

2023 No. 887

ELECTRICITY

**The Electricity (Standards of Performance) (Amendment)
Regulations 2023**

Made - - - - *31st July 2023*

Coming into force in accordance with regulation 1

The Gas and Electricity Markets Authority^(a) in exercise of the powers conferred by sections 39, 39A and 60 of the Electricity Act 1989^(b), makes the following Regulations.

In accordance with section 40B(1)(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 40B(2) of the Act, the Authority published a notice of its proposals and considered the representations made in respect of those proposals.

In accordance with section 40B(1)(c) and (4) of the Act, the Authority consulted Citizens Advice, Consumer Scotland, electricity distributors, electricity suppliers, and persons and bodies appearing to be representative of persons likely to be affected by these Regulations.

The Secretary of State has consented to making these Regulations in accordance with sections 39(1) and 39A(1) of the Act.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Electricity (Standards of Performance) (Amendment) Regulations 2023 and come into force as set out below.

(2) In these Regulations—

- (a) the “Principal Regulations” means the Electricity (Standard of Performance) Regulations 2015^(d), and

(a) The Gas and Markets Authority was established under section 1(1) of the Utilities Act 2000 (c. 27).
(b) 1989 c. 29; section 39 was amended by sections 3(2) and 54(1) of, and paragraph 32 of Schedule 6 and Schedule 8 to, the Utilities Act 2000; section 39A was inserted by section 54(2) of the Utilities Act 2000; and section 60 was amended by section 3(2) of the Utilities Act 2000.
(c) Section 40B was inserted by section 56 of the Utilities Act 2000 (c. 27) and amended by paragraph 5 of Schedule 1 to the Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc) Order (S.I. 2014/631).
(d) S.I. 2015/699, as amended by S.I. 2015/1544

(b) the “Connection Regulations” means the Electricity (Connection Standards of Performance) Regulations 2015(a).

(3) Regulation 2 (Amendments to the Principal Regulations) comes into force on 1st September 2023.

(4) Regulation 3 (Amendment to Connection Regulations) comes into force on 1st October 2023.

Amendments to the Principal Regulations

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

(a) in the definition “consumer advocacy body” substitute “the Scottish Association of Citizens Advice Bureaux” with “Consumer Scotland”,

(b) after the definition of “pay” insert the following new definition—

“prescribed cap” means the amount in column 4 of Part 1A of Schedule 2, opposite the reference to that paragraph of the regulation in column 1 of Part 1A of that Schedule, or such other amount as adjusted by virtue of regulation 21A;”, and

(c) in the definition of “prescribed sum” after “where the customer is a non-domestic customer the amount in column 4 of Part 1 of Schedule 2,” insert “or such other sum calculated in accordance with regulation 21A”.

(2) In regulation 4 (supply restoration standards of performance for electricity distributors)—

(a) omit the definitions “category 3 severe weather conditions”, “category 3 threshold number of customers”, “total number of customers interrupted” and “upper-threshold number of customers” in paragraph (1), and

(b) substitute paragraph (2), including (a) and (b), with the following—

“(2) For the purposes of calculating and making compensation payments under regulations 5, 6, 7 and 8, where supply is interrupted to a directly connected premises, and the relevant electricity distributor is not a designated electricity distributor, that interruption is 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.”

(3) In sub-paragraph 3(b) of regulation 5 (supply restoration: normal conditions) substitute “1, 2 or 3” with “1 or 2”.

(4) In sub-paragraph (2) of regulation 6 (supply restoration: normal conditions – 5,000 or more customers’ premises interrupted) substitute “a maximum of £300” with “the prescribed cap”.

(5) In regulation 7 (supply restoration: severe weather conditions)—

(a) omit paragraphs (3), (6) and (7),

(b) in sub-paragraph (4)(b)—

(i) substitute “12” with “6”, and

(ii) substitute “a maximum of £700” with “the prescribed cap”.

(6) In regulation 9 (exemptions from the normal and severe weather restoration standards)—

(a) in sub-paragraph (4)(a) after “regulation 5(1), 6(1), 7(1), 7(2)” omit “, 7(3)”,

(b) in sub-paragraph (4)(b) after “regulation 5(1), 6(1), 7(1), 7(2)” omit “, 7(3)”, and

(c) in sub-paragraph (12)(c)—

(i) substitute “(4)(a), (5)(a) and (6)(a)” with “4(a) and 5(a)”, and

(ii) substitute “(4)(b), (5)(b) and (6)(b)” with “4(b) and 5(b)”.

(7) In regulation 19 (payments)—

(a) S.I. 2015/698, as amended by S.I. 2015/1544.

