

1993 No. 448

ELECTRICITY

**Electricity (Standards of Performance) Regulations
(Northern Ireland) 1993**

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*Made**11th November 1993**Coming into operation**1st January 1994*

The Director General of Electricity Supply for Northern Ireland in exercise of the powers conferred on him by Articles 42 and 64 of the Electricity (Northern Ireland) Order 1992¹ and of every other power enabling him in that behalf, after consultation with Northern Ireland Electricity plc and persons and bodies appearing to him to be representative of persons likely to be affected by the exercise of the powers, after considering the results of research to discover the views of a representative sample of persons likely to be affected and with the consent of the Department of Economic Development in accordance with Article 2(2) of that Order, hereby makes the following Regulations:

Notes

- ¹ S.I. 1992/231 (N.I. 1); Article 42 was amended by Articles 3(1) and 9(1) of and paragraph 4 of Schedule 1 to the Competition and Service (Electricity) (Northern Ireland) Order 1992, S.I. 1992/1720 (N.I. 13)

Extent

Preamble: Northern Ireland

 Law In Force**1. Citation and commencement**

These Regulations may be cited as the Electricity (Standards of Performance) Regulations (Northern Ireland) 1993 and shall come into operation on 1st January 1994.

Commencement

reg. 1: January 1, 1994

Extent

reg. 1: Northern Ireland

☑ Law In Force

2.— Interpretation

(1) In these Regulations—

“appropriate meter” means a meter of a pattern or construction which, having regard to the terms on which a particular supply is to be charged for, is particularly suitable for use with that supply;

“commencement 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;

“customer” means a person who is the owner or occupier of premises who requires a supplier to provide a supply and who is or expects to be charged for the supply in accordance with a tariff fixed under Article 21 of the Order (other than a tariff in relation to an unmetered supply);

“domestic customer” means a customer supplied or to be supplied at premises used or to be used by him wholly or mainly for domestic purposes;

[...] ¹

[“margins of error” means the prescribed margins of error or the agreed margins of error as defined in paragraph 1 of Schedule 7 to the Order;] ²

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

“the Order” means the Electricity (Northern Ireland) Order 1992;

“pay” includes crediting the account of the customer for charges incurred or to be incurred in respect of the supply or in respect of the provision of any electricity meter, electric line or electrical plant;

[“prescribed period” means, in a paragraph or sub-paragraph of a regulation, the period in column 2 of Part I of the Schedule opposite the reference to that paragraph or sub-paragraph of the regulation in column 1 of Part I of the Schedule;

“prescribed sum” means, in a paragraph or sub-paragraph of a regulation, where the customer is a domestic customer, the amount in column 3 of Part I of the Schedule, or where the customer is a non-domestic customer, the amount in column 4 of Part I of the Schedule in either case opposite the reference to that paragraph or sub-paragraph of the regulation in column 1 of Part I of the Schedule;] ³

“specified time” means—

(a) unless sub-paragraph (b) applies, a part (specified by the supplier) of a day (also specified by the supplier) within the prescribed period from the commencement date, being either the part between 8.30 a.m. and 1.00p.m. or 12noon and 5.00p.m. on that day; or

(b) such part of a day (whether or not within that period) as is requested by the customer and agreed with the supplier, such agreement not to be unreasonably withheld, provided

(i) that 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) that the supplier shall not be obliged to agree part of a day which is not the part of the day between 8.30 a.m. and 1.00 p.m. or between 12 noon and 5.00 p.m.;

“supplier” means a public electricity supplier;

“supplier's fuse” means the fusible cut-out or automatic switching device of the supplier for disconnecting the supply to the customer's premises situated nearest to the supplier's side of the appropriate meter for the customer's premises; and

“supply” means supply of electricity through electric lines.

(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 supplier 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;]⁴

(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 of which he is a customer to which the regulation applies;

(c) any reference to the dispatch by a supplier 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 supplier provides the explanation or reply orally to the customer within that period; and

(d) any reference to a customer shall (except in relation to the entitlement to any payment due from a supplier under these Regulations) include—

(i) any person having apparent authority to represent the customer; and

(ii) where the customer is the owner of the premises supplied, any person occupying those premises.

