

---

STATUTORY INSTRUMENTS

---

**2010 No. 698**

**The Electricity (Standards of Performance) Regulations 2010**

**PART VI**

**Common obligations**

**Appointments**

**19.**—(1) This regulation applies where—

- (a) the customer informs the relevant operator that the customer wishes the relevant operator to visit the customer's premises; or
- (b) the relevant operator informs the customer that the relevant operator wishes to visit the customer's premises,

being in either case a visit in connection with the activities that the relevant operator is required or authorised to carry on under its licence and that requires access to be afforded to its representative or for which it would otherwise be reasonable to expect the customer to be present.

(2) Where this regulation applies and the relevant operator fails within a reasonable period from the applicable date to offer a timed appointment, the relevant operator shall, except in any of the circumstances described in paragraph (5), pay to the customer the prescribed sum.

(3) Where this regulation applies and the relevant operator fails to keep a timed appointment, the relevant operator shall, except in any of the circumstances described in paragraph (5), pay to the customer the prescribed sum.

(4) Where a timed appointment is made for more than one purpose, the relevant operator shall not be required to pay more than one prescribed sum under paragraph (3) in respect of that timed appointment.

(5) The circumstances described in this paragraph are—

- (a) each of the circumstances described in regulation 22, provided that, in paragraph (6) of that regulation, the relevant operator gave the customer not less than one working day's prior warning (whether or not in writing) that it would be unable to keep the timed appointment or the circumstances referred to in that paragraph occurred at a time when it was not reasonably practicable to give such a warning;
- (b) that the visit is for the purpose of responding to information received under regulations 12, 15, 17 or 18; and
- (c) that the visit is wholly or mainly in connection with disconnecting the premises in exercise of the power contained in paragraph 2(1) of Schedule 6 to the Act<sup>(1)</sup>.

(6) In this regulation, "timed appointment" means an appointment to make a visit to a customer's premises commencing—

- (a) unless sub-paragraph (b) applies, during a part (which has been specified by the relevant operator) of a day (that has also been so specified) within a reasonable period from the

---

(1) 1989 c.29: section 51(2) of the Utilities Act 2000 substituted a new Schedule 6 into the Act.

applicable date, having regard to the purpose of the visit, being either a part that falls either wholly before one o'clock in the afternoon or wholly after noon, or a part not exceeding two hours; or

- (b) during such part of a day as is requested by the customer and agreed with the relevant operator, such agreement not to be unreasonably withheld, provided that the relevant operator shall not be obliged to agree a part of a day that is less than two hours.

## Disputes

**20.** Where a dispute under any provision of these regulations is referred to the Authority for determination under section 39B(1) of the Act<sup>(2)</sup>, the dispute shall be determined in accordance with the practice and procedure set out in Schedule 2 to these Regulations.

## Payments

**21.**—(1) Paragraph (4) applies where an electricity distributor is obliged under any of regulations 5 to 9 (inclusive) and 14 to make a payment to a customer whose premises are directly connected to the distribution system of another electricity distributor.

(2) Paragraph (5) applies—

- (a) where an electricity distributor is obliged to make a payment to a customer whose premises are directly connected to its distribution system under any of regulations 5 to 9 (inclusive), 11 to 15 (inclusive), and 19; or
- (b) where an electricity distributor receives a payment from another electricity distributor for onward transmission to a customer whose premises are directly connected to its network.

(3) Paragraph (6) applies—

- (a) where a relevant supplier or electricity supplier is obliged to make a payment to a customer under any of regulations 16 to 19 (inclusive); or
- (b) where an electricity supplier receives a payment from an electricity distributor for onward transmission to the electricity supplier's customer.

(4) Where this paragraph applies and the distributor fails to make the payment to the customer or to the other distributor for onward transmission to the customer of the sum to which he is entitled, in either case as soon as is reasonably practicable in relation to regulation 7 and within the prescribed period from the applicable date in relation to any other regulations, the distributor shall, except in any of the circumstances described in paragraph (7), pay the prescribed sum to the customer or that other distributor for onward transmission to the customer.

