

## SCHEDULES

### SCHEDULE 4

Section 51.

#### SCHEDULE TO BE SUBSTITUTED FOR SCHEDULE 6 TO THE 1989 ACT

#### “SCHEDULE 6

#### THE ELECTRICITY CODE

##### *Suppliers' charges relating to meters for disabled persons*

- 1 (1) Where an electricity supplier, for the purpose of meeting the needs of a disabled person—
- (a) alters the position of any electricity meter provided by him for a customer of his; or
  - (b) replaces such a meter with one which has been specially adapted, the supplier shall not charge the customer for the alteration or replacement.
- (2) Section 23 applies to any dispute arising under this paragraph.

##### *Non-payment of suppliers' charges*

- 2 (1) Where a customer has not, within the requisite period, paid all charges due from him to an electricity supplier in respect of the supply of electricity to any premises or the provision of an electricity meter, the supplier may—
- (a) install a pre-payment meter on the premises; or
  - (b) disconnect the premises,
- and the supplier may recover any expenses incurred in so doing from the customer.
- (2) The power of a supplier under sub-paragraph (1)(a) or (b) may not be exercised—
- (a) as respects any amount which is genuinely in dispute (disregarding for this purpose a dispute under section 39 or regulations made under it); and
  - (b) unless not less than seven working days' notice has been given to the occupier of the premises (or the owner of the premises if they are unoccupied) of his intention to exercise it.
- (3) In this paragraph the “requisite period” means the period of 28 days after the making by the supplier of a demand in writing for payment of the charges due.

##### *Deemed contracts in certain cases*

- 3 (1) Where an electricity supplier supplies electricity to any premises otherwise than in pursuance of a contract, the supplier shall be deemed to have contracted with the occupier (or the owner if the premises are unoccupied) for the supply of electricity as from the time (“the relevant time”) when he began so to supply electricity.
- (2) Where—

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- (a) the owner or occupier of any premises takes a supply of electricity which has been conveyed to those premises by an electricity distributor;
- (b) that supply is not made by an authorised supplier; and
- (c) a supply of electricity so conveyed has been previously made by an electricity supplier,

the owner or occupier shall be deemed to have contracted with the appropriate supplier for the supply of electricity as from the time (“the relevant time”) when he began to take such a supply.

- (3) Nothing in sub-paragraph (2) shall be taken to afford a defence in any criminal proceedings.
- (4) The Authority shall publish a document containing provision for determining the “appropriate supplier” for the purposes of sub-paragraph (2).
- (5) The Authority may revise the current document published under sub-paragraph (4); and where it does so it shall publish the revised document.
- (6) The express terms and conditions of a contract which, by virtue of sub-paragraph (1) or (2), is deemed to have been made shall be provided for by a scheme made under this paragraph.
- (7) Each electricity supplier shall make (and may from time to time revise), a scheme for determining the terms and conditions which are to be incorporated in the contracts which, by virtue of sub-paragraph (1) or (2), are to be deemed to have been made.
- (8) The terms and conditions so determined may include terms and conditions for enabling the electricity supplier to determine, in any case where the meter is not read immediately before the relevant time, the quantity of electricity which is to be treated as supplied by the supplier to the premises, or taken by the owner or occupier of the premises, during the period beginning with the relevant time and ending with—
  - (a) the time when the meter is first read after the relevant time; or
  - (b) the time when the supplier ceases to supply electricity to the premises, or the owner or occupier ceases to take a supply of electricity,
 whichever is the earlier.
- (9) A scheme under this paragraph may (subject to section 7B) make different provision for different cases or classes of cases, or for different areas, determined by, or in accordance with, the provisions of the scheme.
- (10) As soon as practicable after an electricity supplier makes a scheme under this paragraph, or a revision of such a scheme, he shall—
  - (a) publish, in such manner as he considers appropriate for bringing it to the attention of persons likely to be affected by it, a notice stating the effect of the scheme or revision;
  - (b) send a copy of the scheme or revision to the Authority and to the Council; and
  - (c) if so requested by any other person, send such a copy to that person without charge to him.