Notes

¹ Definition repealed by Electricity (Standards of Performance) (Amendment No. 2) Regulations (Northern Ireland) 1999/331 reg.3(a) (July 19, 1999)

² Definition inserted by Electricity (Standards of Performance) (Amendment No. 3) Regulations (Northern Ireland) 1999/366 reg.3(a) (October 1, 1999)

³ Definitions substituted by Electricity (Standards of Performance) (Amendment No. 3) Regulations (Northern Ireland) 1999/366 reg.3(b) (October 1, 1999)

⁴ Substituted by Electricity (Standards of Performance) (Amendment No. 3) Regulations (Northern Ireland) 1999/366 reg.3(c) (October 1, 1999)

Commencement

reg. 2(1)-(2)(d)(ii): January 1, 1994

Extent

reg. 2(1)-(2)(d)(ii): Northern Ireland

Law In Force

3.— Supplier's fuse

(1) This regulation applies where a supplier is informed (other than by post) by a customer during working hours that, or of circumstances suggesting that, the supplier's fuse has operated so as to disconnect the supply to the customer's premises.

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

(3) Where, within the prescribed period from the commencement date, an appropriate person fails to attend at the premises where the supplier's fuse is situated for the purpose of replacing or reinstating the supplier's fuse and restoring the supply, the supplier 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 14;
- (b) that the customer did not request the supplier to restore the supply; and
- (c) that the supplier's fuse had not operated so as to disconnect the supply.

(5) In this regulation—

“appropriate person” means a person employed or authorised by a supplier to restore the supply where the supplier's fuse has operated; and

[“working hours” means the period between hours specified in Part II of the Schedule.]¹

Notes

¹ Definition substituted by Electricity (Standards of Performance) (Amendment No. 3) Regulations (Northern Ireland) 1999/366 reg.4 (October 1, 1999)

Commencement

reg. 3(1)-(5) definition of "working hours": January 1, 1994

Extent

reg. 3(1)-(5) definition of "working hours": Northern Ireland

Law In Force

4.— Supply restoration

(1) This regulation applies where the supply to a customer's premises is discontinued as a result of a failure of, fault in or damage to the supplier's distribution system, except where regulation 3 applies.

(2) Where this regulation applies, the supplier shall, except in any of the circumstances described in paragraph (3), pay to the customer, where—

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

- (3) The circumstances described in this paragraph are—
- (a) each of the circumstances described in regulation 14;
 - (b) that it was not reasonable in all the circumstances for the supplier to be aware either that the supply to the customer's premises had been discontinued or that the supply had not been restored;
 - (c) that the premises are situated on Rathlin Island and special transportation arrangements are required to bring plant or equipment onto the Island to restore supply; and
 - (d) that the supplier has not received a claim for compensation from the customer in respect of the circumstance referred to in paragraph (1) within a period of one month from the date upon which the supply was restored to the customer's premises.

- (4) In this regulation—

“distribution system” means all electric lines operating at 33 kilo volts or below, except those 33 kilovolt lines connecting Belfast West Power Station and Coolkeeragh Power Station to substations operating at higher voltages and includes any electrical plant and meters owned or operated by the supplier in connection with the distribution of electricity; and

“relevant period” means the prescribed period commencing at the time—

- (i) the supplier is informed by a customer that the supply to the customer's premises has been discontinued; or
- (ii) the supplier is informed by a person other than the customer or is otherwise made aware by the operation of any automatic system operated by the supplier of circumstances in which paragraph (1) applies or may reasonably be expected to apply to premises including the customer's premises;

provided that, where the premises to which the supply was discontinued are situated on Rathlin Island, the relevant period means the prescribed period commencing at the departure time of the next appropriate sea crossing from Ballycastle which takes place after the occurrence mentioned in sub-paragraph (i) or (ii).

Commencement

reg. 4(1)-(4) definition of "relevant period" (ii): January 1, 1994

Extent

reg. 4(1)-(4) definition of "relevant period" (ii): Northern Ireland

Law In Force

5.— Providing a supply

- (1) This regulation applies where—

- (a) a customer has given a notice either under Article 19(2) of the Order in respect of premises at which that person was not previously a tariff customer or requesting the installation of an appropriate meter at premises from which the meter has been removed at a customer's request;
- (b) it is necessary for the supplier to visit the customer's premises to install an appropriate meter and to energise the supply at the supplier's fuse to enable a supply to be provided to the customer's premises;

