
STATUTORY INSTRUMENTS

2010 No. 698

The Electricity (Standards of Performance) Regulations 2010

PART I

General

Citation, commencement and transitional provisions

1.—(1) These Regulations may be cited as the Electricity (Standards of Performance) Regulations 2010 and shall come into force on 1st April 2010.

(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 (Standards of Performance) Regulations 2005(1) shall continue to apply to the exclusion of these Regulations.

Revocation

2. Subject to regulations 1 and 20, the Electricity (Standards of Performance) Regulations 2005 are revoked.

General interpretation

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

“the Act” means the Electricity Act 1989;

“applicable date” means, in relation to each occasion on which a regulation applies, the day on which that regulation first applies, or, where a prescribed period in a paragraph of a regulation is expressed in hours, the time on that day when that regulation first applies;

“appropriate meter” has the meaning given in sub-paragraph 1(6) of Schedule 7 to the Act;

“the Authority” means the Gas and Electricity Markets Authority established under section 1 of the Utilities Act 2000(2);

“the Council” means the National Consumer Council established under section 1 of the Consumers, Estate Agents and Redress Act 2007;

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

“designated electricity distributor” means an electricity distributor in whose licence Section B of the standard conditions of distribution licences is in effect but only to the extent that the electricity distributor is undertaking activities within its distribution services area;

(1) [S.I. 2005/1019](#) as amended by [S.I. 2007/2093](#).

(2) [2000 c.27](#).

“directly connected”, in relation to premises, means so connected to an electricity distributor’s distribution system that the final connection to the premises is from that system;

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

“distribution services area” means, in relation to a designated electricity distributor, the area specified or described pursuant to standard condition 2 of the standard conditions of electricity distribution licences as incorporated in that electricity distributor’s licence;

“distributor’s fuse” means the fusible cut-out or automatic switching device of the electricity distributor for disconnecting the supply to the customer’s premises situated nearest to the appropriate meter for the customer’s premises and on the distributor’s side thereof;

“domestic customer” means a customer supplied or requiring to be supplied with electricity at domestic premises (but excluding such customer insofar as he is supplied or requires to be supplied at premises other than domestic premises);

“domestic premises” means premises at which a supply is taken or to be taken wholly or mainly for domestic purposes;

“margins of error” means the prescribed margins of error or the agreed margins of error as defined in paragraph 13 of Schedule 7 to the Act;

“non-domestic customer” means any customer other than a domestic customer;

“pay” includes crediting the account of the customer for charges incurred or to be incurred in respect of the supply or in respect of the provision of any electricity meter, electric line or electrical plant, and “payment” shall be construed accordingly;

“prescribed period” in relation to any paragraph or sub-paragraph of these regulations means the period in column 2 of Part I of Schedule 1 opposite the reference to that paragraph or sub-paragraph in column 1 of that Part;

“prescribed sum” means, where the customer is a domestic customer the amount in column 3 of Part I of Schedule 1, or where the customer is a non-domestic customer the amount in column 4 of Part I of Schedule 1, in either case opposite the reference to that paragraph or sub-paragraph of the regulation in column 1 of Part I of that Schedule;

“relevant operator” means the relevant supplier or, as the case may be, the relevant electricity distributor or the electricity distributor and, in regulations 19, 20, 21, and 22, includes any electricity supplier;

“relevant supplier” means an electricity supplier in whose licence Section D of the standard conditions of electricity supply licences had effect immediately prior to 1 August 2007 but only to the extent that the supplier is undertaking activities within its supply services area;

“specified time” means–

- (a) unless sub-paragraph (b) applies, a part (which has been specified by the relevant operator) of a day (which has also been so specified by the relevant operator) within the prescribed period from the applicable date, being either a part which falls either wholly before one o’clock in the afternoon or wholly after noon or, a part not exceeding two hours; or
- (b) such part of a day (whether or not within that period) as is requested by the customer and agreed with the relevant operator, such agreement not to be unreasonably withheld,

provided that–

- (i) a part of a day may be a specified time for the purpose of a regulation notwithstanding that it was requested, agreed or specified prior to the time at which that regulation first applied; and
- (ii) the relevant operator shall not be obliged to agree a part of a day that is less than two hours;

“standard conditions of electricity distribution licences” means such conditions as may be determined by the Secretary of State for electricity distribution licences pursuant to section 33(1) of the Utilities Act 2000, including any amendment or modification made to those standard conditions in accordance with the Act, the Utilities Act 2000 or the Energy Act 2004⁽³⁾, and a reference in a provision relating to electricity distributors to a numbered standard condition is a reference to the standard condition bearing that number in the standard conditions of electricity distribution licences;

“standard conditions of electricity supply licences” means such conditions as may be determined by the Secretary of State for electricity supply licences pursuant to section 33(1) of the Utilities Act 2000, including any amendment or modification made to those standard conditions in accordance with the Act, the Utilities Act 2000 or the Energy Act 2004, and a reference in a provision relating to electricity suppliers to a numbered standard condition is a reference to the standard condition bearing that number in the standard conditions of electricity supply licences;

“supply services area” means, in relation to a relevant supplier, the area specified or described pursuant to standard condition 3 of the standard conditions of electricity supply licences as incorporated in that electricity supplier’s licence immediately prior to 1 August 2007; and

“working hours” means the period between the times specified in Part II of Schedule 1.

(2) In these Regulations, “Schedule 1” and “Schedule 2” means in either case that Schedule to these Regulations.

(3) Unless the context otherwise requires, any reference in these Regulations to a numbered regulation is a reference to the regulation in these Regulations bearing that number, and any reference in a regulation to a numbered paragraph or sub-paragraph is a reference to the paragraph or sub-paragraph of the regulation bearing that number.

(4) For the purposes of these Regulations—

- (a) where more than one person is a customer in respect of particular premises, a notice given by a relevant operator to one person who is a customer in respect of those premises shall be a sufficient notice to any other person who is a customer in respect of those premises at the time at which the notice is given;
- (b) where a person is a customer in respect of more than one set of 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;
- (c) any reference to the dispatch by a relevant operator of an explanation or reply within a particular period shall not require that the explanation or reply (if in writing) is received by the customer within that period and shall be satisfied if the relevant operator provides the explanation or reply orally to the customer within that period;
- (d) any reference to a customer shall (except in relation to the entitlement to any payment due from a relevant operator under these Regulations) include any person having apparent authority to represent the customer; and
- (e) any reference to a customer shall not include any person who is supplied otherwise than through an appropriate meter (as prescribed in regulations made under paragraph 1A of Schedule 7 to the Act⁽⁴⁾).

(3) 2004 c.20.

(4) 1989 c.29: paragraph 1A of Schedule 7 was amended by Schedule 5 of the Utilities Act 2000.