(5) Where this paragraph applies and the distributor fails to make the payment to the customer or the customer's electricity supplier for onward transmission to the customer of the sum to which he is entitled, in either case as soon as is reasonably practicable in relation to regulation 7 and within the prescribed period from the applicable date in relation to any other regulation, the distributor shall, except in any of the circumstances described in paragraph (7), pay the prescribed sum to the customer.

(6) Where this paragraph applies and the supplier fails within the prescribed period from the applicable date to make the payment to the customer of the sum to which he is entitled, the supplier shall, except in any of the circumstances described in paragraph (7), pay the prescribed sum to the customer.

(7) The circumstances described in this paragraph are—

- (a) each of the circumstances described in regulation 22; and

(2) [1989 c.29](#): section 39B(1) was inserted by section 54(2) of the Utilities Act 2000.

- (b) that there is a genuine dispute between the relevant operator and the customer as to whether the relevant operator is obliged to make the payment.
- (8) Where a relevant operator is required to make a payment under these Regulations—
  - (a) in relation to any premises at which more than one person is a customer, a payment to any one or more of the customers in respect of those premises shall be a complete discharge of the obligation of the relevant operator to make the payment to all the customers of those premises;
  - (b) nothing in, or done by a relevant operator in consequence of, these Regulations shall determine who is beneficially entitled to any payment made in pursuance of these Regulations; and
  - (c) nothing in these Regulations shall permit a relevant operator to make a payment other than by means of—
    - (i) a cheque or cash; or
    - (ii) a credit to the account of the customer for charges incurred or to be incurred in respect of the supply or the provision of any electricity meter, electric line, or electrical plant.
- (9) Where all or part of the prescribed sum is paid by an electricity distributor to a customer under these Regulations, such a payment shall not prejudice that distributor from recovering that payment (or part of that payment) from another electricity distributor where that other distributor is found to be wholly or partly responsible for the liability arising under these Regulations.

## **Exemptions**

**22.**—(1) The circumstances described in this regulation are those set out in paragraphs (2) to (4) and (6) to (8).

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

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

(4) Where information is or is required to be provided by the customer to the relevant operator, the information is provided to an address or by use of a telephone number other than the address or telephone number that the relevant operator has advised the customer is appropriate for receipt of information of that type or, in the case of information given by telephone for the purpose of regulations 15(1), 16(1) or 17(1), was given outside such reasonable hours as the relevant operator has advised the customer are the hours during which the telephone number will be available for the receipt of information of that type.

(5) For the purposes of paragraph (4) the relevant operator may advise the customer by publishing the address, the telephone number, or the hours in such a manner as may be appropriate for the purpose of bringing the advice to the attention of customers likely to be affected by it.

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

- (a) severe weather conditions;
- (b) industrial action by the employees of the relevant operator;
- (c) the act or default of a person other than an officer, employee or agent of the relevant operator (or in respect of regulation 9 another electricity distributor), or of a person acting on behalf of an agent thereof;

- (d) the inability of the relevant operator to obtain any necessary access to any premises (which may include its own premises);
  - (e) the existence of circumstances by reason of which the relevant operator 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<sup>(3)</sup>);
  - (f) the effects of an event for which emergency regulations have been made under Part 2 of the Civil Contingencies Act 2004<sup>(4)</sup>; or
  - (g) other circumstances of an exceptional nature beyond the control of the relevant operator,
- and the relevant operator 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.
- (7) The relevant operator reasonably considers that the information given by the customer is frivolous or vexatious.
- (8) The customer has—
- (a) committed an offence under paragraph 6 of Schedule 6<sup>(5)</sup> or paragraph 11 of Schedule 7<sup>(6)</sup> to the Act; or
  - (b) failed to pay any charges due to the relevant operator after receiving a notice under paragraph 2(2) of Schedule 6 to the Act,

and the action taken or not taken by the relevant operator was in exercise of its powers under that paragraph or sub-paragraph.