- (c) the supplier is not required to install any electric line other than a line to connect the meter and the supplier's fuse where the distance between the connection points of the meter and the electrical plant containing the supplier's fuse does not or will not exceed one metre;
 - (d) the supplier has received from the customer—
 - (i) all the information in relation to the supply requested by the notice which the supplier might reasonably require; and
 - (ii) the amounts (if any) specified by him in any notice given by him under Article 19(3) of the Order as being required prior to the supply being provided; and
 - (e) the customer has communicated orally with the supplier in connection with the ascertainment of the specified time.
- (2) Where this regulation applies and the supplier, in respect of a notice given—
- (a) by a domestic customer, fails within the prescribed period from the commencement date to make an appointment to visit during a specified time, the supplier shall, except in any of the circumstances described in paragraph (4), pay to the customer the prescribed sum;
 - (b) by a non-domestic customer to whose premises the supply will be given through and the quantity of electricity ascertained by a whole current meter, fails within the prescribed period from the commencement date to make an appointment to visit during a specified time, the supplier shall, except in any of the circumstances described in paragraph (4), pay to the customer the prescribed sum; or
 - (c) by any other non-domestic customer, fails to make an appointment to visit during a part of a day as requested by the customer, the supplier shall, except in any of the circumstances described in paragraph (4), pay to the customer the prescribed sum.
- (3) If the supplier fails to visit during the specified time or, where paragraph (2)(c)s applies, during the part of the day as requested in accordance with that paragraph, he 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 14 provided that, in relation to paragraph (6) of that regulation, the supplier gave the customer not less than one working day's prior warning (whether or not in writing) that he would be unable to make the visit or the circumstances referred to in that paragraph occurred at a time when it was not reasonably practicable to give such a warning;
 - (b) in relation to paragraph (2)(c), that the customer requested the visit during a part of the day which is not the part of the day between 8.30 a.m. and 1.00 p.m. or 12 noon and 5.00 p.m. or that it was reasonable that the supplier was unable to agree to make the visit as requested by the customer; and
 - (c) that the supplier reasonably believed that the maximum period for which the supply is required by the customer does not exceed three months.

Commencement

reg. 5(1)-(4)(c): January 1, 1994

Extent

reg. 5(1)-(4)(c): Northern Ireland

✔ Law In Force

6.— Estimate of charges

(1) This regulation applies where—

(a) a customer gives a notice—

(i) under Article 19(2) of the Order (including a notice modifying any previous notice); or

(ii) requesting that the position of the appropriate meter should be altered, and requests that the supplier provides an estimate;

(b) the supply is to be provided at low voltage; and

(c) the supplier receives from the customer the information relating to the provision of the supply or the proposed new position of the meter which is or could reasonably be expected to be within the knowledge of the customer and is reasonably required by the supplier to enable him to provide the estimate.

(2) Where this regulation and paragraph (4) apply and the supplier fails to dispatch an estimate to the customer within the prescribed period from the commencement date, the supplier shall, except in any of the circumstances described in regulation 14, pay to the customer the prescribed sum.

(3) Where this regulation, but not paragraph (4), applies and the supplier fails to dispatch an estimate to the customer within the prescribed period from the commencement date, the supplier shall, except in any of the circumstances described in paragraph (5), pay to the customer the prescribed sum.

(4) This paragraph applies where it is reasonable for the supplier to believe that it will not be necessary to carry out any significant work other than the provision of a service line, an appropriate meter and a supplier's fuse to enable the supply to be given.

(5) The circumstances described in this paragraph are—

(a) each of the circumstances described in regulation 14; and

(b) that the supplier reasonably believes that the premises referred to in the notice form or will form part of a development scheme comprising five or more premises.

(6) In this regulation—

“estimate” means a statement in writing of the amount which the supplier reasonably expects he will require the customer to pay under paragraph (1) of Article 22 of the Order or under regulations made under paragraph (2) of that Article having regard to the information which is known or reasonably ought to be known by the supplier in relation to the carrying out of that work including—

(i) where the supplier reserves the right to vary the amount stated having regard to the actual costs incurred by him in carrying out the work, a reference to any matters which the supplier considers may cause the amount to be varied significantly; and

(ii) the terms for payment of the amount stated and any variation of that amount;

“low voltage” means a nominal voltage not exceeding 1000 volts; and

“service line” means a low voltage electric line or any part of the line which will, at the time it is provided, only be used for supplying a single customer, excluding any part of the line which, at the time it is provided, is intended by the supplier to be used to enable him to provide a supply to premises (other than the customer's premises) in respect of which the supplier has received or would reasonably expect within the following twelve months to receive a notice under Article 19(2) of the Order.

