



Utilities Act 2000

2000 CHAPTER 27

PART IV

AMENDMENT OF THE ELECTRICITY ACT 1989

Duties of electricity distributors

44 Duty to connect on request

For sections 16 and 17 of the 1989 Act (duty to supply on request and exceptions to that duty) there are substituted—

“Duties of electricity distributors

16 Duty to connect on request

- (1) An electricity distributor is under a duty—
 - (a) to make a connection between a distribution system of his and any premises, when required to do so by—
 - (i) the owner or occupier of the premises; or
 - (ii) an authorised supplier acting with the consent of the owner or occupier of the premises,for the purpose of enabling electricity to be conveyed to or from the premises;
 - (b) to make a connection between a distribution system of his and any distribution system of another authorised distributor, when required to do so by that authorised distributor for the purpose of enabling electricity to be conveyed to or from that other system.
- (2) Any duty under subsection (1) includes a duty to provide such electric lines or electrical plant as may be necessary to enable the connection to be used for the purpose for which it is required.

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- (3) The duties under this section shall be performed subject to such terms as may be agreed under section 16A for so long as the connection is required.
- (4) In this section and sections 16A to 23—
 - (a) any reference to making a connection includes a reference to maintaining the connection (and continuing to provide the necessary electric lines or electrical plant);
 - (b) any reference to requiring a connection includes a reference to requiring the connection to be maintained (and the continued provision of the necessary electric lines and electrical plant); and
 - (c) any reference to the provision of any electric line or electrical plant is a reference to the provision of such a line or an item of electrical plant either by the installation of a new one or by the modification of an existing one.
- (5) The duties under this section are subject to the following provisions of this Part and any regulations made under those provisions.

16A Procedure for requiring a connection

- (1) Where a person requires a connection to be made by an electricity distributor in pursuance of section 16(1), he shall give the distributor a notice requiring him to offer terms for making the connection.
- (2) That notice must specify—
 - (a) the premises or distribution system to which a connection to the distributor's system is required;
 - (b) the date on or by which the connection is to be made; and
 - (c) the maximum power at which electricity may be required to be conveyed through the connection.
- (3) The person requiring a connection shall also give the distributor such other information in relation to the required connection as the distributor may reasonably request.
- (4) A request under subsection (3) shall be made as soon as practicable after the notice under subsection (1) is given (if not made before that time).
- (5) As soon as practicable after receiving the notice under subsection (1) and any information requested under subsection (3) the distributor shall give to the person requiring the connection a notice—
 - (a) stating the extent (if any) to which his proposals are acceptable to the distributor and specifying any counter proposals made by him;
 - (b) specifying any payment which that person will be required to make under section 19(1) or regulations under section 19(2);
 - (c) specifying any security which that person will be required to give under section 20; and
 - (d) stating any other terms which that person will be required to accept under section 21.
- (6) A notice under subsection (5) shall also contain a statement of the effect of section 23.

17 Exceptions from duty to connect

- (1) Nothing in section 16(1) requires an electricity distributor to make a connection if and to the extent that—
 - (a) he is prevented from doing so by circumstances not within his control;
 - (b) circumstances exist by reason of which his doing so would or might involve his being in breach of regulations under section 29, and he has taken all such steps as it was reasonable to take both to prevent the circumstances from occurring and to prevent them from having that effect; or
 - (c) it is not reasonable in all the circumstances for him to be required to do so.
- (2) Without prejudice to the generality of subsection (1) an electricity distributor is not required to make a connection if—
 - (a) making the connection involves the distributor doing something which, without the consent of another person, would require the exercise of a power conferred by any provision of Schedule 3 or 4;
 - (b) the distributor’s licence does not provide for that provision to have effect in relation to him; and
 - (c) any necessary consent has not, at the time the request is made, been given.
- (3) Subsection (1)(c) does not permit an electricity distributor to disconnect any premises or distribution system to which a connection is being maintained by him unless the distributor gives—
 - (a) where the connection is to premises, to the occupier or to the owner if the premises are not occupied;
 - (b) where the connection is to another distribution system, to the person who is authorised by a licence or exemption to run that system,not less than seven working days’ notice of his intention to disconnect the premises or distribution system.”