- (9) In this regulation, “contravention time” means—
- (a) in relation to regulation 9, 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;
  - (b) in relation to regulation 14, the time at which the supply was interrupted; and
  - (c) in relation to any other regulation, the time at which, if this regulation did not apply, the relevant operator would become liable to pay the prescribed sum to the customer.

### Timing of notification

**23.**—(1) For the purpose of regulations 13, 15, 16 and 17 where the requirements of paragraph (1) of any of those regulations are satisfied after 4 pm on a working day or at any time on any other day, they shall be deemed to have been satisfied on the next following working day.

### Notice of rights

**24.**—(1) In respect of the rights prescribed for the benefit of customers under regulations 5 to 15 (inclusive) and 19 to 23 (inclusive), an electricity distributor shall prepare and from time to time revise a statement describing those rights and the effect of section 39A(5) of the Act<sup>(7)</sup> in a form that is standardised with that of other distributors and has a content that the distributor could reasonably expect would be within the understanding of customers to which the statement relates and shall—

- (a) give a copy of the statement, and of any revision of the statement, to the Authority and to the Council, before it sends it to the electricity suppliers referred to in sub-paragraph (b);
- (b) at least once in any period of 12 months dispatch to each electricity supplier that supplies electricity to premises that are directly connected to the distributor’s distribution system

(3) 1989 c.29.

(4) 2004 c.36.

(5) 1989 c.29: section 51(2) of the Utilities Act 2000 substituted a new Schedule 6 into the Act.

(6) 1989 c.29: Schedule 7 was amended by section 52 of the Utilities Act 2000.

(7) 1989 c.29: section 39A(5) was amended by section 54(2) of the Utilities Act 2000.

for onward transmission to the electricity supplier's customers a copy of the statement (in the form current at the time that it is provided);

- (c) make a copy of the statement (in its current form) available on its website and for inspection by any person at any premises of or occupied by the distributor open to the public in the normal course of the distributor's business during the normal opening hours of the premises; and
- (d) dispatch a copy of the statement (in its current form) to any person who requests it.

(2) In respect of the rights prescribed for the benefit of customers under regulations 16 to 23 (inclusive) a relevant supplier, and in respect of those rights under regulations 17 to 23 (inclusive) an electricity supplier, shall prepare and from time to time revise a statement describing the rights prescribed for the benefit of customers under those regulations and the effect of section 39(4) of the Act<sup>(8)</sup> in a form and having a content that a relevant supplier or an electricity supplier (as the case may be) could reasonably expect would be within the understanding of customers to which the statement relates and shall—

- (a) give a copy of the statement, and of any revision of the statement, to the Authority and to the Council, before it makes it available to customers;
- (b) at least once in any period of 12 months dispatch to each domestic customer of the relevant supplier or (as the case may be) electricity supplier a copy of the statement (in the form current at the time it is provided), provided that, where in relation to any premises more than one person is a domestic customer, the obligation shall be satisfied by dispatching a copy of each such statement to any one of them;
- (c) make a copy of the statement (in its current form) available for inspection by any person at any premises of or occupied by the supplier open to the public in the normal course of the supplier's business during the normal opening hours of the premises; and
- (d) dispatch a copy of the statement (in its current form) to any person who requests it.

(3) A relevant operator may prepare a separate statement for domestic and non-domestic customers.

(4) A relevant supplier or an electricity supplier (as the case may be) may satisfy its obligation under sub-paragraph (b) or (d) of paragraph (2) by dispatching the statement that it has prepared to the class of customer to which the statement relates.

(5) An electricity supplier shall at least once in any period of 12 months dispatch to each of its domestic customers the information in any statement sent to it by an electricity distributor pursuant to paragraph (1)(b), provided that where in relation to any premises more than one person is a domestic customer, the obligation shall be satisfied by dispatching such information to any one of them.

---

(8) 1989 c.29: section 39(4) was amended by paragraph 32 of Schedule 6 to the Utilities Act 2000 (c.27).