Commencement

reg. 6(1)-(6) definition of "service line": January 1, 1994

Extent

reg. 6(1)-(6) definition of "service line": Northern Ireland

Law In Force

7.— Notice of supply interruption

(1) This regulation applies where a supplier discontinues the supply to a customer's premises for an authorised purpose.

(2) Where this regulation applies and the supplier—

- (a) has failed to give to the customer prior notice of not less than the prescribed period stating the day upon which the supply is or is expected to be discontinued; or
- (b) disconnects the supply on a day other than a day stated in the notice, the supplier 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 (3) and (6) of regulation 14; and
- (b) that the supplier has not received a claim for compensation from the customer in respect of the failure referred to in paragraph (2) within a period of one month from the commencement date.

(4) In this regulation “authorised purpose” means testing or any other purpose connected with the carrying on of the activities which he is authorised by his licence to carry on in relation to his electric lines and electrical plant (other than the supplier's fuse).

Commencement

reg. 7(1)-(4): January 1, 1994

Extent

reg. 7(1)-(4): Northern Ireland

Law In Force

8.— Voltage complaint

(1) This regulation applies where a supplier is informed by a customer that—

- (a) the customer believes that the supply is being or has been given at a voltage outside the limits of the permitted variations; or
- (b) an event has occurred in relation to the supply and a supplier might reasonably expect the cause of the event to have been a supply given at a voltage outside the limits of the permitted variations.

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

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

(4) Where this regulation applies and the supplier—

(a) where paragraph (3) applies, fails to visit the customer's premises during the specified time 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 notice, 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 14 provided that, in relation to paragraph (6) of that regulation, the supplier gave the customer not less than one working day's prior warning (whether or not in writing) that he would be unable to make the visit during the specified time or the circumstances in which that paragraph applied occurred at a time when it was not reasonably practicable to give such a warning.

(6) In this regulation, "permitted variations" has the same meaning as in regulation 31 of the Electricity Supply Regulations (Northern Ireland) 1991¹.

Notes

¹ S.R. 1991 No. 536 as amended by S.R. 1993 No. 21.

Commencement

reg. 8(1)-(6): January 1, 1994

Extent

reg. 8(1)-(6): Northern Ireland

Law In Force

[8A.— Meter disputes

(1) This regulation applies where a supplier is informed by a 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 supplier might reasonably expect to have been caused by the meter operating outside the margins or error.

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

(3) This paragraph applies where the supplier 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 supplier—

(a) where paragraph (3) applies, fails to visit the customer's premises during the specified time 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 notice 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 14 provided that, in relation to paragraph (6) of that regulation, the supplier gave the customer not less than one working day's prior warning (whether or not in writing) that he would be unable to visit during the specified time or the circumstances in which that paragraph applied occurred at a time when it was not reasonably practicable to give such a warning.

] ¹

Notes

¹ Added by Electricity (Standards of Performance) (Amendment No. 3) Regulations (Northern Ireland) 1999/366 reg.5 (October 1, 1999)

Extent

reg. 8A(1)-(5): Northern Ireland

Law In Force

[8B.— Prepayment meters

(1) This regulation applies where a supplier is informed (other than by post) during working hours by a customer who takes his supply through a prepayment meter either that the prepayment meter is not operating so as to permit a supply to the customer's premises in the manner in which it is designed to do, or if circumstances suggesting that the prepayment meter is not so operating.

(2) For the purposes of paragraph (1), where information is received by a supplier 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 commencement date, an appropriate person fails to attend at the premises where the prepayment meter is installed in order to repair or replace the prepayment meter so as to permit a supply in the manner in which it is designed to do, the supplier 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 14;

(b) that the customer did not request the supplier to attend the premises;

(c) that the customer did not request the supplier to restore the supply; and

(d) that the prepayment meter was found to be operating in the manner in which it was designed to do.

(5) In this regulation—

“appropriate person” means a person employed or authorised by a supplier to repair or replace prepayment meters; and

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

] ¹

Notes

¹ Added by Electricity (Standards of Performance) (Amendment No. 3) Regulations (Northern Ireland) 1999/366 reg.5 (October 1, 1999)

Extent

reg. 8B(1)-(5) definition of "working hours": Northern Ireland

Law In Force

9.— Charges and payments

(1) This regulation applies where a customer informs a supplier—

(a) that the customer requests a change in the [method] ¹ by which he makes payment to the 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 appear to apply.

