

Gas (Individual Standards of Performance) Regulations (Northern Ireland) 2014

March 2014



About the Utility Regulator

The Utility Regulator is the independent non-ministerial government department responsible for regulating Northern Ireland's electricity, gas, water and sewerage industries, to promote the short and long-term interests of consumers.

We are not a policy-making department of government, but we make sure that the energy and water utility industries in Northern Ireland are regulated and developed within ministerial policy as set out in our statutory duties.

We are governed by a Board of Directors and are accountable to the Northern Ireland Assembly through financial and annual reporting obligations.

We are based at Queens House in the centre of Belfast. The Chief Executive leads a management team of directors representing each of the key functional areas in the organisation: Corporate Affairs; Electricity; Gas; Retail and Social; and Water. The staff team includes economists, engineers, accountants, utility specialists, legal advisors and administration professionals.

Our Mission

Value and sustainability in energy and water.

Our Vision

We will make a difference for consumers by listening, innovating and leading.

Our Values

Be a best practice regulator: transparent, consistent, proportional, accountable, and targeted.

Be a united team.

Be collaborative and co-operative.

Be professional.

Listen and explain.

Make a difference.

Act with integrity.

Abstract

In October 2013 the Utility Regulator consulted on the drafting of the Gas (Individual Standards of Performance) Regulations (Northern Ireland). The draft Regulations presented at that time reflected views expressed in the May 2010 report, 'Customer Views of the Guaranteed Standards Scheme'; decisions made as a result of the July 2011 consultation on 'Guaranteed Standards in Gas – Consultation Proposals' and the April 2012 publication, 'Guaranteed Service Standards – Final Proposals'. The Utility Regulator has considered the responses it has received to this consultation and sets out here the final Regulations. These Regulations will be effective from the 1 April 2014

Audience

Industry, consumers and their representative bodies and statutory bodies.

Consumer impact

The Individual Standards of Performance will afford protection to the consumer in terms of service offered by gas supply and distribution companies defined in eleven standards. This protection will be equivalent to that afforded to electricity consumers in Northern Ireland and gas consumers in Great Britain under similar legislation.

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Executive Summary

The Energy Act (Northern Ireland) 2011 enables the Utility Regulator, with the consent of the Department of Energy Trade and Investment (DETI), to determine expected standards of performance measures which gas companies must provide for their customers.

In October 2013 the Utility Regulator consulted on the drafting of the Gas (Individual Standards of Performance) Regulations (Northern Ireland) to ensure that the drafting facilitated the proposed standards as set out in previous publications.

We have considered responses to this consultation and presents here the final version of the Gas (Individual Standards of Performance) Regulations (Northern Ireland). These Regulations contain eleven individual standards set by the Utility Regulator with the consent of DETI. Under these standards individual customers will receive small, standard compensatory amounts where a company fails to deliver on prescribed levels of service. The standards reflect similar provisions in the Electricity (Standards of Performance) Regulations (Northern Ireland) 1993 and the Gas (Standards of Performance) Regulations 2005 in Great Britain.

The responsibility for publishing information on the individual standards of performance and making consumers aware of the Regulations rests with the companies. It is intended that any payments made under the scheme will be made automatically by the company to the individual with certain necessary exemptions which are listed in detail in the regulations.

The Regulations will come into force from 1 April 2014.

The document also includes a Regulatory Impact Assessment and Equality Screening Form to establish the impact of the Regulations on the community as a whole.

1. Introduction

1.1. The Energy Act (Northern Ireland) 2011 enables the Utility Regulator, with the consent of DETI, to determine expected standards of performance measures which local gas companies must provide for their customers. Two levels of service regime will be introduced in the Northern Ireland gas industry.

- (i) **Standards of performance in individual cases** – these are regulations made by the Utility Regulator, with the consent of DETI, whereby individual customers get small, standard compensatory amounts when a company fails to deliver on prescribed levels of service. These standards will reflect similar provisions in the Electricity (Standards of Performance) Regulations (Northern Ireland) 1993 and the Gas (Standards of Performance) Regulations 2005 in Great Britain.
- (ii) **Overall standards of performance** – these are general targets set by the Utility Regulator within company licences for the company to achieve on certain service standards. These are monitored by the licensee and then reported upon on an annual basis.

1.2. In October 2013 the Utility Regulator published a consultation on the drafting of the Gas (Individual Standards of Performance) Regulations (Northern Ireland). These regulations were drafted following earlier consultation by the Utility Regulator:

- Customer Views on the Guaranteed Standards Scheme in May 2010

- Guaranteed Standards in Gas – Consultation Proposals in July 2011
- Guaranteed Service Standards – Final Proposals in April 2012

1.3. The Utility Regulator received four responses to the consultation and one acknowledgement. We would like to thank all those who took time to read and to respond to the document. The responses can be found on our website.

1.4. The Utility Regulator has considered all the responses received and sets out below our decision.

2. Standards of Performance

2.1 The table below shows the individual standards of performance and the payments associated with a breach of the standard. These standards are named and numbered as per the Regulations which are set out in full at Appendix 1 of this paper.

Table 1: Individual Standards of Performance and Payments (numbering as per Regulations)

	Guaranteed Service Standard	Payment to domestic customer	Payment to industrial and commercial customers
3	Meter disputes Distribution companies must provide customers an explanation on the probable cause of any meter accuracy issues within 15 working days. If an appointment is necessary, the company must offer this within seven working days to investigate. Where a customer informs their supplier of an issue, the supplier must report this to the distribution company within one working day.	£25	£25
4	Meter mix-ups Distribution companies must ensure that customers are not billed erroneously due to a wrongly assigned meter.	£50	£50
5	Prepayment meters Distribution companies must deal with reports of problems with prepayment meters within four working hours. Where a customer informs their supplier of a problem with a prepayment meter, the supplier must notify the distribution company of any report of the problem within four working hours.	£25	n/a

	Guaranteed Service Standard	Payment to domestic customer	Payment to industrial and commercial customers
6	Appointments Distribution companies and supply companies must offer and keep an appointment within a maximum two hour time band, or if acceptable to the customer an appointment within the time bands 8.30-13.00 or 12.00-17.00.	£25	n/a
7	Supply restoration Distribution companies must restore supply within 24 hours to a customer whose gas supply has been discontinued as a result of a failure of, fault in or damage to the pipe-line system operated by the relevant gas conveyor.	£50*	£125*
8	Reinstatement of customer's premises Distribution companies must reinstate customer premises within 5 working days following work to a service pipe and any associated work to a distribution main where the pipe or main lies under or within the premises of a customer.	£50*	£100*
9	Connections Distribution companies are required to provide customers with a cost estimate for a new gas supply within 10 working days for standard jobs and 28 days for non-standard work.	£50	£50
10	Notification of planned interruption Distribution companies must give at least three days notice to customers whose supply will be interrupted by planned maintenance or replacement work to the pipe-line system operated by the relevant gas conveyor.	£25	£50
11	Responding to complaints Supply companies and Distribution companies must provide a substantive response to written or verbal complaints within 10 working days.	£25	£25

	Guaranteed Service Standard	Payment to domestic customer	Payment to industrial and commercial customers
12	Charges and Payments Supply companies must deal with customer queries about their bill or standard payments, or change in payment method within five working days.	£25	£25
14	Payments Distribution or supply companies which fail to provide entitled customers with their standards payments within 20 working days must make an additional payment.	£25	£25

* Further payments due (of £25) for each subsequent successive period during which the failure continues, up to a cap of £1000 per customer

2.2 Table 2 below shows the overall standards of performance which do not form part of the Regulations but which are outlined here for information only. It is intended that the overall standards will be issued for a 28 day consultation period during March 2014 and will be effective from 1 April 2014.

Table 2: Proposed Overall Standards of Service and Targets

	Standard of Service	Business Area	Proposed Target
1	Supply Restoration Reconnect customers within 24 hours after a fault on the distribution system	Distribution	97%
2	Uncontrolled gas emergencies Reports of uncontrolled gas escape or other gas emergencies attended within 1 hour	Distribution	97%

	Standard of Service	Business Area	Proposed Target
3	Controlled gas emergencies Reports of controlled gas escape or other gas emergencies attended within 2 hours	Distribution	97%
4	Reconnection after non-payment Reconnect customers disconnected for non-payment within 24 hours after referral by a supplier	Distribution	100%
5	Moving of meter Reposition all ordinary meters within 15 working days of their quotation being accepted	Distribution	100%
6	Change of meter Change domestic meter within 10 working days of request (including referral by a supplier)	Distribution	100%
7	Faulty gas pay as you go meter Faulty gas pay as you go meter to be visited within 4 working hours of being notified	Distribution	97% working days 97% other days
8	Customer correspondence Written correspondence to receive a reply within 10 working days	Supply	97%
9	Customer complaints Complaints receive a full response within 10 working days	Supply	97%

3. Responses

- 3.1. In the October 2013 consultation we stated that responses were requested on the drafting of the regulations only, as opportunity to comment on the content of the standards had been provided through previous consultations.
- 3.2. We received four responses in total. Overall the responses were positive and the parties agreed that standards of service were a constructive measure to protect customers.
- 3.3. We have set out below the comments received for each Regulation and our decision on the final drafting of the Regulations.

Regulation 3. Meter Disputes

Ref	Issue raised by Respondent	Comment from Utility Regulator
3.4	firmus energy requested clarification of the information to be provided to customers within an explanation	We consider it appropriate for the company to determine these matters in each circumstance of the case. As a minimum any explanation to a customer must be robust, comprehensive, accurate and understood by the customer. The format of any such explanation must also be determined by the company as the most appropriate in each case.
3.5	firmus energy requested clarification on the requirement for an appointment.	Again the company must determine this in each circumstance. As a minimum an appointment is required where the company cannot determine the cause of the problem or provide a full explanation to the customer without one.
3.6	firmus energy commented on the	. The prescribed period of 15 days

	prescribed period for this standard.	was set following responses to earlier consultation and is based on the resources and procedures in Northern Ireland. Opportunity to comment on the content of the standards was provided in previous consultations.
3.7	Airtricity queried Regulation 3(6)(b), to understand if this regulation would allow time to carry out investigation to eliminate meter error before referring the issue to the distribution company.	We consider that this condition applies where the supplier 'might reasonably expect' the meter to be in error and that this can only be when internal investigations are complete. However the Utility Regulator would advise companies to ensure that such investigations are carried out in a timely fashion.

