

2021 No. 257

GAS

**The Gas (Standards of Performance) (Amendment) Regulations
2021**

Made - - - - *4th March 2021*

Coming into force - - *1st April 2021*

The Gas and Electricity Markets Authority^(a) (the “Authority”), in exercise of the powers conferred by sections 33AA and 47 of the Gas Act 1986^(b), makes the following Regulations.

In accordance with section 33BAA(1)(a)(c) of that Act, the Authority arranged for such research as it considered appropriate with a view to discovering the views of a representative sample of persons likely to be affected and considered the results.

In accordance with section 33BAA(1)(b), (2) and (3) of that Act, the Authority published a notice of its proposals and considered the representations made in respect of those proposals.

In accordance with section 33BAA(1)(c) and (4) of that Act, the Authority consulted Citizens Advice, Citizens Advice Scotland, gas suppliers, gas transporters and persons and bodies appearing to be representative of persons likely to be affected by these Regulations.

In accordance with section 33AA(2) of that Act, the Secretary of State has consented to the making of these Regulations.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Gas (Standards of Performance) (Amendment) Regulations 2021 and come into force on 1st April 2021.

(2) In these Regulations, the “Principal Regulations” means the Gas (Standards of Performance) Regulations 2005^(d).

Amendment of regulation 3 of the Principal Regulations

2.—(1) Regulation 3(1) (Interpretation) is amended as follows.

-
- (a) The Gas and Electricity Markets Authority was established under section 1(1) of the Utilities Act 2000 (c.27).
(b) 1986 c.44; section 33AA was inserted by section 90(2) of the Utilities Act 2000; and section 47 was amended by Schedule 2 to the Offshore Safety Act 1992 (c.15), paragraph 9 of Schedule 1 to the Competition and Service (Utilities) Act 1992 (c.43), paragraph 53 of Schedule 3 to the Gas Act 1995 (c.45) and sections 3(2) and 100 of the Utilities Act 2000.
(c) Section 33BAA was inserted by section 92 of the Utilities Act 2000 and amended by paragraph 4 of Schedule 1 to S.I. 2014/631.
(d) S.I. 2005/1135, as amended by S.I. 2005/1136, S.I. 2008/696 and S.I. 2015/1544.

- (2) In the definition of “accurate”—
- (a) in paragraph (i) after “provision of a connection” insert “or alteration of an existing connection”; and
 - (b) in paragraph (ii) after “provision of a connection” insert “or alteration of an existing connection”.
- (3) After the definition of “customer” insert—
- ““disconnection” means the isolation of pipe-work or gas assets from the gas pipe-line system of the relevant gas transporter to the emergency control valve at the relevant premises;
- “diversion” means work to relocate gas assets connected to the gas pipe-line system of the relevant gas transporter;”.
- (4) In the definition of “land enquiry”—
- (a) after “new connection” for “or” substitute “,”; and
 - (b) after “existing connection” insert “or for carrying out of a disconnection”.
- (5) In the definition of “non-standard quotation” for “which requires a site visit but excluding a self quote” substitute “other than a standard quotation (excluding a self quote)”.
- (6) After the definition of “pipe-line system” insert—
- ““prescribed cap” means in relation to each of the regulations specified in column 1 of Part AI of Schedule 1, the sum specified in column 2 of Part AI of Schedule 1, or as adjusted in accordance with regulation 14A, multiplied by the figure specified in column 3 of Part AI of Schedule 1;”.
- (7) In the definition of “prescribed sum” after “column 4 of Part I of Schedule 1” insert “, or such other sum calculated in accordance with regulation 14A”.
- (8) In the definition of “priority domestic customer”—
- (a) omit “maintained by gas suppliers in accordance with the gas suppliers licence”; and
 - (b) after “provided” insert “by gas suppliers”.
- (9) After the definition of “priority domestic customer” insert —
- ““Priority Service Register” means the register of certain domestic customers established and maintained by gas suppliers in accordance with the standard conditions of all gas supply licences granted or treated as granted under section 7A(1) of the Gas Act 1986(a);”.
- (10) In the definition of “published accuracy scheme” after “accurate quotation” insert “for a connection or alteration of an existing connection”.
- (11) In the definition of “quotation” after “connection” insert “, diversion or disconnection”.

