

Appendix 2: Draft Code of Practice for the Theft of Gas

1. Objective of Code of Practice and obligation to achieve it

- 1.1 The objective of this Code of Practice (CoP) is to ensure that gas suppliers and distribution network operators work in cooperation with other licence holders where necessary to put industry procedures in place ~~to~~for the:
- (i) ~~Deter~~Prevention of Theft of Gas¹;
 - (ii) ~~Detect~~Detection of Theft of Gas; and
 - (iii) ~~Deal with~~Investigation of Theft of Gas.
- 1.2 Compliance with this CoP ~~will be~~is a mandatory licence requirement on all gas suppliers and ~~DNOs,~~the gas distribution network operator (DNOs), and therefore any breach of the CoP will be considered a breach of licence. Further, this CoP requires ~~DNOs,~~the DNOs and suppliers to work together and cooperate to establish industry procedures and to implement and comply with the procedures ~~by such date as the UR may direct.~~ Therefore any failure by a licensee to establish and implement such procedures ~~by the required date,~~ or to comply with such procedures on an ongoing basis would be considered a breach of this CoP and therefore a breach of licence.
- 1.3 The DNOs and suppliers shall research and implement best practice arrangements for the theft-related industry procedures. ~~DNOs~~The DNOs and suppliers should continue to seek best practice arrangements on an ongoing basis and propose amendments to the industry procedures where appropriate.
- 1.4 Where appropriate, the DNOs and suppliers should take opportunities to share best practice ideas, arrangements and information between the ~~gas and~~ electricity and gas industry.
- 1.5 This CoP covers domestic and business gas premises. Therefore the industry procedures must cover domestic and business gas premises in order to comply with this CoP.
- 1.6 The industry procedures must include distribution and supply activities and the industry procedures must set out the roles and responsibilities of each party in a clear and transparent way.
- 1.7 ~~Each licensee~~The gas DNOs will share the drafting of the gas industry procedures, with one DNO adopting a principal co-ordinator role in developing

¹ Theft of Gas is defined in Section 9 of this CoP

the industry procedures; however the DNO with the principal co-ordinator role, other DNOs and all gas suppliers must take all reasonable steps to cooperate with other licence holders where necessary, to facilitate the development, implementation and compliance with the industry procedures.

- ~~1.8~~ ~~The relevant distribution network operator and all active suppliers within that Distribution Network Area~~ In developing the industry procedures, the DNOs and suppliers may seek independent views from other parties such as the Health & Safety Executive for Northern Ireland (HSENI) or the Consumer Council (CCNI).
- 1.9 When developing the industry procedures, if situations arise where the DNOs and suppliers cannot reach agreement on certain issues for the industry procedures, then the DNOs and suppliers can jointly bring issues to the UR for adjudication. The UR will only consider issues that have been brought by the gas industry as a group, rather than by individual licence holders.
- 1.10 Any issues referred to the UR for adjudication must be accompanied by background information and evidence relating to the different opinions of the industry participants and the impact of the different options. Where an issue is referred to the UR for adjudication, the UR will make a decision which will be final and the industry must abide by that decision and implement the UR's decision within the industry procedures.
- 1.11 The DNOs and suppliers must make best endeavors to develop and implement the industry procedures within the timeframes set out by the Utility Regulator (UR). While developing the industry procedures, the DNO and suppliers must provide joint progress reports to the UR every 2 months or as requested to explain the progress being made, highlighting any specific issues that may delay the development and implementation of industry procedures against the timeframes set out by the UR.
- ~~4.8~~1.12 The DNOs and all active suppliers must be a party to, comply with, and maintain such industry procedures.
- ~~4.9~~1.13 The industry procedures must include a process for ongoing reviews and changes. This will include pre-planned reviews at set timeframes and also an ability to review the procedures on an ad-hoc basis when it is considered necessary to react to changes in the industry and/or environment. The review process must allow for changes to be proposed by any licensee that is party to the procedures or by the Utility Regulator (UR). Note that where the UR considers the industry procedures are not best practice arrangements or do not comply with this CoP it may direct the DNOs and suppliers to review and amend the procedures
- ~~4.10~~1.14 The obligations in this Code of Practice and any industry procedures

that are implemented will apply to each licensee and any representatives of the licensee. For clarity, where a ~~licensed~~licensed company contracts with a third party for the provision of any services, the ~~licensed~~licensed company must ensure that the third party complies with all components of this CoP ~~and the industry procedures~~. Any breaches of this ~~Code~~ CoP or the industry procedures by a third party will be deemed to be a breach by the ~~licensed~~licensed company.