(2) Where this regulation applies the supplier shall, except in any of the 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; [...] ² [...] ³

(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] ⁴

(c) [...] ⁵

[(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.] ⁶

(3) The circumstances described in this paragraph are—

(a) each of the circumstances described in regulation 14; and

(b) in respect of a query under paragraph (1)(b)(ii) that the supplier has previously dispatched a notice under regulation 13(2) relating to the matter.

Notes

- ¹ Word substituted by Electricity (Standards of Performance) (Amendment No. 3) Regulations (Northern Ireland) 1999/366 reg.6(a) (October 1, 1999)
- ² Word repealed by Electricity (Standards of Performance) (Amendment No. 3) Regulations (Northern Ireland) 1999/366 reg.6(b) (October 1, 1999)
- ³ Word repealed by Electricity (Standards of Performance) (Amendment) Regulations 1999/186 reg.6(b) (April 1, 1999)
- ⁴ Words substituted by Electricity (Standards of Performance) (Amendment No. 3) Regulations (Northern Ireland) 1999/366 reg.6(c) (October 1, 1999)
- ⁵ Repealed by Electricity (Standards of Performance) (Amendment No. 2) Regulations (Northern Ireland) 1999/331 reg.6(c) (July 19, 1999)
- ⁶ Added by Electricity (Standards of Performance) (Amendment No. 3) Regulations (Northern Ireland) 1999/366 reg.6(d) (October 1, 1999)

Commencement

reg. 9(1)-(3)(b): January 1, 1994

Extent

reg. 9(1)-(3)(b): Northern Ireland

Law In Force

10.— Appointments

(1) This regulation applies where—

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

being in either case a visit in connection with the activities which the supplier is 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 supplier fails within a reasonable period from the commencement date to offer a timed appointment, the supplier shall, except in the circumstances described in paragraph (5), pay to the customer the prescribed sum.

(3) Where this regulation applies and the supplier fails to keep a timed appointment, the supplier shall, except in 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 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 14 provided that, in relation to paragraph (6) of that regulation, the supplier 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 in which the paragraph applied occurred at a time when it was not reasonably practicable to give such a warning;

(b) that the visit is for the purposes of responding to information received [under regulation 3, 8, 8A or 8B]¹ or a notice under regulation 5; and

(c) that the visit is wholly or mainly in connection with cutting off the supply in exercise of the power contained in paragraph 1(6) of Schedule 6 to the Order.

(6) In this regulation, “timed appointment” means, subject to paragraph (7), an appointment to make a visit to a customer's premises commencing—

(a) unless sub-paragraph (b) applies, during a part (specified by the supplier) of a day (also specified by the supplier) within a reasonable period from the commencement date, having regard to the purpose of the visit, being either the part between 8.30 a.m. and 1.00 p.m. or 12 noon and 5.00 p.m. on that day; or

(b) during such part of a day as is requested by the customer and agreed with the supplier, such agreement not to be unreasonably withheld, provided that the supplier shall not be obliged to agree a part of a day which is not the part of the day between 8.30 a.m. and 1.00 p.m. or 12 noon and 5.00 p.m.

(7) Where a customer's premises are situated on Rathlin Island and a proposed visit requires the supplier's representative to travel from the mainland, “timed appointment” means an appointment to make a visit to a customer's premises during a day specified by the supplier.

Notes

¹ Words substituted by Electricity (Standards of Performance) (Amendment No. 3) Regulations (Northern Ireland) 1999/366 reg.7 (October 1, 1999)

Commencement

reg. 10(1)-(7): January 1, 1994

Extent

reg. 10(1)-(7): Northern Ireland

Law In Force

11.— Notice of rights

(1) A supplier shall prepare and from time to time revise a statement describing the rights prescribed for the benefit of customers under these Regulations and the effect of Article 42(4) of the Order in a form and having a content which a supplier could reasonably expect would be within the understanding of tariff customers and shall—

(a) give a copy of the statement, and of any revision of the statement to the Director and to the consumer committee before he makes it available to customers;

(b) at least once in any period of 12 months dispatch to each tariff customer of the supplier a copy of the statement (in the form current at the time it is provided), provided that where in relation to any premises more than one person is a tariff customer, the obligation shall be satisfied by dispatching a copy to any one of them;

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

(2) A supplier may prepare a separate statement for domestic and non-domestic customers and satisfy his obligation under sub-paragraph (b) or (d) of paragraph (1) by dispatching the statement appropriate to the class of customer to whom it is dispatched.