45 Abolition of tariffs

Section 18 of the 1989 Act (charging by reference to tariffs) shall cease to have effect.

46 Power to recover expenditure

- (1) Section 19 of the 1989 Act (power to recover expenditure) is amended as follows.
- (2) In subsection (1) for “a public electricity supplier”, “supplier” and “supply of electricity” there is substituted respectively “an electricity distributor”, “distributor” and “connection”.
- (3) For subsection (2) there is substituted—
 - “(2) The Secretary of State may, after consultation with the Authority, make provision by regulations for entitling an electricity distributor to require a person requiring a connection in pursuance of section 16(1) to pay to the distributor, in respect of any expenses reasonably incurred in providing any

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electric line or electrical plant used for the purpose of making the connection, such amount as may be reasonable in all the circumstances if—

- (a) the connection is required within the prescribed period after the provision of the line or plant; and
 - (b) a person (“the initial contributor”) has made a payment to the distributor in respect of those expenses, the line or plant having been provided for the purpose of making a connection to any premises or distribution system as required by that person.”
- (4) In subsection (3) for “a public electricity supplier” there is substituted “an electricity distributor.”
- (5) In subsection (4) for the words from “maintaining” to the end there is substituted “continuing to provide it”.

47 Power to require security

- (1) Section 20 of the 1989 Act (power to require security) is amended as follows.
- (2) For subsection (1) there is substituted—
- “(1) Subject to the following provisions of this section, an electricity distributor may require any person who requires a connection in pursuance of section 16(1) to give him reasonable security for the payment to him under section 19 in respect of the provision of any electric line or electrical plant.
- (1A) If a person fails to give any security required under subsection (1), or the security given has become invalid or insufficient, and he fails to provide alternative or additional security, the electricity distributor may if he thinks fit—
- (a) if the connection has not been made, refuse to provide the line or plant for so long as the failure continues; or
 - (b) if the connection is being maintained, disconnect the premises or distribution system in question.”
- (3) In subsection (3), for “a public electricity supplier” and “supplier” (in each place) there is substituted respectively “an electricity distributor” and “distributor”.
- (4) Subsections (2) and (4) shall cease to have effect.

48 Additional terms of connection

For section 21 of the 1989 Act (additional terms of connection) there is substituted—

“21 Additional terms of connection

An electricity distributor may require any person who requires a connection in pursuance of section 16(1) above to accept in respect of the making of the connection—

- (a) any restrictions which must be imposed for the purpose of enabling the distributor to comply with regulations under section 29;
- (b) any terms which it is reasonable in all the circumstances for that person to be required to accept; and

- (c) without prejudice to the generality of paragraph (b), any terms restricting any liability of the distributor for economic loss resulting from negligence which it is reasonable in all the circumstances for that person to be required to accept.”

49 Special agreements with respect to connection

For section 22 of the 1989 Act (special agreements with respect to supply) there is substituted—

“22 Special agreements with respect to connection

- (1) Notwithstanding anything in sections 16 to 21, a person who requires a connection in pursuance of section 16(1) may enter into an agreement with the electricity distributor (referred to in this Part as a “special connection agreement”) for the making of the connection on such terms as may be agreed by the parties.
- (2) So long as a special connection agreement is effective, the rights and liabilities of the parties shall be those arising under the agreement and not those provided for by sections 16 to 21.
- (3) Nothing in subsection (2) prevents the giving of a notice under section 16A(1) requiring a connection to be made as from the time when a special connection agreement ceases to be effective.”

50 General duties of electricity distributors

In section 9 of the 1989 Act (general duties of licence holders), for subsection (1) there is substituted—

- “(1) It shall be the duty of an electricity distributor—
- (a) to develop and maintain an efficient, co-ordinated and economical system of electricity distribution;
 - (b) to facilitate competition in the supply and generation of electricity.”