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*Supplies of electricity illegally taken*

- 4 (1) Where any person takes a supply of electricity which is in the course of being conveyed by an electricity distributor, the distributor shall be entitled to recover from that person the value of the electricity so taken.
- (2) Where—
- (a) any person at premises at which a connection has been restored in contravention of paragraph 5(1) takes a supply of electricity which has been conveyed to those premises by an electricity distributor; and
  - (b) the supply is taken otherwise than in pursuance of a contract made with an authorised supplier, or of a contract deemed to have been made with an electricity supplier by virtue of paragraph 3 above or paragraph 23 (former tariff customers) of Schedule 7 to the Utilities Act 2000,
- the distributor shall be entitled to recover from that person the value of the electricity so taken.
- (3) Each electricity distributor shall make, and from time to time revise, a scheme providing for the manner in which, and the persons by whom, the quantity of electricity taken in such circumstances as are mentioned in sub-paragraph (1) or (2) is to be determined for the purposes of that sub-paragraph.
- (4) Sub-paragraphs (9) and (10) of paragraph 3 shall apply in relation to a scheme under this paragraph as they apply in relation to a scheme under that paragraph.
- (5) In this paragraph “value”, in relation to any electricity taken in such circumstances as are mentioned in sub-paragraph (1) or (2), means the amount which, if the electricity had been taken in such circumstances as are mentioned in sub-paragraph (2) of paragraph 3, could reasonably be expected to have been payable in respect of the electricity under a contract deemed to have been made by virtue of that sub-paragraph.

*Restoration of connection without consent*

- 5 (1) Where, otherwise than in the exercise of a power conferred by regulations under section 29, premises have been disconnected by an electricity supplier or an electricity distributor, no person shall, without the consent of the supplier or, as the case may be, the distributor, restore the connection.
- (2) A person who acts in contravention of this paragraph shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) A connection restored in contravention of this paragraph may be disconnected by the distributor to whose distribution system the connection is made or, if the original disconnection was carried out by an electricity supplier, by that supplier.

*Damage to electrical plant etc.*

- 6 (1) A person who intentionally or by culpable negligence damages or allows to be damaged—
- (a) any electric line or electrical plant provided by an electricity distributor; or
  - (b) any electricity meter provided by an electricity supplier,
- shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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- (2) Where an offence has been committed under sub-paragraph (1) by the occupier of any premises (or by the owner of the premises if they are unoccupied when the offence is committed) in relation to any electric line or electrical plant provided by an electricity distributor for making or maintaining a connection to the premises, the distributor may disconnect the premises.
- (3) Where an offence has been committed under sub-paragraph (1) in relation to an electricity meter provided by an electricity supplier which is situated on any premises, by the occupier (or by the owner of the premises if they are unoccupied when the offence is committed), the supplier may disconnect the premises and may remove the meter.
- (4) A meter removed under sub-paragraph (3) shall be kept safely by the supplier until the Authority authorises its destruction or disposal.
- (5) The distributor or supplier shall not be under any obligation to reconnect (and in the case of a supplier to restore the supply to) any premises disconnected under sub-paragraph (2) or (3) until—
  - (a) the offender is no longer the occupier or, as the case may be, the owner of the premises; or
  - (b) the matter in consequence of which the premises were disconnected has been remedied.

*Entry during continuance of connection or supply*

- 7 (1) Any officer or other person authorised by an electricity distributor may at all reasonable times enter any premises to which the distributor is maintaining a connection, for the purpose of inspecting any electric line or electrical plant provided by him.
- (2) Any officer or other person authorised by an electricity supplier may at all reasonable times enter any premises to which electricity is being supplied by him for the purpose of—
  - (a) ascertaining the register of any electricity meter and, in the case of a pre-payment meter, removing any money or tokens belonging to the supplier;
  - (b) removing, inspecting or re-installing any electricity meter or installing any substitute meter.
- (3) The supplier shall provide a substitute meter while a meter is removed under sub-paragraph (2)(b).
- (4) Where an electricity supplier is authorised by paragraph 2(1) to install a pre-payment meter on any premises, any officer or other person authorised by the supplier may at all reasonable times enter the premises for the purpose of installing such a meter.
- (5) A power of entry for the purpose of removing or installing an electricity meter may not be exercised unless at least two working days' notice has been given to the occupier (or the owner of the premises if they are unoccupied).