Commencement

reg. 11(1)-(2): January 1, 1994

Extent

reg. 11(1)-(2): Northern Ireland

Law In Force

12.— Disputes

(1) Where a dispute is referred to the Director for determination under Article 42(5) of the Order, the parties shall furnish to the Director or, if the Director so notifies the parties, to the consumer committee or any sub-committee of that committee, such evidence in such form and at such time as he or the committee or sub-committee may reasonably require to enable him or it to determine the dispute.

(2) Where an order under Article 42(5) of the Order provides for a payment to be made by the supplier to the customer and the supplier fails to make the payment, the customer may set-off the amount of the payment against any charges that are owed by the customer to the supplier in relation to the supply to the customer.

(3) An order determining a dispute—

- (a) may include a provision requiring the supplier or the customer to pay a sum in respect of the costs or expenses incurred by the person making the order; and
- (b) shall not (where the customer is more than one person) determine who is beneficially entitled to any payment required to be made by the order.

Commencement

reg. 12(1)-(3)(b): January 1, 1994

Extent

reg. 12(1)-(3)(b): Northern Ireland

✔ Law In Force

13.— Payments

(1) This regulation applies where a supplier is obliged to make a payment to a customer under any of regulations 3 to 10.

[(2) Where this regulation applies and the supplier fails within the prescribed period from the commencement date both 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 supplier shall, except in any of the circumstances described in paragraph (3), pay to the customer the prescribed sum.]¹

(3) The circumstances described in this paragraph are—

- (a) each of the circumstances described in regulation 14; and
- (b) that there is a genuine dispute between the supplier and the customer as to whether the supplier is obliged to make the payment.

(4) Where a supplier 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 of those premises shall be a complete discharge of the obligation of the supplier to make the payment to all the customers of those premises;
- (b) nothing in, or done by a supplier in consequence of, these Regulations shall determine who is beneficially entitled to any payment made in pursuance of these Regulations;
- (c) a supplier shall not be required to make a payment other than to a customer; and
- (d) nothing in these Regulations shall permit a supplier to make a payment other than by means of—
 - (i) a cheque or cash; or
 - (ii) a credit to the account of the customer for charges incurred or to be incurred in respect of the supply or the provision of any electricity meter, electric line or electrical plant.

Notes

¹ Substituted by Electricity (Standards of Performance) (Amendment No. 3) Regulations (Northern Ireland) 1999/366 reg.8 (October 1, 1999)

Commencement

reg. 13(1)-(4)(d)(ii): January 1, 1994

Extent

reg. 13(1)-(4)(d)(ii): Northern Ireland

✔ Law In Force

14.— Exemptions

(1) The circumstances contained in paragraphs (2) to (4) and (6) to (8) are the circumstances described in this regulation.

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

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

(4) Where information is or is required to be provided by the customer to the supplier, the information is provided to an address or by use of a telephone number other than the address or number which the supplier 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 8(1), 8A(1) or 9(1)]¹ was given outside such reasonable hours as the supplier has advised the customer are the hours during which the telephone numbers will be available for the receipt of information of that type.

(5) For the purposes of paragraph (4) the supplier 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 supplier to take the action required by the regulation before the contravention time as a result of—

- (a) severe weather conditions;
- (b) industrial action by the employees of the supplier;
- (c) the act or default of a person other than an officer, employee or agent of the supplier, or a person acting on behalf of an agent of the supplier;
- (d) the inability of the supplier to obtain any necessary access to any premises;
- (e) the existence of circumstances by reason of which the supplier could reasonably expect that if he took the action he would or would be likely to be in breach of a statutory provision;
- or
- (f) other circumstances of an exceptional nature beyond the control of the supplier,

and the supplier 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 supplier reasonably considers that the information given by the customer was frivolous or vexatious.

(8) The customer has—

- (a) committed an offence under paragraph 4 of Schedule 6 or paragraph 12 of Schedule 7 to the Order; or
- (b) failed to pay any charges due to the supplier after receiving a notice under paragraph 1(6) of Schedule 6 to the Order,

and the action taken or not taken by the supplier was in exercise of his powers under the relevant paragraph.