Regulation 4. Meter Mix Ups

Responses Received: 1

Ref	Issue raised by Respondent	Comment from Utility Regulator
3.8	Firmus energy stated that they would like the Regulation amended to read <i>Once identified distribution companies must ensure that companies are not billed erroneously due to a wrongly assigned meter</i>	Distribution companies should have robust procedures and measures in place to ensure that meter mix ups do not take place. Further we expect that when a meter mix up is detected the customer's account is rectified as if the error had never taken place.
3.9	Firmus energy also stated that the distribution company should provide the meter reading details 'from the time the error was detected'	

Regulation 5. Pre- Payment Meters

Responses Received: 1

Ref	Issue raised by Respondent	Comment from Utility Regulator
3.10	firmus energy stated that they required clarity on which prepayment meter problems are the responsibility of the distribution company and which are the responsibility of the supply company.	We consider that the licences, Network code and various codes of practice provide sufficient information to companies on this point.
3.11	firmus energy also requested that an appropriate adjustment be made to their price control to cover events where there is no fault in the prepayment meter.	The Utility Regulator considers that firmus energy currently responds to reports from customers of faults with prepayment meters and that this standard is simply business as usual. Therefore they will have requested these costs within the GD14 price control.
3.12	Firmus energy also states they require additional resources to complete site work requests out of hours.	We consider that this is not required. Regulation 5(2) states that where the request is received outside working hours it will be deemed to have been received at the commencement of the next set of working hours.

Regulation 6. Appointments

Responses Received: 2

Ref	Issue raised by Respondent	Comment from Utility Regulator
3.13	Airtricity commented on the issue that the appointment standard did not previously include suppliers.	We accept that this was the case and that the Regulation has been amended to include supplier here. We consider that it is important that customers are offered the same protection in relation to appointments from conveyors and suppliers.
3.14	Airtricity requested that the wording in Regulation 6 be amended to state.	We do not consider this wording to be appropriate as parts of the regulation relate to the making of the

	<i>This regulation applies where; A domestic customer makes an appointment with the gas conveyor/supplier to visit the customer's premises</i>	appointment.
3.15	firmus energy commented that an emergency event may result in the company being penalised through failing to meet appointments.	We consider that this is covered under Regulation 15(6) of the Regulations which sets out exemptions to payments under the Regulations.
3.16	firmus energy also requested a definition of 'reasonable' under 6(2). 6(2) relates to the company offering a timed appointment within a reasonable period.	While we can not define a reasonable time period in all circumstances of the case we would consider that this period should be less than one working day.
3.17	firmus energy stated that supply companies should be referenced in the standard.	Noted. This has been updated.

Regulation 7. Supply Restoration

Responses Received: 2

Ref	Issue raised by Respondent	Comment from Utility Regulator
3.18	Airtricity and firmus energy commented that safety implications must be taken into consideration before a property can be reconnected	We strongly agree with this point and consider that the wording of Regulation 15, as currently drafted, allows for exceptions in payments where there are safety considerations.
3.19	Firmus energy commented that the number of premises detailed in Regulation 7(3)(c) is only appropriate for the Greater Belfast Area and should be reconsidered in other network areas.	The Utility Regulator has considered this view and agrees that the number of customers should reflect the size of the network area. To this end we have amended the Regulations to state 30,000 customers or 20% of total premises whichever is the lower.

3.20	firmus energy also requested details of when additional payments are due.	As we stated in the final proposals paper <i>Upon breach of this standard the distribution company must make a payment of £50 to domestic customers and £125 to I&C customers. In each successive 24 hour period without supply, a further payment of £25 will be required, up to a cap of £1000.</i>
3.21	firmus energy requested confirmation that they would not be penalised for a fault in the transmission network	The Utility Regulator considers this point in covered under Regulation 7(3)(f) and Regulation 15(6)(h) which refer to exceptional events outside the control of the company.

Regulation 11. Responding to Complaints.

Responses Received: 2

Ref	Issue raised by Respondent	Comment from Utility Regulator
3.22	Firmus energy queried the timescales involved in responding to complaints.	Opportunity for comment on the timescales was provided through the previous consultation and a decision on this point has been made.
3.23	The respondents also questioned the format that the response should take. One respondent stated that the Regulations under 2(a)(ii) dictate that a written response is required.	We consider that this Regulation only applies where the company is unable to provide a substantive response within the prescribed period. Regulation 2(b), relating to the responses states that the company must only provide a substantive response. The Utility Regulator considers that the it is a matter for the company to decide on the most appropriate format for the response, considering the requirements of the customer at all times
3.24	Airtricity commented on the	This Regulation applies to both

	requirement for this Regulation to apply to the gas conveyor.	Supply and Distribution companies as set out in Regulation 11(1).
3.25	firmus energy request clarification on when the making of additional payments are due.	The additional payments referred to are the payments for responding to complaints under Regulation 11(4)(e). The prescribed period is set out in Regulation 11(2).

Regulation 12. Charges and Payments

Responses Received: 2

Ref	Issue raised by Respondent	Comment from Utility Regulator
3.26	Airtricity commented on the difficulty in dealing with non standard queries, particularly in relation to consumption or complaints, within the prescribed period	These issues would be covered under regulations 3 or 11.
3.27	firmus energy commented that the prescribed period for Regulation 12(2)(c) was not defined in Schedule 1	Noted. This is now included at 5 working days.
3.28	firmus energy sought clarification on what constitutes a substantive response.	As stated previously we consider it the responsibility of the company to define substantive response in each case. We would state that any response must be robust, comprehensive, accurate and understood by the customer.
3.29	firmus energy sought clarification on the prescribed period in relation to cheques.	We consider that the prescribed period relates to the period in which the customer receives the cheque.
3.30	firmus energy highlighted the introduction of vouchers as payment methods and asked that these be recognised in the Regulations.	No changes will be made to the Regulations. We would consider that any change of this nature would require consultation to understand if customers are willing to accept these additional payment methods.

Regulation 13. Disputes

Responses Received: 1

Ref	Issue raised by Respondent	Comment from Utility Regulator
3.31	Airtricity stated that the wording of the clause should instead limit disputes to those regarding the application of the Regulations	We consider that the wording of this clause only provides for a dispute under these Regulations.

Regulation 14. Payments

Responses Received: 2

Ref	Issue raised by Respondent	Comment from Utility Regulator
3.32	Airtricity consider that 14(6) should include a clause where the conveyor fails to forward payment to the supplier.	Noted. This Regulation has been amended.
3.33	firmus energy requested clarification of applicable date.	The applicable date in Regulation 14 is the end of the prescribed period on the relevant standard.
3.34	firmus energy requested clarification on whether crediting an account is sufficient method of payment.	This is set out in Regulation 14(8)(c) payment under the Regulations must be made by cheque, cash or BACS transfer. An account credit is only permitted in relation to charges for supply or provision of gas.
3.35	Firmus energy queried why sections of Regulation 14 have a prescribed period of 10 days, and other sections 20 days.	The 10 day periods relate to onward payments from a supplier on behalf of a conveyor.
3.36	Airtricity requested that supply companies be compensated by distribution companies for forwarding on payments.	There will be no compensatory payments to suppliers in these instances.

General Comments

Ref	Issue raised by Respondent	Comment from Utility Regulator
3.37	Timing of Notification Airtricity questioned why this	We consider this of benefit to the company as it means that a

	section was included and stated that it posed a risk to companies of being exposed to payments when the issue may still be resolved.	notification of a meter dispute made after 4pm can be treated as being received on the following day, giving the companies more time to respond and reducing the risk of making payments.
3.38	Notice of Rights Airtricity requested that supply companies be compensated for forwarding on information on Distribution companies Guaranteed Standards of Service	We consider that sending all the information to consumers at the same time is the most efficient and effective method of providing this information and provides customers with full details of their rights. There will be no compensatory payments to suppliers in this instance.
3.39	Definition of Working Day Phoenix Natural Gas Ltd (PNGL) requested that the definition of working day be amended to include public holidays	Noted. This has been amended.
3.40	Working Hours All respondents expressed concern at the definition of working hours in Schedule 1 part 1 as 8am to 8pm and asked that these be amended to reflect current working practice.	Noted. These have been amended to state 8.30am to 5.00pm.
3.41	Working Hours Airtricity suggested that in order to avoid confusion re hours, working hours, days and working days should all refer to working days.	We do not agree with this point. The Regulations clearly set out what time periods are applicable in each standard.
3.42	Notifications PNGL stated that notifications should exclude those received by post or email to avoid ambiguity regarding the start of the prescribed period.	We do not agree with this post. Every customer is entitled to a response to a notification within an appropriate period. We expect companies to have robust internal procedures for monitoring all forms of communication.
3.43	Severe Weather PNGL challenged the Utility Regulator's definition of severe weather. CCNI also queried who will make the initial assessment on	For clarity we will consider a payment due unless the company can demonstrate otherwise based upon the exemptions in the Regulations. The consultation paper states that

	whether a payment is due.	<p>...We have determined that where a weather event is so severe as to cause a breach in any of the standards the company must</p> <ul style="list-style-type: none"> • Clearly and demonstrably evidence that the specific standard has not been met as a direct consequence of the severe weather event. • Demonstrate that it has taken all reasonable steps to mitigate the risk to consumers of the severe weather event. <p>We would expect any company to inform us that they consider that they have failed to meet their standards due to severe weather and we would investigate accordingly.</p>
3.44	Requirement for Monitoring Standards The Consumer Council (CCNI) stated the requirement for recording, monitoring and enforcement of the Standards between gas and electricity.	We strongly agree with this point and will be working closely with all parties and with our colleagues in Electricity to undertake appropriate monitoring arrangements.
3.45	Payment Levels CCNI stated that the level of compensatory payments should be adjusted upwards to reflect RPI.	We have consulted on the appropriate levels of payments in each standard. We believe the amounts set are fair and proportionate. We will continue to monitor these and work closely with our colleagues in electricity review payment levels.
3.46	Cost Allowances Airtricity and firmus energy requested that the costs of implementing the Regulations be reflected in allowances.	We expect all companies to offer a high level of customer service to their customers. We do not consider that these Regulations place additional requirements upon the companies and as such will not allow increased costs to customers.
3.47	Implementation Date Airtricity expressed concern at the proposed implementation date.	We repeat our position that companies have had sufficient time to review the standards during consultation periods to be prepared to implement them. We do not

		consider that the Regulations impose additional requirements on the companies, therefore the implementation date will be 1 April 2014.
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The amended standards, showing the changes made following consultation are shown in Appendix 1.

4. Scheme Implementation and Operation

4.1. It is intended that these regulations come into force by the 1 April 2014.

4.2. Under the powers of the Energy Act (Northern Ireland) 2011, the Utility Regulator will collect and publish data on an annual basis for standards of performance in individual cases. The Utility Regulator will consult with companies on the most efficient form for collating this information. The Utility Regulator will monitor and re-evaluate the Guaranteed Service Standards on a continual basis in order to review its effectiveness.

Appendix 1 Gas (Individual Standards of Performance) Regulations (Northern Ireland) 2014

2014 No. 60

GAS

**The Gas (Individual Standards of Performance) Regulations
(Northern Ireland) 2014**

Made - - - -

3rd March 2014

Coming into operation -

1st April 2014

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SCHEDULE 1

- PART I — Prescribed periods and prescribed sums applicable to all gas suppliers and gas conveyors
- PART II — Working Hours

SCHEDULE 2 — Standards of Performance – Practice and Procedures for Determinations

The Northern Ireland Authority for Utility Regulation⁽¹⁾ (the Authority) makes the following Regulations in exercise of the powers conferred by sections 1 and 2 of the Energy Act (Northern Ireland) 2011⁽²⁾.