Amendment of regulation 7 of the Principal Regulations

3. In regulation 7(3) (Supply restoration) omit sub-paragraph (d).

Amendment of regulation 8 of the Principal Regulations

4. For regulation 8(2)(b) (Reinstatement of customer’s premises) substitute—
- “(b) upon the expiry of each succeeding period of—
- (i) three working days where the customer has been a priority domestic customer for more than thirty days prior to the start of the relevant event; or
 - (ii) five working days in all other circumstances.”.

(a) 1986 c.44; section 7A was inserted by section 6 of the Gas Act 1995 (c.45).

Amendment of regulation 9 of the Principal Regulations

5.—(1) Regulation 9 (Priority domestic customers) is amended as follows.

(2) After paragraph (2) insert—

“(2A) Where the relevant gas transporter must pay a prescribed sum under paragraph (2), the relevant gas transporter must make subsequent payments of the prescribed sum to the customer for each 24 hour period that the relevant event continues after the expiry of the prescribed period, except in any of the circumstances described in paragraph (3).

(2B) Where this regulation applies and 250 or more customers’ premises (whether domestic or non-domestic) are affected by the relevant event for longer than 48 hours, the relevant gas transporter must, except in any of the circumstances described in paragraphs (3)(a) to (d), provide each priority domestic customer access to—

- (a) a hot meal in each 24 hour period; and
- (b) hot water for washing in each 24 hour period where, under the Priority Service Register or otherwise notified by the customer, the priority domestic customer is medically dependent on water for bathing or is water dependent for medical reasons,

from 48 hours after the relevant event commenced until it ends.

(2C) The relevant gas transporter must pay the prescribed sum to a priority domestic customer each time it fails to provide access to—

- (a) a hot meal in accordance with paragraph (2B)(a); or
- (b) hot water for washing in accordance with paragraph (2B)(b).”.

(3) In paragraph (3)(b)—

- (a) after “that” insert “, in respect of the relevant obligation,”;
- (b) after “alternative heating” for “or” substitute “,”; and
- (c) after “cooking facilities” insert “, access to hot meals or access to hot water”.

(4) In paragraph (3)(c) after “that” insert “, in respect of the relevant obligation”.

(5) In paragraph (3)(c)(i) after “for collection” insert “, or access to hot meals or access to hot water was made available (as the case may be)”.

(6) In paragraph (3)(c)(iii) after “cooking facilities” insert “, or to access hot meals or hot water (as the case may be)”.

(7) In paragraph 3(d)—

- (a) after “that” insert “, in respect of the relevant obligation,”;
- (b) after “alternative heating” for “or” substitute “,”; and
- (c) after “cooking facilities” insert “, access to hot meals or access to hot water”.

(8) For paragraph (3)(e) substitute—

“(e) that the making of an additional payment of the prescribed sum in respect of the continuation of a breach under paragraphs (2), (2A) and (2C) would cause the aggregate of the payments to the customer to exceed the prescribed cap.”.

(9) In paragraph (4)(b) for “8:00 p.m. and 8:00 a.m.” substitute “10:00 p.m. and 6:00 a.m.”.

Amendment of regulation 10 of the Principal Regulations

6.—(1) Regulation 10 (Connections) is amended as follows.

(2) In paragraph (1)(a)—

- (a) after “new connection” for “or” substitute “,”; and
- (b) after “existing connection” insert “, arranging a diversion or carrying out a disconnection”.