- (a) in sub-paragraph (8)(c)(i) after “cash;” omit “or”,
 - (b) in sub-paragraph (8)(c)(ii) after “or electrical plant” insert “; or”, and
 - (c) insert a new sub-paragraph “(iii) bank transfer”.
- (8) After regulation 21 insert the following—

“Indexation of prescribed caps and prescribed sums

21A.—(1) The prescribed sums for each financial year beginning with 1 April 2024 are calculated by—

- (a) adjusting the sums specified in columns 3 and 4 of Part 1 of Schedule 2 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 2023; 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 2024, the sums in column 2 of Part 1A of Schedule 2 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 2023; and
- (b) rounding the resulting figure to the nearest £5.

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

(9) For the table in Part 1 of Schedule 2 (prescribed periods and prescribed sums applicable to all relevant operators) substitute the following table—

<i>“(1) Regulation</i>	<i>(2) Prescribed period</i>	<i>(3) Prescribed domestic customers(£)</i>	<i>(4) sum non-domestic customers(£)</i>
5(2)(a)	12 hours	90	175
5(2)(b)	12 hours	40	40
6(2)(a)	24 hours	90	175
6(2)(b)	12 hours	40	40
7(4)(a)	24 hours	80	80
7(4)(b)	6 hours	40	40
7(5)(a)	48 hours	80	80
7(5)(b)	6 hours	40	40
8(2)	24 hours	90	175
10(4)	a relevant year	90	90
11(3)	three hours on a working day, four hours on any other day	35	35
12(4)	2 days	35	70
12(5)	5 days	35	70
12(6)	2 days	35	70
13(2)	7 working days	35	35
13(4)(a)	not applicable	35	35
13(4)(b)	5 working days	35	35
17(3)(b)	not applicable	35	35
17(4)(b)	not applicable	35	35
19(4)	10 working days	35	35

(10) After Part 1 in Schedule 2 (prescribed periods and prescribed sums applicable to all relevant operators) insert—

“Part 1A

Prescribed caps applicable to all electricity distributors

<i>(1)</i> <i>Regulation</i>	<i>(2)</i> <i>Sum</i>	<i>(3)</i> <i>Multiplier</i>	<i>(4)</i> <i>Prescribed Cap</i>
6(2)(b)	90	4	£360
7(4)(b)	80	25	£2000
7(5)(b)	80	25	£2000”

(11) For the table in Part 3 of Schedule 2 substitute the following table—

<i>“(1)</i> <i>Designated distributor</i>	<i>(2)</i> <i>electricity</i>	<i>(3)</i> <i>Eight times the mean daily faults at distribution higher voltage</i>	<i>(3)</i> <i>Thirteen times the mean daily faults at distribution higher voltage</i>
ENWL		55	89
NPGN		37	60
NPGY		42	68
WMID		68	111
EMID		54	88
SWALES		43	70
SWEST		71	115
LPN		17	28
SPN		66	107
EPN		94	152
SPD		72	116
SPMW		66	108
SSEH		67	109
SSES		78	127”

Amendment to Connection Regulations

3.—(1) In the definition of “prescribed sum” in regulation 2(1) (interpretation), after “Schedule 1” insert “, or such other sum calculated in accordance with regulation 17A,”.

(2) In sub-paragraph (4)(a) of regulation 16 (extensions of time) after “categories” substitute “1, 2 or 3” with “1 or 2”, and

(3) After regulation 17 (timing of notification) insert the following—

“Indexation of prescribed sums

17A.—(1) The prescribed sums for each financial year beginning with 1 April 2024 are calculated by –

- (a) adjusting the sums specified in column 3 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 2023; and
- (b) rounding the resulting figure to the nearest £5.

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

(4) For the table in Schedule 1 (data for the purpose of calculating payments) substitute the following table—

<i>(1)</i> <i>Regulation</i>	<i>(2)</i> <i>Prescribed period</i>	<i>(3)</i> <i>Prescribed sum</i>	<i>(4)</i> <i>Payment Date</i>
4(2)	10 working days	£75	the working day on which the budget estimate should have been dispatched
4(3)	20 working days	£75	the working day on which the budget estimate should have been dispatched
5(2)	5 working days	£20 for each working day after the end of the prescribed period up to and including the day on which the quotation is dispatched	the working day on which the quotation is dispatched
5(3)	15 working days	£20 for each working day after the end of the prescribed period up to and including the day on which the quotation is dispatched	the working day on which the quotation is dispatched
6(2)	25 working days	£75 for each working day after the end of the prescribed period up to and including the day on which the quotation is dispatched	the working day on which the quotation is dispatched
6(3)	35 working days	£160 for each working	the working day on