*Entry on discontinuance of supply or connection*

- 8 (1) Where an electricity supplier or an electricity distributor is authorised by paragraph 6(2) or (3) above or paragraph 11(3) of Schedule 7 to this Act—

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- (a) to disconnect any premises; or
- (b) to remove an electricity meter,

any officer or other person authorised by the supplier or distributor may at all reasonable times enter the premises for the purpose of disconnecting the premises or removing the meter.

(2) Where—

- (a) an electricity distributor is authorised by any provision of this Act (other than one mentioned in sub-paragraph (1)) or of regulations made under it to disconnect any premises;
- (b) a person occupying premises which are connected to a distribution system of an electricity distributor ceases to require a connection; or
- (c) a person entering into occupation of any premises connected to a distribution system of an electricity distributor does not require such a connection,

any officer or other person authorised by the distributor may at all reasonable times enter the premises for the purpose of disconnecting the premises or removing any electrical plant or electric line provided by the distributor.

(3) Where—

- (a) an electricity supplier is authorised by any provision of this Act (other than one mentioned in sub-paragraph (1)), or of regulations made under it, to disconnect any premises or to discontinue the supply to any premises;
- (b) a person occupying premises which are supplied with electricity by an electricity supplier ceases to require such a supply; or
- (c) a person entering into occupation of any premises previously supplied with electricity by an electricity supplier does not require such a supply;

any officer or other person authorised by the supplier may at all reasonable times enter the premises for the purpose of disconnecting the premises or removing any electricity meter provided by the supplier.

(4) A power of entry under sub-paragraph (2) or (3) may not be exercised unless at least two working day's notice has been given to the occupier (or to the owner of the premises if they are unoccupied).

*Entry for replacing, repairing or altering lines or plant*

9 (1) Any officer or other person authorised by an electricity distributor may at all reasonable times enter any premises for the purpose of—

- (a) placing a new electric line or any new electrical plant in the place of or in addition to any existing line or plant which has already been lawfully placed; or
- (b) repairing or altering any such existing line or plant.

(2) A power of entry under sub-paragraph (1) may not be exercised unless at least five working days' notice has been given to the occupier of any premises (or to the owner of the premises if they are unoccupied).

(3) In the case of emergency arising from faults in an electric line or any electrical plant entry may be made under sub-paragraph (1) above without the notice required by sub-paragraph (2), but notice shall then be given as soon as possible after the occurrence of the emergency.

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*Provisions as to powers of entry*

- 10 (1) The Rights of Entry (Gas and Electricity Boards) Act 1954 (entry under a justice's warrant) shall apply in relation to the powers of entry conferred by this Schedule.
- (2) Any reference in this Schedule to an officer or other person authorised by an electricity supplier or an electricity distributor includes a reference to a person who, in accordance with a written authority given by the supplier or distributor to an agent of the supplier or distributor, is authorised by the agent on behalf of the supplier or distributor.
- (3) Where in pursuance of any power of entry conferred by this Schedule, entry is made on any premises by a person authorised to do so—
- (a) that person shall ensure that the premises are left no less secure by reason of the entry; and
  - (b) the supplier or distributor shall make good, or pay compensation for, any damage caused by that person (or by any other person accompanying him under sub-paragraph (5)) in entering the premises, in taking any action on the premises or in making them secure.
- (4) A person may only exercise a power of entry conferred by this Schedule on production of some duly authenticated document showing his authority.
- (5) Any person exercising a power of entry conferred by this Schedule may be accompanied by such other persons as may be necessary or expedient for the purpose for which the entry is made or for the purposes of sub-paragraph (3)(a) or (b) above.
- (6) A person who intentionally obstructs a person exercising powers of entry conferred by this Schedule shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

*Electrical plant etc. not to be subject to distress*

- 11 (1) This paragraph applies to any electric line, electrical plant or electricity meter belonging to or provided by an electricity distributor or electricity supplier which is marked or impressed with a sufficient mark or brand indicating an electricity supplier or electricity distributor as the owner or provider thereof.
- (2) Anything to which this paragraph applies—
- (a) shall be deemed not to be landlord's fixtures, notwithstanding that they may be fixed or fastened to any part of any premises; and
  - (b) shall not in England and Wales be subject to distress or be liable to be taken in execution under process of any court or any proceedings in bankruptcy against the person in whose possession they may be."