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STATUTORY INSTRUMENTS

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**1992 No. 1720 (N.I. 13)**

**NORTHERN IRELAND**

**The Competition and Service (Electricity)  
(Northern Ireland) Order 1992**

*Made* - - - - *15th July 1992*  
*Laid before Parliament* *29th July 1992*  
*Coming into operation on days to be appointed under*  
*Article 1(2)*

At the Court at Buckingham Palace, the 15th day of July 1992

Present,

The Queen's Most Excellent Majesty in Council

Whereas this Order is made only for purposes corresponding to the purposes of the provisions mentioned in subsection (2) of section 54 of the Competition and Service (Utilities) Act 1992(1):

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974(2) (as modified by the said section 54) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

**Title and commencement**

1.—(1) This Order may be cited as the Competition and Service (Electricity) (Northern Ireland) Order 1992.

(2) This Order shall come into operation on such day or days as the Head of the Department of Economic Development may by order appoint.

**Interpretation**

2.—(1) The Interpretation Act (Northern Ireland) 1954(3) shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

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(1) 1992 c. 43  
(2) 1974 c. 28  
(3) 1954 c. 33 (N.I.)

(2) In this Order “the Electricity Order” means the Electricity (Northern Ireland) Order 1992(4).

### **Research concerning views of customers**

3.—(1) In Article 42 of the Electricity Order (electricity supply: performance in individual cases), for paragraph (1) there shall be substituted the following paragraph—

“(1) Regulations may, after—

- (a) consultation with public electricity suppliers and with persons or bodies appearing to the Director to be representative of persons likely to be affected; and
- (b) arranging for such research as the Director considers appropriate with a view to discovering the views of a representative sample of persons likely to be affected and considering the results,

prescribe such standards of performance in connection with the provision by such suppliers of electricity supply services to tariff customers as, in the opinion of the Director, ought to be achieved in individual cases.”.

(2) In Article 43 of the Electricity Order (electricity supply: overall performance), in paragraph (1) the words from “after” to “affected” shall cease to have effect and after that paragraph there shall be inserted the following paragraph—

“(1A) The Director may only make a determination under paragraph (1)(a) after—

- (a) consultation with public electricity suppliers and with persons or bodies appearing to him to be representative of persons likely to be affected; and
- (b) arranging for such research as the Director considers appropriate with a view to discovering the views of a representative sample of persons likely to be affected and considering the results.”.

### **Information to be given to customers about overall performance**

4. After Article 45 of the Electricity Order there shall be inserted the following Article—

#### **“Information to be given to customers about overall performance**

45A.—(1) Each public electricity supplier shall, in such form and manner and with such frequency as the Director may direct, take steps to inform his customers of—

- (a) the standards of overall performance determined under Article 43 which are applicable to that supplier; and
- (b) that supplier’s level of performance as respects each of those standards.

(2) In giving any such direction, the Director shall not specify a frequency of less than once in every period of 12 months.”.

### **Procedures for dealing with complaints**

5. After Article 45A of the Electricity Order there shall be inserted the following Articles—

#### **“Procedures for dealing with complaints**

45B.—(1) Each public electricity supplier shall establish a procedure for dealing with complaints made by his customers or potential customers in connection with the provision of electricity supply services.

- (2) No such procedure shall be established, and no modification of such a procedure shall be made, unless—
  - (a) the supplier has consulted the consumer committee; and
  - (b) the proposed procedure or modification has been approved by the Director.
- (3) The supplier shall—
  - (a) publicise the procedure in such manner as may be approved by the Director; and
  - (b) send a description of the procedure, free of charge, to any person who asks for one.
- (4) The Director may give a direction to any public electricity supplier requiring the supplier to review his procedure or the manner in which it operates.
- (5) A direction under paragraph (4)—
  - (a) may specify the manner in which the review is to be conducted; and
  - (b) shall require a written report of the review to be made to the Director.
- (6) Where the Director receives a report under paragraph (5)(b), he may, after consulting the supplier, direct him to make such modifications of—
  - (a) the procedure; or
  - (b) the manner in which the procedure operates,as may be specified in the direction.
- (7) Paragraph (2) does not apply to any modification made in compliance with a direction under paragraph (6).”.

### **Billing disputes**

6. After Article 47 of the Electricity Order there shall be inserted the following Article—

#### **“Billing disputes**

**47A.**—(1) Regulations may make provision for billing disputes to be referred to the Director for determination in accordance with the regulations.

(2) In this Article “billing dispute” means a dispute between a public electricity supplier and a tariff customer concerning the amount of the charge which the supplier is entitled to recover from the customer in connection with the provision of electricity supply services.

(3) Regulations under this Article may only be made after consulting—

- (a) the Director; and
- (b) persons or bodies appearing to the Department to be representative of persons likely to be affected by the regulations.

(4) Regulations under this Article may provide that, where a billing dispute is referred to the Director, he may either—

- (a) determine the dispute, or
- (b) appoint an arbitrator to determine it.

