
STATUTORY INSTRUMENTS

2010 No. 698

The Electricity (Standards of Performance) Regulations 2010

PART II

Supply restoration standards of performance for electricity distributors

Interpretation of the normal and severe weather restoration standards

- 4.—(1)** In this regulation and regulations 5, 6, 7, 8, 9 and 10—
- (a) “category 1 severe weather conditions” means—
 - (i) conditions in which eight or more times the daily mean faults on the designated electricity distributor’s distribution system at distribution higher voltage caused by weather predominantly related to lightning in a 24-hour period affect less than the category 3 threshold number of customers; or
 - (ii) conditions in which eight or more but fewer than thirteen times the daily mean faults on the designated electricity distributor’s distribution system at distribution higher voltage caused by weather not predominantly related to lightning in a 24-hour period affect less than the category 3 threshold number of customers;
 - (b) “category 2 severe weather conditions” means conditions in which thirteen or more times the daily mean faults on the designated electricity distributor’s distribution system at distribution higher voltage in a 24-hour period caused by weather not predominantly related to lightning affect less than the category 3 threshold number of customers;
 - (c) “category 3 severe weather conditions” means conditions in which faults on the designated electricity distributor’s distribution system caused by weather interrupt a number of customers that is equal to or greater than the category 3 threshold number of customers;
 - (d) “category 3 threshold number of customers” means, for each designated electricity distributor, the number in column 4 in the Table in Part III of Schedule 1 opposite the reference to that distributor in column 1;
 - (e) “distribution higher voltage” means any nominal voltage of more than 1,000 volts up to and including 132 kilovolts in England and Wales and up to but excluding 132 kilovolts in Scotland;
 - (f) “eight times the daily mean faults at distribution higher voltage” means, for each designated electricity distributor, the number in column 2 in the Table in Part III of Schedule 1 opposite the reference to that distributor in column 1;
 - (g) “Highlands and Islands” means the following Scottish local authority areas: the Shetland Islands, the Orkney Islands, Eilean Siar (the Western Isles), the Highlands (consisting of Caithness, Sutherland, Ross and Cromarty, Inverness, Nairn, Badenoch and Strathspey, Skye and Lochalsh, and Lochaber), and Argyll and Bute;
 - (h) “relevant electricity distributor”, in relation to any customer, means;
 - (i) the electricity distributor to whose distribution system that customer’s premises are directly connected, or

- (ii) where that distributor is entitled to rely on the exemption described at paragraph (9) of regulation 10 and has so notified the other electricity distributor to whom that paragraph refers, that other electricity distributor;
- (i) “relevant period” means the prescribed period commencing at the earlier of–
 - (i) the first time at which an electricity distributor is informed by a customer that the supply to that customer’s premises has been discontinued; or
 - (ii) the first time at which an electricity distributor is informed by a person other than that customer or is otherwise made aware by the operation of any automatic system operated by that distributor of circumstances in which regulation 5(1), 6(1), 7(1), 7(2), 7(3) or 9(1) applies or may reasonably be expected to apply to premises including the customer’s premises,
 provided that–
 - (iii) where the interruption of supply to a customer’s premises arises from a failure of, fault in, or damage to an underground electric line of a nominal voltage of 20 kilovolts operated by an electricity distributor, the prescribed period shall commence at the time which is 12 hours after the time at that paragraph (i) or (ii) applies, and
 - (iv) with the exception of interruptions of supply occurring anywhere in the Highlands and Islands, where any steps necessary to restore the supply to a customer’s premises are prevented by ice accretion, flooding, or snow affecting a relevant part of a relevant electricity distributor’s distribution system that was being used to distribute electricity to the premises immediately before the supply was interrupted, it shall mean the time at which the effects of the ice accretion, flooding, or snow no longer prevent such steps from being taken;
- (j) “thirteen times the daily mean faults at distribution higher voltage” means, for each designated electricity distributor, the number in column 3 in the table in Part III of the Schedule 1 opposite the reference to that distributor in column 1;
- (k) “total number of customers interrupted” means, for each designated electricity distributor for the purposes of regulation 7(6) and 7(8), the total number of customers whose supplies are interrupted by the category 3 weather conditions in that distributor’s distribution services area; and
- (l) “upper-threshold number of customers” means, for each designated electricity distributor, the number in column 5 in the table in Part III of Schedule 1 opposite the reference to that distributor in column 1.
- (2) For the purposes of calculating and making compensation payments under regulations 5, 6, 7 and 8 where supply is interrupted to a customer’s premises that are directly connected to the distribution system of a relevant electricity distributor who is not a designated electricity distributor;
 - (a) that interruption shall be deemed to have been caused by the same category of event applicable to the designated electricity distributor in whose distribution services area that relevant electricity distributor operates; and
 - (b) the application of the formula in regulation 7(6)(a) shall be based on the total number of customers interrupted in the designated distributor’s distribution services area in which that relevant electricity distributor operates.