In accordance with section 4(1)(a) 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 4(1)(b) of that Act, the Authority has consulted with such persons and bodies as appear to the Authority to be representative of persons likely to be affected by these Regulations.

In accordance with section 1 of that Act, the Authority has obtained the consent of the Department of Enterprise, Trade and Investment to make these Regulations.

PART 1

General

Citation and commencement

1. These Regulations may be cited as the Gas (Individual Standards of Performance) Regulations (Northern Ireland) 2014 and shall come into operation on 1st April 2014.

⁽¹⁾ The Northern Ireland Authority for Energy Regulation was established under Article 3 and Schedule 1 of the Energy (Northern Ireland) Order 2003 (2003/419 (N.I.6)). Name amended to the Northern Ireland Authority for Utility Regulation under Article 3(1) of the Water and Sewerage Services (Northern Ireland) Order 2006 (2006/3336 (N.I.21))

⁽²⁾ 2011 c.6

Interpretation

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

“accurate” means

- (a) in respect of a standard quotation for the provision of a connection up to and including 275kWh per hour within 5% or £150 (whichever is greater) of the correct amount as calculated in accordance with the relevant gas conveyor’s connection charging statement issued in accordance with its licence; or
- (b) in respect of a non-standard quotation for the provision of a connection up to and including 275kWh per hour within 5% or £150 (whichever is the greater) of the correct amount as calculated in accordance with the relevant gas conveyor’s connection charging statement issued in accordance with its licence; or
- (c) in respect of a non-standard quotation for the provision of a connection greater than 275kWh per hour within 5% or £300 (whichever is the greater) of the correct amount as calculated in accordance with the relevant gas conveyor’s connection charging statement issued in accordance with its licence;

“the Act” means the Energy Act (Northern Ireland) 2011;

“apparent authority” means that the name and address of the customer have been provided to the relevant operator together with confirmation that the relevant person is acting on behalf of the customer;

“applicable date” means, in relation to each occasion upon which a regulation applies, the day upon 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” means a meter stamped in accordance with the provisions of Article 22 of the Gas Order or regulations made pursuant to that section;

“the Authority” means the Northern Ireland Authority for Utility Regulation established under the Energy (Northern Ireland) Order 2003⁽³⁾;

“complex connection” means a connection of sufficient complexity as described in a statement issued from time to time by the relevant gas conveyor pursuant to its licence and agreed with the Authority after such consultation as the Authority directs;

“connection” means the provision of pipe-work from the gas pipe-line system of the relevant gas conveyor to the emergency control valve at the relevant premises;

“the Council” means the Consumer Council for Northern Ireland established under the General Consumer Council (Northern Ireland) Order 1984⁽⁴⁾;

“customer” means an owner or occupier of premises in Northern Ireland who is supplied or requires to be supplied with gas conveyed to those premises through pipes;

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

“domestic development” means a development of at least 5 new build domestic premises where there is no existing connection to the relevant gas conveyor’s pipe-line system;

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

⁽³⁾ S.I. 2003/419 (N.I.6) as amended by S.I. 2006/3336 (N.I.21)

⁽⁴⁾ S.I. 1984/1822 (N.I.12)

“excluded connection” means a connection described as such in a statement issued from time to time by the relevant gas conveyor pursuant to its licence and agreed with the Authority after such consultation as the Authority directs;

“gas conveyor” means the holder of a licence under Article 8(1)(a) of the Gas Order who is, pursuant to that licence, designated as a distribution system operator;

“the Gas Order” means the Gas (Northern Ireland) Order 1996⁽⁵⁾;

“gas supplier” means, in relation to any premises, the holder of a licence under Article 8(1)(c) of the Gas Order who supplies to those premises gas which is conveyed thereto (or, where the premises are secondary sub-deduct premises, to the relevant primary sub-deduct premises) by a gas conveyor;

“incorrect meter” means any gas meter other than the gas meter which, for the period of the relevant bill, was measuring the quantity of gas supplied to the relevant premises;

“margins of error” means, in relation to a meter, its operation outside the standards prescribed pursuant to the Measuring Instruments (Gas Meters) Regulations 2006⁽⁶⁾;

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

“non-domestic development” means a development of at least 5 new build non-domestic premises where there is no existing connection to the relevant gas conveyor’s pipe-line system;

“non-domestic premises” means any premises other than domestic premises;

“non-standard quotation” means a quotation which requires a site visit but excluding a self-quote;

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

“overcharge” means any sum exceeding the correct amount as calculated in accordance with the relevant gas conveyor’s connection charging statement issued in accordance with its licence;

“pipe-line system” means pipes upstream of any emergency control valve owned by the relevant gas conveyor and used for the purpose of conveying gas;

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

“prescribed sum” means where the customer is a domestic customer the amount specified in column 3 of Part 1 of Schedule 1, or where the customer is a non-domestic customer the amount specified in column 4 of Part 1 of Schedule 1;

“primary sub-deduct premises” means premises to which gas is conveyed by a gas conveyor before being conveyed to secondary sub-deduct premises;

“published accuracy scheme” means a scheme, including a process through which a customer can challenge whether it has received an accurate quotation, published by the relevant gas conveyor pursuant to its licence as agreed from time to time with the Authority;

“quotation” means a cost estimate for a connection;

“relevant event” means the occurrence as a result of which a regulation applies;

“relevant gas conveyor” means, in relation to a customer, the gas conveyor to whose pipe-line system the premises of the customer are directly connected, or who has an obligation to permit a connection to those premises in accordance with its licence or in relation to secondary sub-deduct

⁽⁵⁾ S.I. 1996/275 (N.I.2)

⁽⁶⁾ S.I. 2006/2647

premises, the gas conveyor to whose pipe-line system the primary sub-deduct premises are directly connected, or would be directly connected in accordance with its licence;

“relevant operator” means the relevant gas conveyor or gas supplier according to the circumstances of the relevant customer’s case;

“secondary sub-deduct premises” means premises to which gas is conveyed in pursuance of an exemption from Article 6(1)(a) of the Gas Order granted under Article 7 of the Gas Order, for supply by the gas supplier;

“self-quote” means a quotation produced by the customer for the provision of a new connection or alteration of an existing connection in accordance with any conditions published by the relevant gas conveyor to enable the customer to calculate the cost of those works;

“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 specified by the relevant operator) within the prescribed period from the applicable date, being either a part which falls wholly between eight thirty in the morning and one o’clock in the afternoon or wholly between noon and five o’clock in the afternoon; 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 gas supplier shall not be obliged to agree part of a day which is not the part of the day between eight thirty in the morning and one o’clock in the afternoon or between noon and five o’clock in the afternoon;

“standard quotation” means a standard quotation (excluding a self-quote) that does not require a site visit as defined in the connection charges statement issued from time to time by the relevant gas conveyor in accordance with its licence;

“substantial completion” means that the connection to the premises has been installed, commissioned and left safe;

“working day” means any day other than a Saturday, a Sunday, and any other non-working day of a gas conveyor or supplier. The non-working days are listed as:

- New Year’s Day*
- St Patrick’s Day*
- Easter Monday
- Easter Tuesday
- Early May Day
- Late May Day
- 12th July*
- 13th July*
- Late August Holiday
- Christmas Eve*
- Christmas Day*

– Boxing Day*

*When the usual date falls on a Saturday or Sunday, the ‘substitute day’ is normally the following Monday. For example in 2013, St Patrick’s Day was Sunday 17 March, so the substitute bank holiday was Monday, 18 March; and

“working hours” means the period between the hours specified in Part 2 of Schedule 1.

(2) For the purpose 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 the notice is given;
- (b) where a person is a customer in respect of more than one premises, a reference in a regulation to “customer” is a reference to that person in respect of each of the premises in relation to 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 unless the context otherwise requires.

PART II

Gas supplier’s and gas conveyor’s individual standards of performance

Meter disputes

3.—(1) This regulation applies where a gas conveyor is notified by a domestic customer or by the gas supplier in respect of the premises of a domestic customer—

- (a) that the customer considers that an appropriate meter is or may have been operating outside the margins of error; or
- (b) that circumstances exist which a gas conveyor might reasonably expect to have been caused by the appropriate meter operating outside the margins of error.

(2) Where this regulation and paragraph (3) apply, and the gas conveyor fails within the prescribed period from the applicable date to offer to visit the customer’s premises to investigate the matter during a specified time the gas conveyor shall, except in any of the circumstances described in paragraph (5), pay to the customer the prescribed sum.

(3) This paragraph applies where the gas conveyor is reasonably satisfied that he is unable to provide an explanation to the customer of the probable reason for the matters notified under paragraph (1) without visiting the customer’s premises.

(4) Where this regulation applies and the gas conveyor—

- (a) where paragraph (3) applies, fails to visit the customer’s premises during the specified time at which the gas conveyor has offered to visit the customer under paragraph (2), he shall pay to the customer the prescribed sum; or

- (b) where paragraph (3) does not apply, fails to dispatch to the customer an explanation of the probable reason for the matter notified under paragraph (1) within the prescribed period from the receipt of the notification he shall pay to the customer the prescribed sum,

except in either case in any of the circumstances described in paragraph (5).

(5) The circumstances described in this paragraph are each of the circumstances described in regulation 15 provided that, in relation to paragraph (6) of that regulation, the gas conveyor or gas supplier gave the customer not less than one working days prior warning (whether or not in writing) that he would be unable to visit during the specified time or the circumstances referred to in that paragraph occurred at a time when it was not reasonably practicable to give such a warning.

(6) Where a gas supplier is notified by a domestic customer to whose premises that gas supplier supplies gas—

- (a) that the customer considers that an appropriate meter is or may have been operating outside the margins of error; or
- (b) that circumstances exist which a gas supplier might reasonably expect to have been caused by the appropriate meter operating outside the margins of error,

the gas supplier shall notify the relevant gas conveyor of the details notified to the gas supplier by the relevant customer within the prescribed period.

(7) If the gas supplier fails, in the circumstances described in paragraph (1), within the prescribed period to notify the gas conveyor of the relevant details it shall, except in any of the circumstances described in regulation 3(5), pay to the customer the prescribed sum.

Meter mix-ups

4.—(1) This regulation applies where a customer is billed an incorrect amount by his gas supplier in respect of gas supplied to that customer's premises as a result of—

- (a) the gas supplier calculating the amount billed by reference to an incorrect meter; and
- (b) such reference to an incorrect meter arising as the result of the relevant gas conveyor having informed the gas supplier that an incorrect meter should be used for ascertaining the quantity of gas supplied to the relevant premises of the customer.

(2) Where this regulation applies, the gas conveyor referred to in paragraph (1)(b) shall pay to the customer referred to in paragraph (1) the prescribed sum.

Pre-payment meters

5.—(1) This regulation applies where a gas conveyor is notified by—

- (a) a domestic customer who takes his supply through a pre-payment meter; or
- (b) the gas supplier in respect of the premises of a domestic customer who takes his supply through a pre-payment meter,

that the domestic customer's pre-payment meter is not operating so as to permit a supply to the customer's premises in the manner for which the pre-payment meter was designed, or of circumstances suggesting that the pre-payment meter is not so operating.