(5) Any person determining any billing dispute in accordance with regulations under this Article shall, in such manner as may be specified in the regulations, give his reasons for reaching his decision with respect to the dispute.

(6) Regulations under this Article may provide—

- (a) that disputes may be referred to the Director under this Article only by prescribed persons; and

- (b) for any determination to be final and enforceable as if it were a judgement of the county court.
- (7) Except in such circumstances (if any) as may be prescribed—
  - (a) the Director or an arbitrator appointed by him shall not determine any billing dispute which is the subject of proceedings before, or with respect to which judgement has been given by, any court; and
  - (b) neither party to any billing dispute which has been referred to the Director for determination in accordance with regulations under this Article shall commence proceedings before any court in respect of that dispute pending its determination in accordance with the regulations.
- (8) No public electricity supplier may commence proceedings before any court in respect of any charge in connection with the provision by him of electricity supply services unless, not less than 28 days before doing so, the tariff customer concerned was informed by him, in such form and manner as may be prescribed, of—
  - (a) his intention to commence proceedings;
  - (b) the customer's rights by virtue of this Article; and
  - (c) such other matters (if any) as may be prescribed.
- (9) The powers of the Director under Article 31 shall also be exercisable for any purpose connected with the determination of any dispute referred to him in accordance with regulations made under this Article.”.

#### **Compliance with standards of overall performance**

7. In Article 43 of the Electricity Order (electricity supply: overall performance) the following paragraph shall be added at the end—

“(3) It shall be the duty of every public electricity supplier to conduct his business in such a way as can reasonably be expected to lead to his achieving the standards set under this Article.”.

#### **Determination of disputes by Director: interim directions**

8.—(1) The power of the Director General of Electricity Supply for Northern Ireland, under Article 26(2) of the Electricity Order, to require a public electricity supplier to continue a supply of electricity pending the Director's determination of a dispute shall be extended to enable the Director to require the giving of a supply of electricity pending such a determination.

(2) Accordingly, in Article 26(2) of the Electricity Order, the words “to continue”, in both places where they occur, shall cease to have effect.

#### **Minor and consequential amendments and repeals**

9.—(1) The minor and consequential amendments of the Electricity Order set out in Schedule 1 shall have effect.

(2) The provisions of the Electricity Order specified in the third column of Schedule 2 are hereby repealed.

*G. I. de Deney*  
Clerk of the Privy Council

## SCHEDULES

### SCHEDULE 1

Article 9(1).

#### MINOR AND CONSEQUENTIAL AMENDMENTS OF THE ELECTRICITY ORDER

1. In Article 3 (interpretation of Part II), in the definition of “relevant requirement”, after “26” add “43(3), 44(3), 45A or 45B”.
2. In Article 26 (determination of disputes), after paragraph (1) insert the following paragraph—
 

“(1A) Any person making an order under paragraph (1) shall include in the order his reasons for reaching his decision with respect to the dispute.”.
3. In Article 31 (power to require information, etc.), after “28” insert “or 45B”.
4. In Article 42 (performance in individual cases), after paragraph (5) insert the following paragraph—
 

“(5A) Any person making an order under paragraph (5) shall include in the order his reasons for reaching his decision with respect to the dispute.”.
5. In Article 44 (promotion of efficient use of electricity), at the end add the following paragraph—
 

“(3) Each public electricity supplier shall, in such form and manner and with such frequency as the Director may direct, take steps to inform his customers of—

  - (a) the standards determined under this Article which are applicable to that supplier; and
  - (b) that supplier’s level of performance as respects those standards.”.
6. In Schedule 7 (use of electricity meters), in paragraph 2, for sub-paragraph (2) substitute the following sub-paragraphs—
 

“(2) If the electricity supplier agrees, the meter may be provided by the customer; but otherwise it shall be provided by the electricity supplier (whether by way of sale, hire or loan).

“(2A) A public electricity supplier may refuse to allow one of his customers to provide a meter only if there are reasonable grounds for his refusal.”.

### SCHEDULE 2

Article 9(2).

#### REPEALS

Number	Title	Extent of repeal
<a href="#">1992 NI 1.</a>	The Electricity (Northern Ireland) Order 1992.	In Article 26(2), the words “to continue” in both places where they occur.  In Article 43(1), the words from “after” to “affected”.

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## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order is made only for purposes corresponding to those of the provisions of the Competition and Service (Utilities) Act 1992 mentioned in section 54(2) of that Act (amendments of electricity legislation).

Article 3 provides, in connection with regulations and determinations about standards of performance, for research into the views of customers. Article 4 requires a public electricity supplier to inform his customers about his overall performance and Article 5 requires him to establish a procedure for dealing with complaints.

Article 6 enables provision to be made by regulations giving the Director General of Electricity Supply for Northern Ireland power to determine disputes with certain customers about the accuracy of bills. Article 7 places upon a public electricity supplier a statutory duty to comply with standards of overall performance and Article 8 gives the Director power, where there is a dispute between a customer and a public electricity supplier about the terms of supply, to order the supplier to provide a supply of electricity pending the determination of the dispute.