Supply restoration: normal conditions

5.—(1) This paragraph applies to a relevant electricity distributor where the supply to a customer’s premises is interrupted as a result of a failure of, fault in or damage to that distributor’s distribution system (except where regulation 12 applies).

(2) Where paragraph (1) applies, that distributor shall, except in any of the circumstances described in paragraph (3), pay the prescribed sum to the customer—

- (a) where the supply is not restored to the customer's premises within the relevant period; and
- (b) in respect of each succeeding period of 12 hours upon the expiry of which the supply is not restored.

(3) The circumstances described in this paragraph are—

- (a) each of the circumstances described in regulation 6 and regulation 10; and
- (b) where the supply to the customer's premises is interrupted as a result of a failure of, fault in or damage to the relevant electricity distributor's distribution system resulting from category 1, 2, or 3 severe weather conditions.

(4) This regulation does not apply in any part of the Highlands and Islands.

Supply restoration: normal conditions – 5,000 or more customers' premises interrupted

6.—(1) This paragraph applies to a relevant electricity distributor where the supply to 5,000 or more customers' premises is interrupted as a result of a single failure of, fault in or damage to that distributor's distribution system.

(2) Where paragraph (1) applies, that distributor shall, except in any of the circumstances described in paragraph (3)(a) and (b), pay the prescribed sum to any customer whose premises are included within the 5,000 or more customers' premises referred to in paragraph (1)—

- (a) where the supply is not restored to the customer's premises within the relevant period; and
- (b) in respect of each succeeding period of 12 hours upon the expiry of which the supply is not restored,

up to a maximum of £216 per customer.

(3) The circumstances described in this paragraph are—

- (a) each of the circumstances described in regulation 10;
- (b) where the supply to the customer's premises is interrupted as a result of a failure of, fault in or damage to the relevant electricity distributor's distribution system resulting from category 1, 2 or 3 severe weather conditions.

(4) This regulation does not apply in any part of the Highlands and Islands.

Supply restoration: severe weather conditions

7.—(1) This paragraph applies to a relevant electricity distributor where the supply to a customer's premises is interrupted as a result of a failure of, fault in or damage to that distributor's distribution system resulting from category 1 severe weather conditions (except where regulation 12 applies).

(2) This paragraph applies to a relevant electricity distributor where the supply to a customer's premises is interrupted as a result of a failure of, fault in or damage to that distributor's distribution system resulting from category 2 severe weather conditions (except where regulation 12 applies).

(3) This paragraph applies to a relevant electricity distributor where the supply to a customer's premises is interrupted as a result of a failure of, fault in or damage to that distributor's distribution system resulting from category 3 severe weather conditions (except where regulation 12 applies).

(4) Where paragraph (1) applies, that distributor shall, except in each of the circumstances described in regulation 10, pay the prescribed sum to the customer—

- (a) where the supply is not restored to the customer's premises within the relevant period; and

- (b) in respect of each succeeding period of 12 hours upon the expiry of which the supply is not restored,

up to a maximum of £216 per customer.

(5) Where paragraph (2) applies, that distributor shall, except in each of the circumstances described in regulation 10, pay the prescribed sum to the customer—

- (a) where the supply is not restored to the customer's premises within the relevant period; and
(b) in respect of each succeeding period of 12 hours upon the expiry of which the supply is not restored,

up to a maximum of £216 per customer.

(6) Where paragraph (3) applies, that distributor shall, except in each of the circumstances described in regulation 10, pay the prescribed sum to the customer—

- (a) where the supply is not restored to the customer's premises within the period calculated by the application of the following formula (the result of which is to represent and be expressed as a number of hours);

$$48 \times \left(\frac{\text{total number of customers interrupted}}{\text{category 3 threshold number of customers}} \right)^2$$

and

- (b) in respect of each succeeding period of 12 hours upon the expiry of which the supply is not restored,

up to a maximum of £216 per customer.

(7) This regulation does not apply in any part of the Highlands and Islands.

(8) Paragraph (6) of this regulation does not apply for any relevant electricity distributor where any designated electricity distributor experiences category 3 severe weather conditions in which the total number of customers interrupted is equal to or greater than the upper-threshold number of customers due to the same weather event.