(2) For the purposes of paragraph (1), where information is received by a gas conveyor outside working hours it shall be deemed to have been received at the commencement of the next following period of working hours.

(3) Where, within the prescribed period from the applicable date, an appropriate person fails to attend at the premises where the pre-payment meter is installed in order to repair or replace the pre-payment

meter so as to permit a supply in the manner for which it was designed, the gas conveyor shall, except in any of the circumstances described in paragraph (4), pay to the customer the prescribed sum.

(4) The circumstances described in this paragraph are—

- (a) each of the circumstances described in regulation 15;
- (b) that the customer requested the gas conveyor not to attend the premises;
- (c) that the customer requested the gas conveyor not to restore the supply; and
- (d) that the pre-payment meter was found to be operating in the manner for which it was designed.

(5) In this regulation “appropriate person” means a person employed or authorised by a gas conveyor to repair and replace pre-payment meters.

(6) Where a gas supplier is notified by a domestic customer who takes his supply through a pre-payment meter that the domestic customer’s pre-payment meter is not operating so as to permit a supply to the customer’s premises in the manner for which the pre-payment meter was designed, or of circumstances suggesting that the pre-payment meter is not so operating, the gas supplier shall notify the relevant gas conveyor of the details notified to the gas supplier by the relevant customer within the prescribed period.

(7) If the gas supplier fails, in the circumstances described in paragraph (6), within the prescribed period to notify the gas conveyor of the relevant details it shall, except in any of the circumstances described in paragraph (8), pay to the customer the prescribed sum.

(8) The circumstances described in this paragraph are—

- (a) each of the circumstances described in regulation 15;
- (b) that the customer requested to the gas supplier or gas conveyor that the gas conveyor should not attend the premises;
- (c) that the customer requested to the gas supplier or the gas conveyor that the gas conveyor should not restore the supply; and
- (d) that the pre-payment meter was found to be operating in the manner for which it was designed.

Appointments

6.—(1) This regulation applies where—

- (a) a domestic customer informs the gas conveyor that the customer wishes the gas conveyor to visit the customer’s premises; or
- (b) a domestic customer informs the gas supplier that the customer wishes the gas supplier to visit the customer’s premises; or
- (c) the gas conveyor informs a domestic customer that the gas conveyor wishes to visit the customer’s premises; or
- (d) the gas supplier informs a domestic customer that the gas supplier wishes to visit the customer’s premises,

being in any case a visit in connection with the activities which the gas conveyor or gas supplier is required or authorised to carry on under his licence which requires access to be afforded to his representative or for which it would otherwise be reasonable to expect the customer to be present.

(2) Where this regulation applies and the gas conveyor or gas supplier fails within a reasonable period from the applicable date to offer a timed appointment, the gas conveyor or gas supplier 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 gas conveyor or gas supplier fails to keep a timed appointment, the gas conveyor or gas supplier 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 gas conveyor or gas supplier 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 15 provided that, in relation to paragraph (6) of that regulation, the gas conveyor or gas supplier gave the customer not less than one working days prior warning (whether or not in writing) that he 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 regulation 3 or 5; and
- (c) that the visit is wholly or mainly in connection with disconnecting the premises.

(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 (specified by the gas conveyor or gas supplier) of a day (also specified by the gas conveyor or gas supplier) within a reasonable period from the applicable date, having regard to the purpose of visit, being either a part which falls either wholly between eight thirty in the morning and one o’clock in the afternoon or wholly between noon and five o’clock in the afternoon; or
- (b) during such part of a day as is requested by the customer and agreed with the gas conveyor or gas supplier, 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.

Supply restoration

7.—(1) This regulation applies where the conveyance of gas to a customer’s premises is discontinued as a result of a failure of, fault in or damage to the pipe-line system operated by the relevant gas conveyor.

(2) Where this regulation applies, the relevant gas conveyor shall, except in any of the circumstances described in paragraph (3), pay the prescribed sum to the customer—

- (a) where the conveyance of gas is not resumed to the customer’s premises within the prescribed period from the applicable date; and
- (b) in respect of each succeeding prescribed period upon the expiry of which the conveyance of gas is not resumed.

(3) The circumstances described in this paragraph are—

- (a) each of the circumstances described in regulation 15;
- (b) that the relevant event was caused by the act or default of the customer;
- (c) that the relevant event resulted in the discontinuance of conveyance of gas to more than 30,000 or 20%, whichever is the lower, of premises of customers (whether domestic or non-domestic) of the relevant gas conveyor;
- (d) that the making of an additional payment of the prescribed sum in respect of the continuation of the breach under paragraph (2) would cause the aggregate of the prescribed payments to the customer in respect of the relevant event to exceed £1,000;

- (e) that the discontinuance of conveyance of gas to the customer's premises would not have occurred but for a failure of, fault in or damage to the pipe-line system of another gas conveyor and the relevant gas conveyor has so notified the other gas conveyor within 5 working days from the end of the relevant event specifying—
 - (i) the number of customers affected;
 - (ii) whether each of the customers affected is a domestic customer or a non-domestic customer; and
 - (iii) the duration of the discontinuance of conveyance of gas for each of the customers affected;
 - (f) that the relevant event was caused by severe weather conditions or other circumstances of an exceptional nature beyond the control of the gas conveyor and the gas conveyor had 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; or
 - (g) that the customer's premises are premises to which the conveyance of gas is at a rate in excess of 73,250 kWh a year.
- (4) In the circumstance described in paragraph (3)(e) this regulation shall apply to the other gas conveyor as if he were the relevant gas conveyor.

Reinstatement of customer's premises

8.—(1) This regulation applies where the relevant gas conveyor has completed work to a service pipe to the customer's premises and any associated work to a distribution main where such pipe or main is situated under or within the premises of the customer.

(2) Where this regulation applies, the relevant gas conveyor shall, except in any of the circumstances described in paragraph (3), pay the prescribed sum to the customer where the relevant gas conveyor has not completed the reinstatement of the customer's premises—

- (a) within the prescribed period from the applicable date; and
- (b) upon the expiry of each succeeding prescribed period.

(3) The circumstances described in this paragraph are—

- (a) each of the circumstances described in regulation 15;
- (b) that the work was requested by the customer to whom a payment under this regulation would otherwise be required to be made and related to the connection or an alteration to the connection to the customer's premises; and
- (c) that the work resulted from the act or default of the customer or persons under his control.

(4) For the purposes of paragraph (2), the customer's premises shall be deemed to have been reinstated where—

- (a) any drive, path or other route used to obtain access to any building on the customer's premises and any building or structure on those premises has been replaced or repaired so that the drive, path, other route, building or structure is reasonably fit for the type of access or use for which it was used prior to commencement of the work; and
- (b) any other part of the premises, including any garden or lawn, has been reinstated, so far as is reasonably practicable, to a reasonable standard and with reasonable care and skill having regard to its condition prior to commencement of the work.

(5) In this regulation, "premises" includes any land or structure within the curtilage of the premises to which the gas is conveyed.

Connections

9.—(1) This regulation applies where—

- (a) in respect of paragraphs (3)(a) and (3)(b), a relevant gas conveyor receives a request for a quotation for obtaining a new connection or altering an existing connection from a customer; or
- (b) in respect of paragraph (3)(c), a customer challenges a quotation under the relevant gas conveyor's published accuracy scheme,

in each case in respect of gas conveyed to premises at a pressure of less than 7 bar gauge and excluding domestic developments, non-domestic developments, complex connections and excluded connections.

(2) For the purposes of paragraph (1) where the relevant gas conveyor receives a request for a quotation, or the acceptance of a quotation after 5pm on a working day or at any time on any other day, the request for a quotation or acceptance of the quotation shall be deemed to have been received on the next following working day.

(3) Where this regulation applies and the relevant gas conveyor—

- (a) fails within the prescribed period from the applicable date to issue to a customer a standard quotation, for providing a new connection or altering an existing connection up to and including 275kWh per hour; or
- (b) fails within the prescribed period from the applicable date to issue to a customer—
 - (i) a non-standard quotation for providing a new connection or altering an existing connection up to and including 275kWh per hour; or
 - (ii) a non-standard quotation, for providing a new connection or altering an existing connection greater than 275kWh per hour; or
- (c) fails to provide the customer with an accurate quotation,

the relevant gas conveyor shall, except in the circumstances described in paragraph (6)—

- (i) in respect of paragraphs (3)(a) and (3)(b) pay to the customer the prescribed sum in respect of the initial failure and 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); and
- (ii) in respect of paragraph (3)(c) refund the customer any overcharge that has been paid.

(4) In the event that the customer challenges a quotation provided by the relevant gas conveyor in accordance with any published accuracy scheme and such quotation is found not to be accurate, the quotation will be deemed invalid and the provisions of paragraph (3)(a) and (3)(b) shall apply until the relevant gas conveyor issues a revised quotation to the customer.

(5) Notwithstanding paragraph (4), the relevant gas conveyor shall refund to the customer any overcharge.

(6) The circumstances described in this paragraph are—

- (a) each of the circumstances described in regulation 15 provided that in relation to paragraph (6) of that regulation, the relevant gas conveyor gave the customer not less than one working day's prior warning (whether or not in writing) that he 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 making of an additional payment of the prescribed sum in respect of the continuation of any one breach under sub-paragraphs (3)(a) and (3)(b) would cause the aggregate of the prescribed payments to the customer in respect of that breach under that sub-paragraph to exceed—

- (i) the lesser of £250 or the quotation sum for the provision of a new connection or altering an existing connection up to and including 275kWh per hour;
 - (ii) the lesser of £500 or the quotation sum for the provision of a new connection or altering an existing connection greater than 275kWh per hour;
 - (c) that the relevant gas conveyor is unable to provide an accurate quotation within the relevant time scales since the quotation will include costs that can only be negotiated with and paid to a third party;
 - (d) that consents are required from third parties and such consents cannot by reasonable endeavours be obtained;
 - (e) in respect of a standard or non-standard quotation made without a site visit, that an assumption made by the relevant gas conveyor in providing the quotation is incorrect because information provided by the customer was either incomplete or incorrect;
 - (f) that any visit is made wholly or mainly in connection with disconnecting the premises in exercise of a power granted to it pursuant to its licence as held under Article 8(1)(a) of the Gas Order;
 - (g) where the service relates to the provision of metering services as defined in the licence of the gas conveyor issued under Article 8(1)(a) of the Gas Order; or
 - (h) in respect of paragraph (1)(a) and (1)(b) the gas conveyor considers that a request or requests received from the customer or a person acting with apparent authority for one or more customers were frivolous or vexatious.
- (7) In this regulation “quotation sum” means the price originally quoted for the connection.

Notice of planned interruption

10.—(1) This regulation applies where the conveyance of gas to a customer’s premises is discontinued for the purpose of carrying out planned maintenance or replacement work to the pipe-line system operated by the relevant gas conveyor.