~~1.11~~1.15 Nothing in this Code of Practice is intended to, or should be deemed to, constitute an exemption from existing regulatory requirements and/or obligations under other industry agreements.

~~1.12~~1.16 Nothing in this Code of Practice is intended to, or should be deemed to, constitute an exemption from each licensee's legal obligation to comply with any and all relevant legislation, statute, statutory instrument, regulation or order (or any provision thereof) or any subordinate legislation. Licensees are responsible for ensuring that the industry procedures they develop are compliant with all relevant legislation.

~~1.13~~1.17 Where the Utility Regulator considers it necessary to amend this CoP it will consult on any proposed changes. The consultation may be a restricted to the gas industry (i.e. any company holding a gas ~~conveyance~~ licence distribution or ~~gas~~ supply licence) and may include key stakeholders (e.g. consumer groups and PSNI) or may be a public consultation, depending on the nature of the changes.

2. Principles underpinning the Code of Practice

2.1 Each ~~licensed~~licensed company must comply with the following principles when dealing with all aspects of ~~deterring, detecting~~ prevention, detection and ~~dealing with~~ investigation of Theft of Gas. When documenting and implementing industry procedures to deal with Theft of Gas, each ~~licensed~~licensed company must consider these principles and ensure that the industry procedures comply with these principles.

1. Safety – where any activities are undertaken in accordance with this Code of Practice, safety is a key ~~concern~~ consideration.

~~1. Costs should be borne by those that steal—Once theft is proven, the appropriate licensee(s), as defined by the eventual industry procedures, shall use reasonable endeavours to pursue the Perpetrator, and to recover from the Perpetrator (or other beneficiary) the Relevant Costs.~~

2. Seek to deter, detect and deal with Theft of Energy Costs – Licensees must have processes in place that are clear for all industry participants in order

to make reasonable endeavors to recover the costs associated with Theft of Gas. Any charges for costs associated with Theft of Gas must be fair, transparent and as far as possible must not exceed the actual costs incurred by the licensees. Supplier charges to customers in relation to amounts owed must adhere to the principles in the minimum standards in the CoP for payment of bills.

2.3. Prevention, Detection and Investigation of Theft of Gas through best practice – Licensees must ensure that effective procedures are in place to proactively discourage Theft of ~~Energy~~Gas, identify Theft of ~~Energy~~Gas and deal with Theft of ~~Energy~~Gas. The procedures adopted should reflect industry best practice and must clearly define the roles and responsibilities of each licensee in achieving the procedures. Licensees must adopt a continuous improvement approach to the procedure for Theft of ~~Energy~~Gas.

~~2. Collect and report data associated with Theft of Energy—Data relating to the Theft of Energy should be collected and collated in to usable reports so that it can be shared throughout the industry and to the Utility Regulator, as and when required. This should include trend data and management information relating to types of energy theft. It must also include data which allows clarity on the performance of the DNOs and suppliers in relation to deterring, detecting and dealing with theft.~~

3.4. Communication and reporting – Licensees must have clear and transparent reporting processes in place between distribution network operators, suppliers and any ~~other~~ relevant third parties. Licensees must also have a reporting mechanism in place to enable any third party to easily and, if necessary confidentially, report suspected Theft of ~~Energy~~Gas to the relevant Licensees.

4.5. Ensure that ~~customers~~consumers are treated in an appropriate and consistent manner – In all interactions with ~~customers~~consumers in relation to Theft of ~~Energy~~Gas, each licensee must behave and act towards customers in a manner which is fair, ~~transparent~~, not misleading, appropriate and professional.

5.6. Customer Vulnerability – In all interactions with customers in relation to Theft of ~~Energy~~Gas, each licensee must take into account whether a domestic ~~customers and/or the occupants of domestic premises are of pensionable age, disabled, or chronically sick and/or domestic customers at domestic premises will have difficulty in paying all or part of the Relevant Costs resulting from Theft of Energy.~~customer is a vulnerable customer. Licensees must give appropriate consideration to the needs of ~~these customers~~Vulnerable Customers.

6.7. Investigation by competent individuals – All responsibilities relating to the Theft of ~~Energy~~Gas must be carried out by individuals possessing skills, qualifications, experience and authorisation appropriate to the task they are undertaking.

7.8. Cooperation. Licensees should cooperate with the Police Service of Northern Ireland, [the Health and Safety Executive for Northern Ireland](#) and the Consumer Council for Northern Ireland regarding the requirements of this code of practice and their respective regulatory and statutory obligations. Licensees should also have consideration of other related bodies in respect of their statutory role.