Supply restoration: rota disconnection

8.—(1) This paragraph applies to a relevant electricity distributor where supply to a customer's premises is interrupted as a result of rota disconnection on that distributor's distribution system resulting from a failure of, fault in or damage to that distributor's distribution system.

(2) Where paragraph (1) applies, that distributor shall, except in any of the circumstances described in regulation 10, pay the prescribed sum to the customer where the supply is not restored to the customer's premises within the prescribed period.

(3) For the purposes of paragraphs (1) and (2)—

- (a) "rota disconnection" means the deliberate disconnection of customers' electricity supplies by the relevant electricity distributor for a set duration on a rota basis so as to reduce the demand for electricity to the level of capacity that is available;
(b) where there is more than one interruption that relates to the same rota disconnection event, supply shall be deemed not to have been restored to a customer's premises within the prescribed period if the total length of those interruptions is greater than or equal to the prescribed period.

(4) Where there are one or more interruptions that relate to the same rota disconnection event and the total length of those interruptions is not greater than or equal to the prescribed period but is

equal to or greater than 3 hours, then that shall be deemed to be one period of interruption for the purposes of regulation 11(1) subject to the other provisions of regulation 11.

(5) This regulation does not apply in any part of the Highlands and Islands.

Supply restoration: Highlands and Islands

9.—(1) This paragraph applies to a relevant electricity distributor where the supply to a customer's premises in the Highlands and Islands is interrupted as a result of a failure of, fault in or damage to that distributor's distribution system (except where regulation 12 applies).

(2) Where paragraph (1) applies that distributor shall, except in any of the circumstances described in paragraph (3), pay the prescribed sum to the customer—

- (a) where the supply is not restored to the customer's premises within the relevant period; and
- (b) in respect of each succeeding period of 12 hours upon the expiry of which the supply is not restored.

(3) The circumstances described in this paragraph are—

- (a) each of the circumstances described in paragraphs (2) to (4) and (9) of regulation 10; and
- (b) each of the circumstances described in regulation 22.

Exemptions from the normal and severe weather restoration standards

10.—(1) The circumstances described in this regulation are those set out in paragraphs (2) to (11).

(2) It was not reasonable in all the circumstances for the relevant electricity distributor to be aware that the supply had not been restored.

(3) That—

- (a) the premises to which the supply was interrupted are situated on an island;
- (b) the supply to premises on that island is normally provided through an electric line situated on or under the sea bed;
- (c) the failure, fault or damage occurred in that part of the electric line that is situated below the high-water mark of spring tides; and
- (d) no alternative means is normally available to the relevant electricity distributor to supply the premises on that island.

(4) The relevant electricity distributor to whose network the customer's premises are connected has not received a claim for compensation from the customer in respect of the circumstance referred to in regulation 5(1), 6(1), 7(1), 7(2), 7(3), 8(1) or 9(1) within a period of three months from the date upon which the supply was restored to those premises.

(5) The customer informs the relevant electricity distributor before the contravention time that the customer does not wish that distributor to take any action, or any further action in relation to the matter.

(6) The customer agrees with the relevant electricity distributor that the action taken by that distributor before the contravention time shall be treated as the taking by the distributor of the action required by the regulation and, where the action taken by the distributor includes a promise to perform any action (whether before or after the contravention time), the distributor duly performs that promise.

(7) The failure of, fault in, or damage to the relevant electricity distributor's distribution system, or that distributor's inability to take the action required by the regulation in relation to such failure,

fault, or damage before the contravention time, was the result of an event for which emergency regulations have been made under Part 2 of the Civil Contingencies Act 2004⁽¹⁾.

(8) It was not reasonably practicable for the relevant electricity distributor to take the action required by the regulation before the contravention time as a result of—

- (a) industrial action by the employees of that distributor;
- (b) the act or default of a person other than an officer, employee or agent of the relevant electricity distributor or any other electricity distributor, or of a person acting on behalf of an agent thereof;
- (c) the inability of that distributor to obtain any necessary access to any premises (which may include its own premises);
- (d) the existence of circumstances by reason of which that 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⁽²⁾); or
- (e) circumstances of an exceptional nature beyond the control of the relevant electricity distributor (other than severe weather or the effects of severe weather or those circumstances set out in sub-paragraphs (8)(a) to (d) of this regulation),

and the relevant electricity distributor had in each case 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.

(9) Where the interruption of supply to the customer's premises would not have occurred but for a failure of, fault in, or damage to the distribution system of another electricity distributor.

(10) The relevant electricity distributor reasonably considers that the information given by the customer is frivolous or vexatious.

(11) The customer has committed an offence under paragraph 6 of Schedule 6 to the Act⁽³⁾ and the action taken or not taken by the relevant electricity distributor was in exercise of its powers under that paragraph.