(2) Where this regulation applies and the relevant gas conveyor has failed to give to the customer prior notice of not less than the prescribed period of when the discontinuance is expected to commence, stating the need for the discontinuance, the relevant gas conveyor shall, except in any of the circumstances described in paragraph (3), pay to the customer the prescribed sum.

(3) The circumstances described in this paragraph are—

- (a) each of the circumstances described in paragraphs (2), (3), (6), (8) and (9) of regulation 15; and
- (b) that the relevant gas conveyor has not received a claim for compensation from the customer in respect of the failure referred to in paragraph (2) within a period of 3 months from the applicable date.

Responding to complaints

11.—(1) This regulation applies where a relevant gas supplier or gas conveyor receives from or on behalf of a customer, in his capacity as such, a verbal complaint (by use of a telephone number) or written complaint relating to its activities to which the relevant gas supplier or gas conveyor reasonably expects the customer will anticipate a response.

(2) Where the relevant gas supplier or gas conveyor fails within the prescribed period from the receipt of the complaint, to dispatch to the customer—

- (a) where paragraph (3) applies—

- (i) an initial written response explaining the relevant gas supplier's or gas conveyor's inability to provide a substantive response within the prescribed period under paragraph (2)(b), including the name, telephone number and address of an employee of the relevant gas supplier or gas conveyor whom the customer can contact regarding the complaint, and stating that a substantive response shall be provided within the prescribed period under paragraph (2)(a)(ii); and
 - (ii) a substantive response; or
 - (b) where paragraph (3) does not apply, a substantive response,
- the relevant gas supplier or gas conveyor shall, except in any of the circumstances described in paragraph (4), pay to the customer the prescribed sum in respect of the initial failure.
- (3) This paragraph applies where the relevant gas supplier or gas conveyor is reasonably satisfied that it is unable to provide a substantive response to the complaint received under paragraph (1) without visiting the customer's premises or making enquiries of persons other than officers, employees or agents of the relevant gas supplier or gas conveyor.
- (4) The circumstances described in this paragraph are—
- (a) that the customer informed the relevant gas supplier or gas conveyor before the expiry of the prescribed period that the customer did not wish the relevant gas supplier or gas conveyor to take any action in relation to the complaint;
 - (b) where paragraph (3) applies, that the relevant gas supplier or gas conveyor was either unable to contact the customer and/or persons other than officers, employees or agents of the relevant gas supplier or gas conveyor, or had contacted persons other than such officers, employees or agents but had not received a reply, and has so notified the customer, within the prescribed period from receipt of the complaint, and the relevant gas supplier or gas conveyor has demonstrated that it had taken all such steps as it was reasonable to take to make contact;
 - (c) where paragraph (3) applies, that the customer requested an appointment for visiting the customer's premises outside of the prescribed period from receipt of the complaint; and
 - (d) that the relevant gas supplier or gas conveyor reasonably considers that the complaint was frivolous or vexatious; and
 - (e) that the making of an additional payment of the prescribed sum in respect of the continuation of any one breach under paragraph (2)(a)(i) or (2)(a)(ii) or (2)(b) would cause the aggregate of the prescribed payments to the customer in respect of that breach under that paragraph to exceed £100.
- (5) For the purposes of paragraph (1) the relevant gas supplier or gas conveyor may advise the customer of a telephone number to use for the purpose of making a verbal complaint and the reasonable hours during which the telephone number will be available for receipt of complaints.

Charges and payments

12.—(1) This regulation applies where a customer informs the gas supplier—

- (a) that the customer requests a change in the methods by which he makes payment to the gas supplier in respect of the supply; or
- (b) of a query as to—
 - (i) the correctness of an account relating to the supply presented to the customer by the supplier; or
 - (ii) whether, in relation to the matter or matters described by the customer, any payment ought to be made to the customer and the matter is one to which these Regulations apply or ought to apply.

(2) Where this regulation applies the supplier shall, except in any circumstances described in paragraph (3), pay to the customer the prescribed sum if the supplier fails—

- (a) in the case of a request under paragraph (1)(a) and where the supplier does not expect to be able to approve the request, to dispatch a substantive reply to the customer within the prescribed period from the date of receipt of the information;
- (b) in the case of a query under paragraph (1)(b), to dispatch a substantive reply to the customer within the prescribed period from the date of receipt of the information; or
- (c) in the case of a query under sub-paragraph (1)(b)(i) in relation to which the supplier's reply states that the customer is entitled to a payment from the supplier to make payment by cash, cheque, bank transfer or postal order to the customer of the amount due within the prescribed period from the date of dispatch of the supplier's reply.

(3) The circumstances described in this paragraph are—

- (a) each of the circumstances described in regulation 15; and
- (b) in the case of a query under paragraph (1)(b)(ii) that the supplier has previously dispatched a notice under regulation 14(4).

Disputes

13. Where a dispute under any provisions of these Regulations is referred to the Authority for determination under section 2 of the Act, the dispute shall be determined in accordance with the practice and procedure set out in Schedule 2 to these Regulations.

Payments

14.—(1) Paragraph (4) applies where a gas supplier is obliged to make a payment to a customer under any of regulations 3, 5, 6, 11, or 12.

(2) Paragraph (5) applies where a gas conveyor is obliged to make a payment to a customer whose premises are directly connected to the pipe-line system of another gas conveyor under regulation 7.

(3) Paragraph (6) applies—

- (a) where a gas conveyor is obliged to make a payment to a customer whose premises are directly connected to its pipe-line system under any of regulations 3 to 11 (inclusive); or
- (b) where a gas supplier receives a payment from a gas conveyor for onward transmission to a customer whose premises are directly connected to that gas conveyor's pipe-line system; or
- (c) where a gas conveyor receives a payment from a gas conveyor for onward transmission to a customer whose premises are directly connected to its pipe-line system.

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

(5) Where this paragraph applies and the gas conveyor fails within the prescribed period from the applicable date to make payment to the customer, or to the other gas conveyor or to the other gas supplier for onward transmission to the customer of the sum to which he is entitled, the gas conveyor shall, except in any of the circumstances described in paragraph (7), pay the prescribed sum to the customer or to that other gas conveyor or other gas supplier for onward transmission to the customer.

(6) Where this paragraph applies and the relevant gas supplier or gas conveyor fails to make payment to the customer of the sum to which he is entitled—

- (a) within the prescribed period from the applicable date, where paragraph (3)(a) applies; or

(b) within the prescribed period from the applicable date, where paragraph (3)(b) applies; or
(c) within the prescribed period from the applicable date, where paragraph (3)(c) applies,
the gas supplier or gas conveyor shall, except in any of the circumstances described in paragraph (7), pay the customer the prescribed sum.

(7) The circumstances described in this paragraph are—

- (a) each of the circumstances described in regulation 15; and
- (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 of 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;
- (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 BACS transfer; or
 - (ii) an account credit for charges incurred or to be incurred in respect of the supply or the provision of any gas meter or the provision of any connection;
- (d) where a gas conveyor elects to make any payment directly to a customer, the payment by the gas conveyor to a person whom it reasonably believes to be the customer in respect of the premises in relation to which the entitlement arises shall be a complete discharge of the obligation of the relevant gas conveyor to dispatch the notice or make the payment to the actual customer of those premises; and
- (e) in relation to a customer whose premises are directly connected to the pipe-line system of another gas conveyor, a payment to that other gas conveyor for onward transmission to the customer shall be a complete discharge of the obligation of the gas conveyor to make the payment to the customer.

(9) where all or part of the prescribed sum is paid by a gas conveyor to a customer under these Regulations, such payment shall not prevent that gas conveyor from recovering payment (or part of that payment) from another gas conveyor where that other gas conveyor is wholly or partly responsible for the liability arising under these Regulations.

(10) In this regulation only—

“payment” means, in respect of regulations 7, 8 and 9 the aggregate of payments due to a customer under each of these regulations; and

“applicable date” means—

- (a) in relation to paragraph (5), the day upon which the gas conveyor receives notification from the other gas conveyor in accordance with regulation 7(3)(e); and
- (b) in relation to paragraph (6), in respect of regulation 10, the day upon which the gas conveyor receives a claim for compensation from the customer.

Exemptions

15.—(1) The circumstances described in this regulation are those set out in paragraphs (2) to (4) and (6) to (9).

(2) The customer informs the relevant operator before the contravention time that the customer does not wish the relevant operator to take any 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 customer has failed to provide that information or the information is provided to an address or by use of a telephone number other than the address or telephone number which 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 regulation 6(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 purpose 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 or contractors of the relevant operator;
- (c) the act or default of a person other than an officer, employee or agent of the relevant operator, or a person acting on behalf of an agent of the relevant operator;
- (d) the inability of the relevant operator to obtain any necessary access to any premises;
- (e) the existence of circumstances by reason of which the relevant operator could reasonably expect that if he took the action he would or would be likely to be in breach of an enactment;
- (f) the effects of an event for which emergency regulations have been made under Part 2 of the Civil Contingencies Act 2004⁽⁷⁾;
- (g) delays imposed by a requirement to obtain a permit for street works under the Road (Miscellaneous Provisions) Act (Northern Ireland) 2010⁽⁸⁾; or
- (h) other circumstances of an exceptional nature beyond the control of the relevant operator, and the relevant operator had 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 was frivolous or vexatious.

(8) The customer has—

- (i) committed an offence under section 10 of the Act; or
- (ii) failed to pay any charges due to the relevant operator 28 days after receiving a written demand for those charges,

and the action taken or not taken by the relevant operator was in exercise of his powers under those paragraphs.

⁽⁷⁾ 2004 c.36

⁽⁸⁾ 2010 c.14

(9) The relevant gas conveyor has disconnected or refused to connect the customer's premises in exercise of a power granted to it pursuant to its licence as held under Article 8(1)(a) of the Gas Order⁽⁹⁾.

(10) In this regulation "contravention time" means—

- (i) in relation to regulations 7 and 8, the expiry of the relevant period referred to in paragraph (2)(a) of each regulation and (where applicable) of each period referred to in paragraph (2)(b) of each regulation; and
- (ii) in relation to any other regulation, the time at which, if this regulation and any other exemption contained in that regulation did not apply, the relevant operator would become liable to pay the prescribed sum to the customer.

Timing of notification

16. For the purpose of regulation 3 where the requirements of paragraph (1) are satisfied after 4pm 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

17.—(1) In respect of the rights prescribed for the benefit of domestic customers under regulations 3, 5, 6, 11, 12, 13, 14, 15 and 16, a gas supplier shall prepare and from time to time revise a statement describing the rights prescribed for the benefit of domestic customers under these Regulations and the effect of section 1(2) of the Act in a form and having a content which a gas supplier 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 he makes it available to customers;
- (b) make available by appropriate means to each domestic customer of the gas supplier a copy of the statement (in the form current at the time it is provided);
- (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 gas supplier open to the public in the normal course of the gas supplier's business during the normal opening hours of the premises; and
- (d) make available by appropriate means 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 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15 and 16 a relevant gas conveyor shall prepare and from time to time revise a statement describing those rights and the effect of section 1(4) of the Act in a form and having a content which a gas conveyor could reasonably expect would be within the understanding of customers to whom 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 he sends it to the gas suppliers referred to in sub-paragraph (b);
- (b) at least once in any period of 12 months dispatch to each gas supplier which supplies gas to customers connected to the relevant gas conveyor's pipe-line system a copy of the statement (in the form current at the time it is provided) for the gas supplier to make available by appropriate means to the gas supplier's customers;

(9) S.I. 1996/275 (N.I.2)

- (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 relevant gas conveyor open to the public in the normal course of the relevant gas conveyor's business during the normal opening hours of the premises; and
- (d) make available by appropriate means a copy of the statement (in its current form) to any person who requests it.