(9) In this regulation, “contravention time” means—

- (a) in relation to regulation 4, the expiry of the relevant period referred to in sub-paragraph (2)(a) and (where applicable) of each period referred to in sub-paragraph (2)(b) of that regulation;
- (b) in relation to regulation 7, the time at which the supply was discontinued; and
- (c) in relation to any other regulation, the time at which, if this regulation did not apply, the supplier would become liable to pay the prescribed sum to the customer.

Notes

- ¹ Words substituted by Electricity (Standards of Performance) (Amendment No. 3) Regulations (Northern Ireland) 1999/366 reg.9 (October 1, 1999)

Commencement

reg. 14(1)-(9)(c): January 1, 1994

Extent

reg. 14(1)-(9)(c): Northern Ireland

Law In Force

[15. Timing of notification

For the purpose of regulations 5, 6, 8, 8A and 9, where the requirements of paragraph (1) of any of those regulations are satisfied after 4 p.m. 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.]¹

Notes

- ¹ Substituted by Electricity (Standards of Performance) (Amendment No. 3) Regulations (Northern Ireland) 1999/366 reg.10 (October 1, 1999)

Commencement

reg. 15(1)-(4) definition of "certified information": January 1, 1994

Extent

reg. 15(1)-(4) definition of "certified information": Northern Ireland

Law In Force

Sealed with the Official Seal of the Director General of Electricity Supply for Northern Ireland on 11th November 1993.

G.R. Horton

Director General of Electricity Supply for Northern Ireland

The Department of Economic Development hereby consents to the foregoing Regulations.

Sealed with the Official Seal of the Department of Economic Development on 11th November 1993.

D. B. McIlDoon

Assistant Secretary

SCHEDULE[...]¹[...]²**Regulation 2(1)****Notes**

- ¹ Existing Sch.1 is substituted for a new Sch.1 consisting of Pts I and II by Electricity (Standards of Performance) (Amendment No. 3) Regulations (Northern Ireland) 1999/366 Sch.1 para.1 (October 1, 1999)
- ² Existing Sch.1 is substituted for a new Sch.1 consisting of Pts I and II by Electricity (Standards of Performance) (Amendment) Regulations 1999/186 Sch.1 para.1 (April 1, 1999)

Law In Force

[[Existing Sch.1 is not repealed but has been substituted for a new Sch.1 consisting of Pts I and II.]²]¹

Notes

- ¹ Substituted by Electricity (Standards of Performance) (Amendment No. 2) Regulations (Northern Ireland) 1999/331 Sch.1 para.1 (July 19, 1999)
- ² Existing Sch.1 is substituted for a new Sch.1 consisting of Pts I and II by Electricity (Standards of Performance) (Amendment No. 3) Regulations (Northern Ireland) 1999/366 Sch.1 para.1 (October 1, 1999)

Commencement

Sch. 1 para. 1: January 1, 1994

Extent

Sch. 1 para. 1: Northern Ireland

[Part I**Prescribed Periods and Sums**] ¹**Notes**

- ¹ Existing Sch.1 is substituted for a new Sch.1 consisting of Pts I and II by Electricity (Standards of Performance) (Amendment) Regulations 1999/186 Sch.1 para.1 (April 1, 1999)

Law In Force

[

(1)	(2)	(3)	(4)
<i>Regulation</i>	<i>Period</i>	<i>Prescribed Sum</i>	
		<i>Domestic Customer</i>	<i>Non-domestic Customer</i>
3(3)	3 hours on a working day	£25	£25
3(3)	4 hours on any other day	£25	£25
4(2)(a)	24 hours	£50	£125
4(2)(b)		£25	£25
5(2)(a)	2 working days	£25	
5(2)(b)	4 working days		£25
5(2)(c)			£25
5(3)		£50	£125
6(2)	7 working days	£50	£50
6(3)	15 working days	£50	£50
7(2)	3 days	£25	£50
8(2)	7 working days	£25	£25
8(4)(a)		£25	£25
8(4)(b)	5 working days	£25	£25
8A(2)	7 working days	£25	£25
8A(4)(a)		£25	£25
8A(4)(b)	5 working days	£25	£25
8B(3)	3 hours on a working day	£25	£25
8B(3)	4 hours on any other day	£25	£25
9(2)(a)	5 working days	£25	£25
9(2)(b)	5 working days	£25	£25
9(2)(c)	5 working days	£25	£25
10(2)		£25	£25
10(3)		£25	£25
13(2)	10 working days	£25	£25

]¹

Notes

¹ Existing Sch.1 is substituted for a new Sch.1 consisting of Pts I and II by Electricity (Standards of Performance) (Amendment No. 3) Regulations (Northern Ireland) 1999/366 Sch.1 para.1 (October 1, 1999)

Extent

Sch. 1(I) para. 1: Northern Ireland

[Part II

]¹

Notes

¹ Existing Sch.1 is substituted for a new Sch.1 consisting of Pts I and II by Electricity (Standards of Performance) (Amendment) Regulations 1999/186 Sch.1 para.1 (April 1, 1999)

Law In Force

[

7.00 am and 7.00 pm on each working day and 9.00 am and 5.00 pm on any other day.