(12) In this regulation—

- (a) “contravention time” means—
 - (i) in relation to regulation 5, the expiry of the relevant period referred to in paragraph (2)(a) and (where applicable) of each period referred to in paragraph (2)(b) of that regulation;
 - (ii) in relation to regulation 6, the expiry of the relevant period referred to in paragraph (2)(a) and (where applicable) of each period referred to in paragraph (2)(b) of that regulation;
 - (iii) in relation to regulation 7, the expiry of the relevant periods referred to in paragraphs (4)(a), (5)(a), and (6)(a) and (where applicable) of each period referred to in paragraphs (4)(b), (5)(b) and (6)(b) of that regulation; and
 - (iv) in relation to regulation 8, the expiry of the prescribed period referred to in paragraph (2) of that regulation; and
- (b) each reference to “distributor” includes (where the case requires) a reference to more than one distributor.

(1) 2004 c.36.

(2) 1989 c.29.

(3) 1989 c.29: section 51(2) of the Utilities Act 2000 substituted a new Schedule 6 into the Act.

Supply restoration: multiple interruptions

11.—(1) This regulation applies to an electricity distributor where the supply to a customer's premises that are directly connected to that electricity distributor's distribution system is interrupted for four periods, each of not less than three hours, during a relevant year.

(2) For the purposes of paragraph (1)—

- (a) where successive interruptions are caused by or arise during actions taken by any electricity distributor to effect temporary or permanent restoration of the supply to those premises or to other premises affected by the event that caused the interruption of supply to the premises, any temporary restoration of supply for a period not exceeding three minutes shall be ignored in calculating the period of the interruption;
- (b) the period of an interruption shall be deemed to start at the first time at which the distributor—
 - (i) is informed by a customer that the supply to the customer's premises has been interrupted; or
 - (ii) is informed by a person other than the customer or is otherwise made aware by the operation of any automatic system operated by the distributor of circumstances in which the supply to the customer's premises has been interrupted or may reasonably be expected to have been interrupted; and
- (c) an interruption in any of the circumstances described in paragraph (3) shall not be treated as an interruption.

(3) The circumstances described in this paragraph are—

- (a) within the period of three hours after the interruption began;
 - (i) the customer informed the distributor that the customer did not wish the distributor to take any action or any further action;
 - (ii) the customer agreed with the electricity distributor that the action taken by the distributor before the expiry of that period should be treated as the taking by the distributor of the action required to cause the interruption to cease and, where that action included a promise to perform any action (whether within or after the expiry of that period) the distributor duly performed that promise; or
 - (iii) it was not reasonably practicable for an electricity distributor to take the action required to cause the interruption to cease as a result of the existence of circumstances by reason of which the distributor could reasonably have expected that if it took that action it would have been or would be likely to have been in breach of an enactment (including any directions given by the Secretary of State under section 96 of the Act);
- (b) the distributor had given to the customer prior notice of its intention or any other electricity distributor's intention to interrupt the supply to the customer's premises;
- (c) the interruption was a result of a failure of, fault in or damage to either the transmission system to which the electricity distributor's distribution system or another electricity distributor's distribution system was connected or a generating station connected to that transmission system;
- (d) the interruption was a result of a failure of, fault in or damage to a generating station connected to the distributor's distribution system or another electricity distributor's distribution system;
- (e) the interruption was one where regulation 5, 6, 7, 8 (except 8(5)), 9 or 12 applies;
- (f) the interruption was a result of the act or default of the electricity supplier to the premises or of the customer;

- (g) the cause of the interruption resulted in the interruption of supply to more than 500,000 customers in Great Britain as notified by the Authority to the distributor; or
 - (h) the interruption, or the inability of an electricity distributor to take the action required in order to cause the interruption to cease before the expiry of the period of three hours after the interruption began, was the result of an event for which emergency regulations have been made under Part 2 of the Civil Contingencies Act 2004.
- (4) Where this regulation applies, the distributor shall, except in any of the circumstances described in paragraph (5), pay the prescribed sum to the customer.
- (5) The circumstances referred to in paragraph (4) are—
- (a) that the electricity distributor has not received a claim for compensation from the customer within a period of three months after the expiry of the relevant year in which this regulation applies;
 - (b) that the interruptions as a result of which this regulation applies were not all in respect of the supply to the same premises; or
 - (c) that the customer (or where more than one person is the customer, at least one such person) was not the customer at the premises to which the supply was interrupted on the occasion of each of the interruptions as a result of which this regulation applies.
- (6) In this regulation, “relevant year” means a period of 12 months commencing on 1 April.