(3) A gas supplier may satisfy his obligation under sub-paragraph (1)(b) or (1)(d) by making available by appropriate means the statement he has prepared to the class of customer to whom it relates.

(4) A gas supplier shall at least once in any period of 12 months make available by appropriate means to each customer of the gas supplier the information in any statement sent to him by a relevant gas conveyor pursuant to paragraph (2) in respect of the relevant gas conveyor to whose pipe-line system the customer's premises are connected.

Sealed with the Official Seal of the Northern Ireland Authority for Utility Regulation on

Chief Executive
Northern Ireland Authority for Utility Regulation

The Department of Enterprise, Trade and Investment hereby consents to the foregoing Regulations

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on

A senior officer of the
Department of Enterprise, Trade and Investment

SCHEDULE 1

PART 1

Prescribed periods and prescribed sums applicable to all gas suppliers and gas conveyors

<i>Regulation</i>	<i>Prescribed period</i>	<i>Prescribed sum domestic customer</i>	<i>Prescribed sum non- domestic customer</i>
3(2)	7 working days	£25	£25
3(4)(a)		£25	£25
3(4)(b)	15 working days	£25	£25
3(7)	1 working day	£25	£25
4(2)		£50	£50
5(3)	4 hours on any day	£25	
5(7)	4 hours on any day	£25	
6(2)		£25	
6(3)		£25	
7(2)(a)	24 hours	£50	£125
7(2)(b)	24 hours	£25	£25
8(2)(a)	5 working days	£50	£100
8(2)(b)	5 working days	£25	£25
9(3)(a)	10 working days	£50	£50
9(3)(b)(i)	28 days	£50	£50
9(3)(b)(ii)	28 days	£50	£50
10(2)	3 days	£25	£50
11(2)(a)(i)	10 working days	£25	£25
11(2)(a)(ii)	20 working days	£25	£25
11(2)(b)	10 working days	£25	£25
12(2)(a)	5 working days	£25	£25
12(2)(b)	5 working days	£25	£25
12(2)(c)	5 working days	£25	£25
14(4)	20 working days	£25	£25
14(5)	20 working days	£25	£25
14(6)(a)	20 working days	£25	£25
14(6)(b)	10 working days	£25	£25
14(6)(c)	10 working days	£25	£25

PART II

Working Hours

8.30am to 5.00pm on each working day and 9.00am to 5.00pm on any other day.

SCHEDULE 2

Standards of Performance – Practice and Procedures for Determinations

Determination of disputes

18.—(1) This schedule applies where a dispute to which regulation 13 applies has arisen under any provision of these Regulations between a relevant operator and a customer or between relevant operators.

(2) A dispute to which this Schedule applies—

(a) may be referred to the Authority by any party or, with the agreement of any party, by the Council; and

(b) on such reference, shall be determined by order made by the Authority.

(3) In making an order under this Schedule, the Authority shall include in the order the reasons for reaching its decision with respect to a dispute.

Timetable for the determination of individual disputes

19.—(1) The Authority shall determine a dispute to which this Schedule applies before the end of eighty working days from the date when the dispute was referred to the Authority.

(2) If the Authority is satisfied that there are good reasons for departing from the requirements of sub-paragraph (1), the period in which a dispute may be determined may be extended with the consent of the referring party or parties.

Procedure for the determination of individual disputes

20.—(1) Where an individual dispute is referred to the Authority, the Authority shall, at the outset, send to the parties a notice of procedure for the determination of individual disputes.

(2) The notice under sub-paragraph (1) shall—

(a) set out a timetable by which each part of the procedure for the determination of individual disputes under this Schedule is to take place;

(b) provide a list of any documentation or other evidence that the Authority has received in connection with the dispute and inform the parties that such documentation or other evidence may be disclosed to other parties to the dispute unless it is specifically classed as confidential by the party to whom it belongs before the date expressly stated in the notice;

(c) inform the parties of any specific information that the Authority is requesting as part of the written statement prepared in accordance with paragraph 7; and

(d) explain the matter in which the Authority intends to publish the determination decision.

(3) Upon receipt of a notice under sub-paragraph (1), the parties to the dispute shall provide the Authority with—

(a) the information specified in sub-paragraph (2)(c);

(b) any other information that they consider relevant to the dispute.

(4) If the Authority decides it is necessary to obtain third party advice in relation to technical issues or any other issues that may arise during the determination, it shall request it and inform the parties to the dispute of that request and indicate in writing how that request will affect the timetable outlined in the notice issued under sub-paragraph (1).

(5) At any time after receiving a written statement the Authority may, if it considers it appropriate to do so, request an oral hearing in accordance with paragraph 9.

(6) If the Authority is satisfied that it has sufficient information to determine a dispute, it shall prepare a draft determination statement containing the submissions of the parties and then send that statement to the parties for comment.

(7) When the Authority has received comments from the parties, and is satisfied that it has sufficient information to make a determination decision, it shall prepare and then issue to the parties a final determination statement.

(8) The parties shall, within one week of receiving a final determination statement, notify the Authority of any issue or information within that statement that should be excluded because such issue of information is of a confidential nature.

(9) The Authority shall, upon receipt of any notification under sub-paragraph (8), make the necessary adjustments to the final determination statement and then publish that statement on its website in accordance with sub-paragraph (2)(d).

Determination of multiple disputes

21.—(1) The Authority may, if it considers it appropriate to do so, consolidate into one or more categories (“consolidated group”) similar or related disputes for the purposes of determining those disputes.

(2) A determination made by the Authority for one or more consolidated groups shall apply, in respect of each consolidated group, to each individual dispute in that group.

Timetable for determination of multiple disputes

22.—(1) The Authority, when determining disputes falling within a consolidated group, shall determine those disputes before the end of six months from the date when they were consolidated into that group by the Authority under paragraph 4.

(2) If the Authority is satisfied that there are good reasons for departing from the requirements of sub-paragraph (1), the period in which disputes falling within a consolidated group may be determined may be extended by notice to the representatives of any such group nominated under paragraph 10.

Procedure for the determination of multiple disputes

23.—(1) Where the Authority considers it appropriate to consolidate disputes under paragraph 4, the Authority shall send to the parties a notice of procedure for the determination of those disputes.

(2) The notices under sub-paragraph (1) shall—

- (a) set out a timetable by which each part of the procedure for the determination of multiple disputes under this Schedule is to take place;
- (b) provide a list of any documentation or other evidence that the Authority has received in connection with the dispute and inform the parties that such documentation or other evidence may be disclosed to other parties to the dispute unless it is specifically classed as confidential by the party to whom it belongs before the date expressly stated in the notice;
- (c) inform the parties of any specific information that the Authority is requesting in accordance with paragraph 11; and
- (d) explain the manner in which the Authority intends to publish the determination decision.

(3) Upon receipt of a notice under sub-paragraph (1), the parties to the dispute shall provide the Authority with—

- (a) the information specified in sub-paragraph (2)(c); and
 - (b) any other information that they consider relevant to the dispute.
- (4) Upon receipt of the information provided in accordance with sub-paragraph (3), the Authority may, if it considers it fitting to do so, prepare a list of consolidated groups and then consult as to whether those consolidated groups are appropriate.
- (5) When consulting under sub-paragraph (4), the Authority shall—
- (a) publish and explain its proposals in a manner which it believes will bring them to the attention of persons most likely to be affected; and
 - (b) invite those persons to comment to the Authority within a period from the publication of the proposals that is specified therein.
- (6) Upon receipt of responses to the consultation under sub-paragraph (5), the Authority shall have regard to those responses before finalising the consolidated groups.
- (7) When the Authority has decided on the consolidated groups for the purpose of determining multiple disputes, it shall appoint customer representatives as required by paragraph 10.
- (8) Following the appointment of the customer representatives for the consolidated groups, those customer representatives and the relevant operators shall prepare a written statement.
- (9) Upon receipt of the written statements, the Authority may decide that it is necessary to obtain third party advice in relation to technical issues or any other issues that may arise during the determination. If third party advice is requested, then the Authority shall inform the customer representatives and the relevant operators of that request and indicate in writing how that request will affect the timetable outlined in the notice issued under sub-paragraph (1).
- (10) At any time after receiving the written statement the Authority may request an oral hearing in accordance with paragraph 9.
- (11) If the Authority is satisfied that it has the necessary information, it shall prepare a draft determination statement containing the submissions of the customer representatives and the relevant operators and then send that statement to the customer representatives and the relevant operators for comment.
- (12) When the Authority has received comments from the customer representatives and the relevant operators, and is satisfied that it has sufficient information to make the determination decision, it shall issue a final determination statement for a consolidated group or each consolidated group where there is more than one.
- (13) The customer representatives and the relevant operators shall within one week of receiving a final determination statement notify the Authority of any issue or information within that statement that should be excluded because such issue or information is of a confidential nature.
- (14) The Authority shall, upon receipt of any notification under sub-paragraph (13), make the necessary adjustments to the final determination statement and then publish that statement on its website in accordance with sub-paragraph (2)(d).

Written statements

24.—(1) The Authority may, by notice, ask any party to a dispute to produce a written statement with respect to a matter specified in the notice.

(2) The power to ask for the production of a written statement includes power to specify the time and place at which it is to be produced.

(3) A person shall not be compelled under this paragraph to produce a written statement with respect to any matter about which he could not be compelled to give evidence in civil proceedings in the High Court of Justice of Northern Ireland.

(4) The Authority may make copies of a document produced to it under this paragraph.

Production of documents and other evidence

25.—(1) The Authority may, by notice, ask a party to a dispute to produce such documentation (including other evidence), in such form and at such time as it directs, as the Authority may reasonably require to enable it to make the determination decision.

(2) The power to ask for the production of a document is a power to ask for its production—

- (a) at the time and place specified in the notice; and
- (b) in a legible form.

(3) A person shall not be compelled under this paragraph to produce a document that he could not be compelled to produce in civil proceedings in the High Court of Justice of Northern Ireland.

(4) The Authority may make copies of a document produced to it under this paragraph.

Oral hearings

26.—(1) For the purposes of this Schedule, an oral hearing may be held, and evidence may be heard at such a hearing from any party to a dispute.

(2) The Authority may, by notice, request any party to a dispute—

- (a) to attend at a time and place specified in the notice; and
- (b) at that time and place, to give evidence to any person appointed by the Authority to conduct the oral hearing.