]¹

Notes

¹ Existing Sch.1 is substituted for a new Sch.1 consisting of Pts I and II by Electricity (Standards of Performance) (Amendment No. 3) Regulations (Northern Ireland) 1999/366 Sch.1 para.1 (October 1, 1999)

Extent

Sch. 1(II) para. 1: Northern Ireland

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the sum which a public electricity supplier (“supplier”) must pay to a customer by way of compensation for failure to meet specified standards of performance in respect of the electricity supply services to be provided by such suppliers. The sum payable differs between domestic and non-domestic customers, and between standards. The standards do not apply to customers supplied under special agreements.

The Regulations come into operation on 1st January 1994. Regulation 1 provides for the citation and commencement of the Regulations, and regulation 2 provides for general interpretation and incorporates the Schedule which sets out the period within which a standard is to be performed and the amount of compensation payable where it is not performed.

Regulation 3 provides that where the supplier is informed that his fuse at a customer's premises has disconnected the supply, the supplier must pay the relevant compensation if he does not attend to repair the fuse within the prescribed period.

Regulation 4 provides that where the supply to a customer's premises has been cut off as a result of a fault in the supplier's distribution system, the supplier must pay the relevant compensation if the supply is not restored within a prescribed period provided the customer makes a claim which is received by the supplier within one month of the date on which the supply is restored.

Regulation 5 provides that where the supplier is requested to provide a supply to premises previously supplied, specified works are required and the applicant has given the necessary information, he must pay the prescribed compensation if no appointment to carry out the works is made within a prescribed period or, in respect of certain non-domestic customers, during a part of a day requested by the customer, or the appointment is not kept.

Regulation 6 provides that where a supplier is requested to provide an estimate of costs of connecting a supply to premises or altering the position of a meter and the customer gives the necessary information to the supplier, the supplier must pay the prescribed compensation if the estimate is not provided within the prescribed period.

Regulation 7 provides that where the supplier in carrying out his statutory functions disconnects the supply, he must pay the prescribed compensation if he fails to give a customer affected less than the prescribed period of two days prior notice of disconnection or disconnects other than on the day stated in the notice provided a claim is received by the supplier within one month from the date of disconnection.

Regulation 8 provides that where the supplier is notified that the supply may be being provided outside the requirements of the Electricity Supply Regulations (Northern Ireland) 1991 as amended, he must pay the prescribed compensation (where an inspection is needed) if no appointment is made within the prescribed period or any appointment so made is not kept, or (where no inspection is necessary) if he does not respond within the prescribed period.

Regulation 9 provides that where a supplier has received certain requests or queries, he must pay the prescribed compensation if he does not respond within the prescribed period.

Regulation 10 provides that where a customer requests a supplier to visit his premises or a supplier informs a customer that the supplier wishes to visit the customer's premises, being in either case a visit in connection with the supplier's activities as a public electricity supplier and the supplier does not offer an appointment within a reasonable period, he must pay the prescribed compensation. It also provides that where the supplier fails to keep the appointment, he must pay the prescribed compensation.

Regulation 11 provides that a supplier shall each year provide to his tariff customers a summary of the customer's rights under Article 42(4) of the Electricity (Northern Ireland) Order 1992 and these Regulations and regulation 12 prescribes the practice and procedure to be followed in connection with disputes referred to the Director General of Electricity Supply for Northern Ireland under Article 42(5) of the Electricity (Northern Ireland) Order 1992.

Regulation 13 provides that where a payment is due under any regulation, a supplier must pay the prescribed compensation if the customer is not advised of the liability to make the payment within the prescribed period.

Regulation 14 sets out the exemptions which are (with some exceptions) applicable to each standard (in addition to any specific exemption contained in the relevant regulation) and regulation 15 sets out presumptions in respect of information received or held by a supplier.

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