(3) In paragraph (1)(b)—

- (a) for “paragraph (3)(c)” substitute “paragraph (3A)”; and
 - (b) after “quotation” insert “with regards to the provision of a connection or alteration of an existing connection”.
- (4) In paragraph (1)(c) for “paragraph (3)(d)” substitute “paragraph (3)(c)”.
- (5) In paragraph (1)(d) for “paragraphs (3)(e) and (f)” substitute “paragraphs (3)(d) and (e)”.
- (6) For paragraph (3) substitute—
- “(3) Where this regulation applies and the relevant gas transporter fails—
- (a) within the prescribed period from the applicable date to issue to a customer a standard quotation for—
 - (i) a new connection up to and including 275kWh per hour;
 - (ii) an alteration of an existing connection up to and including 275kWh per hour;
 - or
 - (iii) a disconnection where the pressure is less than 2 bar gauge;
 - (b) within the prescribed period from the applicable date to issue to a customer a non-standard quotation for—
 - (i) a new connection up to and including 275kWh per hour;
 - (ii) an alteration of an existing connection up to and including 275kWh per hour;
 - (iii) a disconnection where the pressure is less than 2 bar gauge;
 - (iv) a new connection greater than 275kWh per hour;
 - (v) an alteration of an existing connection greater than 275kWh per hour;
 - (vi) a diversion; or
 - (vii) a disconnection where the pressure is greater than or equal to 2 bar gauge;
 - (c) within the prescribed period from the applicable date to respond to a land enquiry in respect of—
 - (i) a new connection up to and including 275kWh per hour;
 - (ii) an alteration of an existing connection up to and including 275kWh per hour;
 - (iii) a disconnection where the pressure is less than 2 bar gauge;
 - (iv) a new connection greater than 275kWh per hour;
 - (v) an alteration of an existing connection greater than 275kWh per hour; or
 - (vi) a disconnection where the pressure is greater than or equal to 2 bar gauge;
 - (d) within the prescribed period from the applicable date to offer a date for commencement of work on the connection and substantial completion on specified days in respect of—
 - (i) a new connection up to and including 275kWh per hour;
 - (ii) an alteration of an existing connection up to and including 275kWh per hour;
 - (iii) a new connection greater than 275kWh per hour; or
 - (iv) an alteration of an existing connection greater than 275kWh per hour; or
 - (e) substantially to complete a connection on the date agreed with the customer in respect of a connection with a quoted cost to the customer of—
 - (i) up to and including £1,000;
 - (ii) over £1,000 but not exceeding £4,000;
 - (iii) over £4,000 but not exceeding £20,000;
 - (iv) over £20,000 but not exceeding £50,000; or
 - (v) over £50,000 but not exceeding £100,000,

the relevant gas transporter must, except in the circumstances described in paragraph (6), pay to the customer the prescribed sum in respect of each initial failure and for each additional working day during which the failure continues (including the day on which the appropriate action is taken to meet the requirements of the relevant sub-paragraphs).

(3A) Where this regulation applies and the relevant gas transporter fails to provide the customer with an accurate quotation with regards to the provision of a new connection or alteration of an existing connection, the relevant gas transporter must, except in the circumstances described in paragraph (6), refund the customer any overcharge that has been paid.”.

(7) In paragraph (4) after “challenges a quotation” insert “with regards to the provision of a connection or alteration of an existing connection”.