(3) At any oral hearing, the Authority may request the customer or a person attending the hearing as a representative of the relevant operator to give evidence or make representations or observations.

(4) If any party fails to attend a hearing to be subjected to a requirement under sub-paragraph (3), the Authority may determine the dispute without hearing his evidence, representations, or observations.

(5) A person shall not be compelled under this paragraph to give evidence which he could not be compelled to give in civil proceedings in the High Court of Justice of Northern Ireland.

Customer representatives for multiple disputes

27.—(1) Where disputes are consolidated into categories under paragraph 4, the Authority shall nominate one or more customers to be representatives of each consolidated group.

(2) A customer nominated to be a representative of a consolidated group under this paragraph shall only become a representative if he consents to do so.

Collection of information in multiple disputes

28.—(1) The Authority may by notice ask any customer who is a party to a dispute falling within a consolidated group to produce such information with respect to a matter specified in the notice as the Authority may reasonably require to enable it to make the determination decision.

(2) The power to require the production of information under this paragraph includes the power to specify the time and place at which it is to be produced.

(3) A person shall not be compelled under this paragraph to produce information with respect to any matter about which he could not be compelled to give evidence in civil proceedings in the High Court of Justice of Northern Ireland.

Payments to customers

29. An order determining a dispute shall not (where there is more than one customer at the premises) determine who is beneficially entitled to any payment required to be made by the order.

Set-off

30. Where a dispute is determined by an order requiring a relevant operator to make a payment to the customer and the relevant operator fails to make that payment, the customer may set off the amount so ordered to be paid against any charges that are owed by the customer to the relevant operator.

Costs

31.—(1) An order determining a dispute may include a provision requiring the relevant operator or the customer to pay a sum in respect of the costs or expenses incurred by the Authority.

(2) In including in an order under sub-paragraph (1) any such provision as to costs, the Authority shall have regard to the conduct and means of the parties and any other relevant circumstances.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the sum which a gas conveyor and gas supplier must pay to a customer by way of compensation for failure to meet specified standards of performance in respect of services to be provided by such a gas conveyor and gas supplier. The sum payable differs between domestic and non-domestic customers and between standards.

The Regulations come into operation on 1st April 2014.

Regulation 1 provides for the citation, and commencement of the Regulations, while regulation 2 provides for general interpretation.

Regulations 3 to 12 provide for minimum standards applicable to gas conveyors or gas suppliers with regard to meter disputes, meter mix-ups, pre-payment meters, appointments, supply restoration, reinstatement of customer's premises, connections, notice of planned interruption, responding to complaints and charges and payments.

Regulation 13 sets out the arrangements for disputes under these Regulations and regulation 14 sets out the arrangements for payment under these Regulations, including arrangements for additional payment to the affected customer when a gas conveyor or supplier fails to make payment to a customer for the sum to which he is entitled.

Regulation 15 sets out the exemptions which are applicable to the standards (in addition to any specific exemption contained within the relevant regulation).

Regulation 16 sets out the requirements for regulation 3 for when a gas conveyor is informed after 4pm on a working day or at any time on any other day and regulation 17 sets out how customers are to be informed of their rights under these Regulations.

Schedule 1 sets out the prescribed periods and prescribed sums applicable to all gas conveyors and gas suppliers, along with a definition of working hours, while Schedule 2 sets out the practice and procedure for determination of disputes.

Appendix 2 Equality Screening Form

EQUALITY SCREENING FORM

Part 1. Policy scoping

The first stage of the screening process involves scoping the policy under consideration. The purpose of policy scoping is to help prepare the background and context and set out the aims and objectives for the policy, being screened. At this stage, scoping the policy will help identify potential constraints as well as opportunities and will help the policy maker work through the screening process on a step by step basis.

Public authorities should remember that the Section 75 statutory duties apply to internal policies (relating to people who work for the authority), as well as external policies (relating to those who are, or could be, served by the authority).

Information about the policy

Name of the policy

Gas (Individual Standards of Performance) Regulations (Northern Ireland)

Is this an existing, revised or a new policy?

New policy

What is it trying to achieve? (intended aims/outcomes)

It is proposed to introduce standards of performance in the Northern Ireland Gas Industry.

These will take the form of regulations set by the Northern Ireland Authority for Utility Regulation (the Authority), with the consent of the Department of Enterprise Trade and Investment (DETI), whereby individual customers get small, standard compensatory amounts when a gas company fails to deliver on prescribed levels of service. These standards will reflect similar provisions in the Electricity (Standards of Performance) Regulations (Northern Ireland) 1993 and the Gas (Standards of Performance) Regulations 2005 in Great Britain. Eleven standards of service have been proposed relating to gas suppliers and gas distributors.

Are there any Section 75 categories which might be expected to benefit from the intended policy?

If so, explain how.

It is expected that all gas consumers regardless of Section 75 category will benefit from this policy in that it will offer protection to the consumer in terms of service level from their supply or distribution company.

Who initiated or wrote the policy?

The Northern Ireland Authority for Utility Regulation

Who owns and who implements the policy?

The Northern Ireland Authority for Utility Regulation

Implementation factors

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?

No

If yes, are they

☐

financial

☐

legislative

☐

other, please specify _____

Main stakeholders affected

Who are the internal and external stakeholders (actual or potential) that the policy will impact upon?

☐

staff

x service users

☐ other public sector organisations

☐ voluntary/community/trade unions

x other, please specify

Distributors and suppliers of gas in Northern Ireland

Other policies with a bearing on this policy

- what are they?

The Energy Act (Northern Ireland) 2011 provides for the Authority, with the consent of DETI, to make regulations prescribing individual standards of performance which gas companies in Northern Ireland are expected to meet.

- who owns them?

Department of Enterprise Trade and Investment (DETI)

Available evidence

Evidence to help inform the screening process may take many forms. Public authorities should ensure that their screening decision is informed by relevant data.

What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

The Authority commissioned a report published in May 2010 on 'Customer Views on the Guaranteed Standards Scheme' which analysed electricity, gas and water customers' views on standards of service in relation to utility services. The fieldwork for this study covered both domestic, and industrial and commercial consumers. In terms of domestic utility consumers, the qualitative phase comprised nine group discussions with a range of consumer types across Northern Ireland including older people, young families and people with disabilities, while the qualitative phase involved a face-to-face household survey of 1,503 domestic customers.

Drawing on the views expressed by customers, in July 2011, the Authority issued a consultation paper setting out 'Guaranteed Standards in Gas – Consultation Proposals' and subsequently published the document, 'Guaranteed Service Standards – Final Proposals' in April 2012. The purpose of these documents was to outline the proposed standards and the mechanisms used to introduce the standards. We received responses to the consultation from three parties. These responses have influenced the development of the standards and helped us to further understand their impact on consumers.

For example, on the issue of the payment mechanism, one respondent stated that requiring customers to make a claim would present an unreasonable barrier for a majority of gas customers. As a result, the Authority determined that most payments should be automatic.

In addition, the Authority carried out a public consultation on the draft equality screening form, along with the proposed Regulations and a draft Regulatory Impact Assessment, to ensure that those involved in the Northern Ireland gas industry, consumer groups and the general public had an opportunity to respond to the proposed regulations. Respondents did not raise any specific equality-related issues.

Section 75 category	Details of evidence/information
Religious belief	<i>The proposed Regulations on individual standards of performance are designed to impact positively on all gas customers.</i>
Political opinion	<i>see above</i>
Racial group	<i>see above</i>
Age	<i>see above</i>
Marital status	<i>see above</i>
Sexual orientation	<i>see above</i>
Men and women generally	<i>see above</i>
Disability	<i>see above</i>
Dependants	<i>see above</i>

Needs, experiences and priorities

Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision? Specify details for each of the Section 75 categories:

Section 75 category	Details of needs/experiences/priorities
Religious belief	<i>It is not considered that individuals in any of the Section 75 categories would have significantly different needs in relation to the Gas (Individual Standards of Performance) Regulations but care will need to be taken in implementing the Regulations to ensure that all gas customers are properly informed of their rights in relation to the new standards.</i>
Political opinion	<i>As above</i>
Racial group	<i>As above</i>
Age	<i>As above</i>
Marital status	<i>As above</i>
Sexual orientation	<i>As above</i>
Men and women generally	<i>As above</i>
Disability	<i>As above</i>
Dependants	<i>As above</i>

Part 2. Screening questions

Introduction

In making a decision as to whether or not there is a need to carry out an equality impact assessment, the public authority should consider its answers to the questions 1-4 which are given on pages 66-68 of this Guide.

If the public authority's conclusion is **none** in respect of all of the Section 75 equality of opportunity and/or good relations categories, then the public authority may decide to screen the policy out. If a policy is 'screened out' as having no relevance to equality of opportunity or good relations, a public authority should give details of the reasons for the decision taken.

If the public authority's conclusion is **major** in respect of one or more of the Section 75 equality of opportunity and/or good relations categories, then consideration should be given to subjecting the policy to the equality impact assessment procedure.

If the public authority's conclusion is **minor** in respect of one or more of the Section 75 equality categories and/or good relations categories, then consideration should still be given to proceeding with an equality impact assessment, or to:

- measures to mitigate the adverse impact; or
- the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

In favour of a 'major' impact

- a) The policy is significant in terms of its strategic importance;
- b) Potential equality impacts are unknown, because, for example, there is insufficient data upon which to make an assessment or because they are complex, and it would be appropriate to conduct an equality impact assessment in order to better assess them;
- c) Potential equality and/or good relations impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged;
- d) Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there are concerns amongst affected individuals and representative groups, for example in respect of multiple identities;
- e) The policy is likely to be challenged by way of judicial review;
- f) The policy is significant in terms of expenditure.

In favour of 'minor' impact

- a) The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
- b) The policy, or certain proposals within it, are potentially unlawfully discriminatory, but this possibility can readily and easily be eliminated by making appropriate changes to the policy or by adopting appropriate mitigating measures;
- c) Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people;
- d) By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

In favour of none

- a) The policy has no relevance to equality of opportunity or good relations.
- b) The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.

Taking into account the evidence presented above, consider and comment on the likely impact on equality of opportunity and good relations for those affected by this policy, in any way, for each of the equality and good relations categories, by applying the screening questions given overleaf and indicate the level of impact on the group i.e. minor, major or none.

