the relevant authority (as applicable) to pay a sum in respect of the costs or expenses incurred by the Authority.

(2) In including in an order under sub-paragraph (1) any such provision as to costs, the Authority must have regard to the conduct and means of the parties and any other relevant circumstances.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under the power provided for in section 39A of the Electricity Act 1989 in respect of standards of performance in connection with the activities of electricity distributors. They prescribe the sum that an electricity distributor must pay to a customer or relevant authority as appropriate by way of compensation for failure to meet specified standards of performance in respect of the connection services to be provided by electricity distributors. The sum payable differs between standards. The standards do not apply to customers or relevant authorities who are not customers or potential customers of an electricity supplier.

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In these Regulations, words or expressions have the respective meanings given to them, at the date on which these Regulations are made, in the standard conditions of a distribution licence granted or treated as granted under section 6(1)(c) of the Act. These include the following:

- “conditions” (except in the context of weather conditions)
- “directly connected”
- “distribution system”
- “domestic premises”
- “electricity distributor”
- “electricity supplier”
- “information”
- “notice”
- “representative”
- “website”
- “writing”
- “unmetered”

The Regulations come into force on 1st April 2015.