(8) For paragraph (6)(b) to (h) substitute—

- “(b) that the making of an additional payment of the prescribed sum in respect of the continuation of any one breach under paragraph (3)(a) or any of paragraphs (3)(b)(i) to (iii) would cause the aggregate of payments of the prescribed sum to the customer in respect of that breach to exceed the lesser of the prescribed cap or the quotation sum;
- (ba) that the making of an additional payment of the prescribed sum in respect of the continuation of any one breach under any of paragraphs (3)(b)(iv) to (vii) would cause the aggregate of payments of the prescribed sum to the customer in respect of that breach to exceed the lesser of the prescribed cap or the quotation sum;
- (c) that the making of an additional payment of the prescribed sum in respect of the continuation of any one breach under any of paragraphs (3)(c)(i) to (iii) would cause the aggregate of payments of the prescribed sum to the customer in respect of that breach to exceed the prescribed cap;
- (ca) that the making of an additional payment of the prescribed sum in respect of the continuation of any one breach under any of paragraphs (3)(c)(iv) to (vi) would cause the aggregate of payments of the prescribed sum to the customer in respect of that breach to exceed the prescribed cap;
- (d) that the making of an additional payment of the prescribed sum in respect of a continuation of any one breach under paragraph (3)(d)(i) or (ii) would cause the aggregate of payments of the prescribed sum to the customer in respect of that breach to exceed the lesser of the prescribed cap or the quotation sum;
- (da) that the making of an additional payment of the prescribed sum in respect of a continuation of any one breach under paragraph (3)(d)(iii) or (iv) would cause the aggregate of payments of the prescribed sum to the customer in respect of that breach to exceed the lesser of the prescribed cap or the quotation sum;
- (e) that the making of an additional payment of the prescribed sum in respect of a continuation of any one breach under paragraph (3)(e)(i) would cause the aggregate of payments of the prescribed sum to the customer in respect of that breach to exceed the lesser of the prescribed cap or the contract sum;
- (f) that the making of an additional payment of the prescribed sum in respect of a continuation of any one breach under paragraph (3)(e)(ii) or (iii) would cause the aggregate of payments of the prescribed sum to the customer in respect of that breach to exceed 50% of the contract sum;
- (g) that the making of an additional payment of the prescribed sum in respect of a continuation of any one breach under paragraph 3(e)(iv) would cause the aggregate of payments of the prescribed sum to the customer in respect of that breach to exceed the prescribed cap;
- (h) that the making of an additional payment of the prescribed sum in respect of a continuation of any one breach under paragraph 3(e)(v) would cause the aggregate of payments of the prescribed sum to the customer in respect of that breach to exceed the prescribed cap;”.

- (9) In paragraph (7)(b) after “connection” insert “, alteration, diversion or disconnection”.
- (10) In paragraph (7)(c) after “connection” insert “or alteration”.

Amendment of regulation 10A of the Principal Regulations

7. In regulation 10A(3) (Notice of planned interruption)—
- (a) in sub-paragraph (a) for “; and” substitute “.”; and
 - (b) omit sub-paragraph (b).

Amendment of regulation 10B of the Principal Regulations

8. In regulation 10B(4)(e) (Responding to complaints) for “£100” substitute “the prescribed cap”.

Amendment of regulation 12 of the Principal Regulations

9. In regulation 12(8)(b)(ii) (Payments) for “upon which the gas transporter receives a claim for compensation from the customer” substitute “after the relevant event ends”.

Insertion of regulation 14A into the Principal Regulations

10. Before regulation 15 insert—

“Indexation of prescribed sums and prescribed caps

14A.—(1) The prescribed sums for each financial year beginning with 1 April 2022 are calculated by—

- (a) adjusting the sums specified in columns 3 and 4 of Part I of Schedule 1 by the percentage increase or decrease in the CPIH index published for the month of January preceding the financial year for which the adjustment is made in comparison to the CPIH index published for the month of January 2021; and
- (b) rounding the resulting figure to the nearest £5.

(2) In the calculation of prescribed caps for each financial year beginning with 1 April 2022, the sums in column 2 of Part AI of Schedule 1 are adjusted by—

- (a) the percentage increase or decrease in the CPIH index published for the month of January preceding the financial year for which the adjustment is made in comparison to the CPIH index published for the month of January 2021; and
- (b) rounding the resulting figure to the nearest £5.

(3) In this regulation, “CPIH” means the consumer prices index including owner occupiers’ housing costs (all items) published by the Office for National Statistics.”

Amendment of Schedule 1 to the Principal Regulations

11. Before Part I in Schedule 1 insert—

“PART AI

Prescribed Caps Applicable to all Gas Transporters

<i>(1)</i> <i>Regulation</i>	<i>(2)</i> <i>Sum</i>	<i>(3)</i> <i>Multiplier</i>
9(3)(e)	£50	10
10(6)(b)	£20	25

10(6)(ba)	£40	25
10(6)(c)	£80	6
10(6)(ca)	£80	12
10(6)(d)	£40	12
10(6)(da)	£80	12
10(6)(e)	£40	10
10(6)(g)	£200	50
10(6)(h)	£300	60
10B(4)(e)	£40	5"