Screening questions

1 What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? minor/major/none		
Section 75 category	Details of policy impact	Level of impact? minor/major/none
Religious belief	<i>The proposed Regulations on individual standards of performance should impact positively on all gas customers and improve levels of consumer protection in the gas sector.</i>	<i>No differential impact</i>

Political opinion	<i>As above</i>	<i>No differential impact</i>
Racial group	<i>As above</i>	<i>No differential impact</i>
Age	<i>As above</i>	<i>No differential impact</i>
Marital status	<i>As above</i>	<i>No differential impact</i>
Sexual orientation	<i>As above</i>	<i>No differential impact</i>
Men and women generally	<i>As above</i>	<i>No differential impact</i>
Disability	<i>As above</i>	<i>No differential impact</i>
Dependants	<i>As above</i>	<i>No differential</i>

2 Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?		
Section 75 category	If Yes, provide details	If No, provide reasons
Religious belief		<i>The Regulations are designed to help all gas customers and do not</i>

		<i>offer any opportunity to promote better equality of opportunity.</i>
Political opinion		<i>As above.</i>
Racial group		<i>As above.</i>
Age		<i>As above.</i>
Marital status		<i>As above.</i>
Sexual orientation		<i>As above.</i>
Men and women generally		<i>As above.</i>
Disability		<i>As above.</i>
Dependants		<i>As above.</i>

3 To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group? minor/major/none		
Good relations category	Details of policy impact	Level of impact minor/major/none
Religious belief	<i>No Impact</i>	<i>None</i>

Political opinion	<i>No Impact</i>	<i>None</i>
Racial group	<i>No Impact</i>	<i>None</i>

4 Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?		
Good relations category	If Yes, provide details	If No, provide reasons
Religious belief		<i>The Regulations are designed to help all gas customers and do not offer any opportunity to promote good relations between people of different religious belief.</i>
Political opinion		<i>The Regulations are designed to help all gas customers and do not offer any opportunity to promote good relations between people of different political opinion.</i>
Racial group		<i>The Regulations are designed to help all gas customers and do not offer any opportunity to promote good relations between people of different racial groups.</i>

Additional considerations

Multiple identity

Generally speaking, people can fall into more than one Section 75 category. Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities?

(For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people).

It is not considered that the proposed Gas (Individual Standards of Performance) Regulations should have a differential impact upon people with multiple identities.

Provide details of data on the impact of the policy on people with multiple identities. Specify relevant Section 75 categories concerned.

Part 3. Screening decision

If the decision is not to conduct an equality impact assessment, please provide details of the reasons.

The Regulations are designed to have a positive impact on all gas customers by establishing standards of performance for gas suppliers and gas distributors in Northern Ireland. Individual customers will get small, standard compensatory amounts where a company fails to deliver on prescribed levels of service. It is not anticipated that the Regulations will have a differential impact on any of Section 75 categories and a full Equality Impact Assessment is not deemed necessary.

It is the responsibility of the distribution and supply companies to publicise this scheme as they have a direct relationship with consumers. Gas suppliers and distribution companies must give consumers a notice of their rights under the standards scheme. It is also a requirement for the companies to copy the Authority and the Consumer Council into any such information.

Companies are not required to dispatch this information every 12 months. The Authority instead expects the companies to inform customers by relevant means. It will be a requirement for the company to dispatch a copy of the statement describing their rights to any person who requests it and for inspection at the relevant office in any form appropriate to the person.

If the decision is not to conduct an equality impact assessment the public authority should consider if the policy should be mitigated or an alternative policy be introduced.

As no adverse impacts have been identified, mitigatory or alternative action is not considered necessary.

If the decision is to subject the policy to an equality impact assessment, please provide details of the reasons.

n/a

If public authorities' equality schemes must state the authority's arrangements for assessing and consulting on the likely impact of policies adopted or proposed to be adopted by the authority on the promotion of equality of opportunity. The Commission recommends screening and equality impact assessment as the tools to be utilised for such assessments. Further advice on equality impact assessment may be found in a separate Commission publication: Practical Guidance on Equality Impact Assessment.

Mitigation

When the public authority concludes that the likely impact is 'minor' and an equality impact assessment is not to be conducted, the public authority may consider mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

If so, give the **reasons** to support your decision, together with the proposed changes/amendments or alternative policy.

n/a

Timetabling and prioritising

Factors to be considered in timetabling and prioritising policies for equality impact assessment.

If the policy has been '**screened in**' for equality impact assessment, then please answer the following questions to determine its priority for timetabling the equality impact assessment.

On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Priority criterion	Rating (1-3)
Effect on equality of opportunity and good relations	<i>n/a</i>
Social need	<i>n/a</i>
Effect on people's daily lives	<i>n/a</i>

Relevance to a public authority's functions	<i>n/a</i>

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the public authority in timetabling. Details of the Public Authority's Equality Impact Assessment Timetable should be included in the quarterly Screening Report.

Is the policy affected by timetables established by other relevant public authorities?

No

If yes, please provide details

n/a

Part 4. Monitoring

Public authorities should consider the guidance contained in the Commission's Monitoring Guidance for Use by Public Authorities (July 2007).

The Commission recommends that where the policy has been amended or an alternative policy introduced, the public authority should monitor more broadly than for adverse impact (See Benefits, P.9-10, paras 2.13 – 2.20 of the Monitoring Guidance).

Effective monitoring will help the public authority identify any future adverse impact arising from

the policy which may lead the public authority to conduct an equality impact assessment, as well as help with future planning and policy development.

Part 5. Disability Duties

Under the Disability Discrimination Act 1995 (as amended by the Disability Discrimination (Northern Ireland) Order 2006), public authorities, when exercising their functions, are required to have due regard to the need:

- to promote positive attitudes towards disabled people; and
- to encourage participation by disabled people in public life.

Does this policy/legislation have any potential to contribute towards promoting positive attitudes towards disabled people or towards encouraging participation by disabled people in public life? If yes, please give brief details.

No.

Part 6 - Approval and authorisation

Screened by:	Position/Job Title	Date
Approved by:		
Brian McHugh	Director of Gas	3 March 2014

Note: A copy of the Screening Template, for each policy screened should be 'signed off' and approved by a senior manager responsible for the policy, made easily accessible on the public authority's website as soon as possible following completion and made available on request.

Appendix 3 Regulatory Impact Assessment

REGULATORY IMPACT ASSESSMENT

GAS (INDIVIDUAL STANDARDS OF PERFORMANCE) REGULATIONS (NORTHERN IRELAND) 2014

1. Title of Proposal

Gas (Individual Standards of Performance) Regulations (Northern Ireland)

2. Purpose and Intended Effect of Measure

Objective

- 2.1** The Northern Ireland Authority for Utility Regulation (the Authority) proposes to implement Guaranteed Standards of Service in the Northern Ireland Gas Industry.

Background

- 2.2** The Energy Act (Northern Ireland) 2011 provides for the Authority to (i) make regulations prescribing individual standards of performance, and (ii) to determine overall standards of performance which gas companies in Northern Ireland are expected to meet for their customers.

2.3 It is proposed to introduce two levels of service regimes in the Northern Ireland Gas Industry.

- Standards of performance in individual cases – these are regulations made by the Authority with the consent of the Department of Enterprise Trade and Investment (DETI) whereby individual customers get small, standard compensatory amounts when a company fails to deliver on prescribed levels of service. These standards will reflect similar provisions in the Electricity (Standards of Performance) Regulations (Northern Ireland) 1993 and the Gas (Standards of Performance) Regulations 2005 in Great Britain.
- Overall standards of performance – these are general targets set by the Authority within company licences for the company to achieve on certain service standards. These are monitored by the licensee and then reported upon on an annual basis.

2.4 The Authority has proposed eleven individual standards of performance relating to service provided from both Distribution and Supply companies. In addition there are eleven overall standards of service and targets.

Risk Assessment

2.5 The implementation of guaranteed standards will reduce the risk to gas customers of poor performance from their supply or distribution company.

2.6 The standards also provide for a guaranteed base level of service across the board for all customers. With regards to distribution service performance, we view this as especially important due to the fact that customers cannot switch their gas conveyer.

2.7 The regulations do impose some additional requirements on the gas companies which will require changes to policies and procedures and some cost may be incurred by the company. The Authority has determined that costs relating to Guaranteed Services will not be funded under the price control regime.

3. Options

Option 1 – Do Nothing

- 3.1 This is not a preferred option. Guaranteed standards already exist in the local electricity market (Electricity (Standards of Performance) Regulations (Northern Ireland) 1999) and in the gas market in Great Britain (Gas (Standards of Performance) Regulations 2005). Implementing them in the Northern Ireland gas market will ensure that gas customers in Northern Ireland benefit from equivalent protection.

Option 2 – Implement current GB standards

- 3.2 This is not a preferred option. There are significant differences in the operation of the gas market in Great Britain and Northern Ireland. A number of the GB standards are not applicable in NI without amendments to reflect the operation of the NI gas market.

Option 3 – Implement standards tailored to Northern Ireland gas market

- 3.3 This is the preferred option. The Authority has considered the GB standards and adapted them to reflect the operation of the gas market in Northern Ireland. In addition, the standards reflect those in the NI electricity industry to ensure equivalent consumer protection across the industries. Finally, additions to the standards have been made to reflect those issues affecting gas customers which are unique to Northern Ireland gas industry.

4. Benefits

Overall Benefits

- 4.1 The proposed individual standards of performance offer customers protection from poor performance in eleven specific areas of service provided by either their gas supply or gas distribution company. The overall standards of performance provide a level of protection in a further nine areas. Together, these standards provide customers in Northern Ireland with a level of protection equivalent to that in the GB gas market and the Northern Ireland electricity market.

Business Sectors Affected

- 4.2 The business sector affected by the proposed standards is (i) gas suppliers and gas distributors in NI, and (ii) companies in the small and medium sized sector who use gas, i.e. those customers using less than 25,000 therms per annum.

Other Impact Assessments

- 4.3 An Equality Screening Form has also been completed in relation to the proposed Regulations.

5. Costs

Compliance costs

- 5.1 The Regulations will impose some additional costs on gas supply and distribution companies due to changes to policies or procedures necessary in order to meet these standards. The gas companies will also have to fund the small, compensatory payments to both SME and domestic customers when individual standards of performance of

performance are not met. The Authority has determined that these costs must be borne by the gas company and will not be funded by the customer through the price control regime.

Other costs

- 5.2 As above.

Costs for a typical business

- 5.3 As above.

6. Consultation With Small Business: the Small Business Impact Test

- 6.1 No significant impact on small businesses is expected but small and medium size companies stand to benefit from the small compensatory payments to be made by gas companies when individual standards of performance are not met. These payments range from £25 to £125 depending on the standard which is breached.

7. Enforcement and Sanctions

- 7.1 The proposal would be implemented through statutory rules.

8. Consultation

Within Government

- 8.1 The Authority has worked with DETI on developing the draft Regulations and on assessing their impact.

9. Public Consultation

- 9.2 There have been three previous publications on the Guaranteed Standards. These publications are available on the Authority's website and were made available to all interested parties. We received three responses to the July 2011 consultation from one distribution company, one supply company and one consumer body. These responses were taken into consideration and amendments made to the proposals where necessary. In line with best practice guidelines, the Authority also consulted widely on the draft Regulations which were drawn up in the wake of these previous consultations.

8 Summary and Recommendation

- 8.1 It is proposed that Regulations should be enacted which would introduce individual standards of performance for the Northern Ireland gas industry to meet in providing services to their customers.

Utility Regulator Sign-off

"I have read the Regulatory Impact Assessment and I am satisfied that the benefits justify the costs."

Signed: Brian McHugh

Date: 3 March 2014

BRIAN McHUGH

Director of Gas