		day after the end of the prescribed period up to and including the day on which the quotation is dispatched	which the quotation is dispatched
6(4)	65 working days	£235 for each working day after the end of the prescribed period up to and including the day on which the quotation is dispatched	the working day on which the quotation is dispatched
7(3)	not applicable	£395	the working day on which the quotation is found, in accordance with the quotation accuracy scheme, to have been inaccurate or incomplete
7(4)	not applicable	£785	the working day on which the quotation is found, in accordance with the quotation accuracy scheme, to have been inaccurate or incomplete
8(2)	7 working days	£20 for each working day after the end of the prescribed period up to and including the day on which contact occurs	the working day on which contact occurs
8(3)	the agreed date	£40 for each working day after the agreed date up to and including the day on which the works are completed	the working day on which the works are completed
9(2)	7 working days	£75 for each working day after the end of the prescribed period up to and including the day on which contact occurs	the working day on which contact occurs
9(3)	10 working days	£160 for each working day after the end of the prescribed period up to and including the day on which contact occurs	the working day on which contact occurs
9(4)	15 working days	£235 for each working day after the end of the prescribed period up to and including the day on which contact occurs	the working day on which contact occurs

9(5)	the agreed date	£30 for each working day after the agreed date up to and including the day on which the works at the premises are commenced	the working day on which the works at the premises are commenced
9(6)	the agreed date	£160 for each working day after the agreed date up to and including the day on which the works are completed	the working day on which the works are completed
9(7)	the agreed date	£235 for each working day after the agreed date up to and including the day on which the works are completed	the working day on which the works are completed
9(8)	the agreed date	£315 for each working day after the agreed date up to and including the day on which the works are completed	the working day on which the works are completed
9(9)	the agreed date	£160 for each working day after the agreed date up to and including the day on which energisation occurs	the working day on which energisation occurs
9(10)	the agreed date	£235 for each working day after the agreed date up to and including the day on which energisation occurs	the working day on which energisation occurs
9(11)	the agreed date	£315 for each working day after the agreed date up to and including the day on which energisation occurs	the working day on which energisation occurs
10(2)	2 hours	£75	the working day after the day on which the emergency attendance should have taken place
10(3)	2 calendar days	£20 for each working day after the end of the prescribed period up to and including the day on which the fault rectification works are completed	the working day on which the fault rectification works are completed
10(4)	10 working days	£20 for each working	the working day on

		day after the end of the prescribed period up to and including the day on which the fault rectification works are completed	which the fault rectification works are completed
10(5)	20 working days	£20 for each working day after the end of the prescribed period up to and including the day on which the fault rectification works are completed	the working day on which the fault rectification works are completed
10(6)	25 working days	£20 for each working day after the end of the prescribed period up to and including the day on which the fault rectification works are completed	the working day on which the fault rectification works are completed
11(2)	25 working days	£20 for each working day after the end of the prescribed period up to and including the day the quotation is dispatched	the working day on which the quotation is dispatched
12(2)	the agreed date	£20 for each working day after the agreed date up to and including the day on which the works are completed	the working day on which the works are completed
12(3)	35 working days	£20 for each working day after the end of the prescribed period up to and including the day on which the works are completed	the working day on which the works are completed
14(1)	10 working days	£75	not applicable"

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



13th July 2023

I consent

31st July 2023

John Crackett
A member of the Gas and Electricity Markets Authority

Graham Stuart
Minister of State
Department for Energy Security and Net Zero

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Electricity (Standards of Performance) Regulations 2015 (S.I. 2005/699), which prescribe the sums that electricity suppliers and distributors must pay to a customer by way of compensation for failure to meet specified standards of performance in respect of the services to be provided by such suppliers or distributors, subject to certain exemptions.

The main changes are—

- amending the guaranteed standards of performance under severe weather conditions by reducing the additional payment intervals from 12 to 6 hours, with the compensation payable halved for each individual payment interval,
- updating the overall regulations to allow all prescribed payments to be made by bank transfer,
- increasing the prescribed sums and the prescribed caps for severe weather events, and
- introducing a mechanism for the prescribed sums and the prescribed caps to change in line with CPIH and rounded to the nearest £5.

These Regulations amend the Electricity (Connection Standards of Performance) Regulations 2015 (S.I. 2015/698), which prescribe the sum that an electricity distributor must pay to a customer or relevant authority as appropriate by way of compensation for failure to meet specified standards of performance in respect of the connection services to be provided by electricity distributor.

The main changes are—

- updating the prescribed sums; and
- introducing a mechanism for the prescribed sums to change in line with CPIH and rounded to the nearest £5.

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.

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£6.90

<http://www.legislation.gov.uk/id/uksi/2023/887>

ISBN 978-0-34-825080-0



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