12. For the table in Part I of Schedule 1 substitute the following table—

<i>“(1) Regulation</i>	<i>(2) Prescribed period</i>	<i>(3) Prescribed sum domestic customers</i>	<i>(4) Prescribed sum non-domestic customers</i>
7(2)	24 hours	£60	£100
8(2)	3 working days where the customer has been a priority domestic customer for more than 30 days prior to the start of the relevant event; or 5 working days in all other circumstances	£100	£200
9(2)		£50	
9(2)(a)	4 hours		
9(2)(b)(i)	4 hours		
9(2)(b)(ii)	8 hours		
9(2C)		£50	
10(3)(a)	4 working days	£20	£20
10(3)(b)(i)	11 working days	£20	£20
10(3)(b)(ii)	11 working days	£20	£20
10(3)(b)(iii)	11 working days	£20	£20
10(3)(b)(iv)	21 working days	£40	£40
10(3)(b)(v)	21 working days	£40	£40
10(3)(b)(vi)	21 working days	£40	£40
10(3)(b)(vii)	21 working days	£40	£40
10(3)(c)(i)	5 working days	£80	£80
10(3)(c)(ii)	5 working days	£80	£80
10(3)(c)(iii)	5 working days	£80	£80
10(3)(c)(iv)	5 working days	£80	£80
10(3)(c)(v)	5 working days	£80	£80
10(3)(c)(vi)	5 working days	£80	£80
10(3)(d)(i)	17 working days	£40	£40
10(3)(d)(ii)	17 working days	£40	£40
10(3)(d)(iii)	20 working days	£80	£80
10(3)(d)(iv)	20 working days	£80	£80
10(3)(e)(i)		£40	£40
10(3)(e)(ii)		the lesser of £200 or 5% of the contract	the lesser of £200 or 5% of the contract

		sum	sum
10(3)(e)(iii)		£200	£200
10(3)(e)(iv)		£200	£200
10(3)(e)(v)		£300	£300
10A(2)	7 working days	£40	£100
10B(2)(a)(i)	5 working days	£40	£40
10B(2)(a)(ii)	10 working days	£40	£40
10B(2)(b)	10 working days	£40	£40
12(3A)	10 working days	£20	£20
12(4)(a)	10 working days	£40	£40
12(4)(b)	5 working days	£40	£40"

The seal of the Gas and Electricity Markets Authority here affixed is authenticated by the signature of



24th February 2021

Martin Cave
A member of the Gas and Electricity Markets Authority

I consent

Anne-Marie Trevelyan
Minister of State
4th March 2021
Department for Business, Energy and Industrial Strategy

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Gas (Standards of Performance) Regulations 2005 (S.I. 2005/1135), which impose minimum guaranteed standards of performance in respect of the service provided by gas transporters, and prescribe sums payable to a customer by way of compensation for failure to meet these standards.

The main changes are—

- (a) amending the guaranteed standards of performance by—
 - (i) reducing the reinstatement period for priority domestic customers where there is a planned gas supply interruption;
 - (ii) including an obligation to provide hot meals and access to hot water during interruptions that last longer than 48 hours where more than 250 customers' premises are affected together with the payment of a prescribed sum for failure to comply;
 - (iii) including an obligation to include diversion and disconnection in the standards on provision of quotations;
 - (iv) including an obligation to include disconnection in the standards on responses to land enquiries; and
 - (v) decreasing the prescribed periods under which the gas transporter must meet the minimum standards, except under the standard for notice for planned interruptions where the prescribed period is increased;
- (b) removing the requirement for the need for customers to make a claim for compensation to gas transporters;

- (c) removing the cap for payments under the standard for supply restoration following unplanned interruptions;
- (d) increasing the prescribed sums payable if the relevant gas transporter fails to meet the guaranteed standards of performance;
- (e) increasing the prescribed caps applicable to the payment of prescribed sums;
- (f) introducing a mechanism for the prescribed sums to be adjusted in line with consumer prices index including owner occupiers' housing costs, and then rounded to the nearest £5; and
- (g) introducing a mechanism for the prescribed caps to be adjusted at a rate that is commensurate to any adjustment to the prescribed sums.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

© Crown copyright 2021

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£6.90

<http://www.legislation.gov.uk/id/uksi/2021/257>

ISBN 978-0-34-822103-9



9 780348 221039