
STATUTORY INSTRUMENTS

2015 No. 698

The Electricity (Connection Standards
of Performance) Regulations 2015

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⁽¹⁾);
- (e) the effects of an event for which emergency regulations have been made under Part 2 of the Civil Contingencies Act 2004⁽²⁾;

(1) 1989 c.29; section 96 was amended by S.I. 2012/2400.

(2) 2004 c.36.

- (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⁽³⁾, 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.

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⁽⁴⁾, 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⁽⁵⁾ or the New Roads and Street Works Act 1991⁽⁶⁾;
- (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

⁽³⁾ Schedule 6 was substituted by section 51(2) of, and Schedule 4 to, the Utilities Act 2000 (c.27).

⁽⁴⁾ S.I. 2015/699

⁽⁵⁾ 2004 c.18.

⁽⁶⁾ 1991 c.22.

- (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.

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.