3. Requirements for ~~Deterring~~[Prevention of Theft of Gas](#)

In order to comply with this CoP, ~~DNOs~~[the DNO](#) and suppliers must establish, implement and comply with industry procedures which set out detailed roles, responsibilities and best practice processes for each of the following requirements. The arrangements to achieve each of these requirements must be included in the industry procedures.

- 3.1 ~~The~~ DNOs and suppliers must take reasonable steps to deter [and prevent](#) the Theft of Gas. ~~DNOs~~[The DNOs](#) and suppliers are required to work together and to cooperate with each other to achieve this.
~~DNOs~~
- 3.2 [The DNO](#) will proactively research gas meters and equipment to keep up to date with [technical](#) advancements in equipment [aimed at deterring and preventing Theft of Gas](#) and where possible ~~DNOs~~[the DNOs](#) will seek to ~~install tamper resistant meters.~~[adopt such technologies in delivery of its metering operations on a continuous improvement basis.](#)
- 3.3 As a means of deterring ~~gas theft,~~ ~~DNOs~~[and preventing Theft of Gas,](#) ~~the DNOs~~ and gas suppliers should proactively engage with and educate ~~customers~~[consumers](#), the general public and staff on the dangers and consequences of ~~gas theft~~[Theft of Gas](#) and interference with gas equipment. They should also publicise the reporting mechanism for reports of any suspected theft, or damaged equipment to the relevant licensee.
- 3.4 Licensees shall ensure that any customer terms and condition (T&C) that it has with a customer include all relevant terms that would be required to discourage and ultimately deal with any issues relating to Theft of Gas. This may include supplier T&Cs and also DNO T&Cs where relevant. The licensee is responsible for ensuring any T&Cs are compliant with all relevant legislation in addition to regulatory requirements for T&Cs (e.g. the Consumer Rights Act 2015 includes requirements in relation to unfair terms in consumer contract

which may mean that it can be easier for customers to challenge hidden charges).

3.5 The DNOs will keep-up-to-date with the latest methods for preventing energy theft so as to ensure that their existing procedures remain fit-for-purpose on a continuous improvement basis.

4. Requirements ~~to Detecting~~ for Detection of Theft of Gas

In order to comply with this CoP, ~~DNOs~~ the DNOs and suppliers must establish, implement and comply with industry procedures which set out detailed roles, responsibilities and best practice processes for each of the following requirements. The arrangements to achieve each of these requirements must be included in the industry procedures.

4.1 ~~DNOs~~ The DNOs and suppliers must take reasonable steps to detect the Theft of Gas. ~~DNOs~~ The DNOs and suppliers are required to work together and to cooperate with each other to achieve this.

4.2 When visiting properties ~~to carry out any maintenance work, inspections, meter reading or other site visits the DNO shall, where accessible,~~ the DNOs and suppliers must take all reasonable steps to inspect gas meters and equipment for evidence of any damage or interference with or tampering of the meter or associated installation or Theft of Gas.

~~DNOs~~
4.3 The DNOs and suppliers shall ensure that all relevant staff are trained on how to identify potential energy theft or evidence of damage or interference with metering equipment and the associated installation.

4.4 Gas suppliers shall routinely analyse energy usage of their consumers to take all reasonable steps to attempt to identify any potential instances of Theft of Gas.

~~DNOs~~
4.5 The DNOs and suppliers shall have prompt and appropriate reporting processes in place for reporting suspected Theft of Gas to include:
a) reporting processes between ~~DNOs~~ the DNO and suppliers; and
b) reporting processes to enable individuals to inform the ~~relevant DNOs~~ DNO and/or suppliers of suspected interference. This could include a telephone number for reporting such information, which could be widely publicised.

4.6 The DNOs will keep-up-to-date with the latest methods for detecting energy theft so as to ensure that their existing procedures remain fit-for-purpose on a

[continuous improvement basis.](#)

5. Requirements for ~~Dealing with~~ Investigation of Theft of Gas

In order to comply with this CoP, ~~DNOs~~the DNOs and suppliers must establish, implement and comply with industry procedures which set out detailed roles, responsibilities and best practice processes for each of the following requirements. The arrangements to achieve each of these requirements must be included in the industry procedures.

- 5.1 ~~DNOs~~The DNOs and suppliers must take reasonable steps to [investigate and deal with the Theft of Gas](#). ~~DNOs~~The DNOs and suppliers are required to work together and to cooperate with each other to achieve this.
- 5.2 Where an instance of suspected theft is identified the ~~DNOs~~DNO and suppliers must take all reasonable steps to promptly investigate that suspected Theft of Gas and must have procedures in place setting out the arrangements for such investigations.

Standards for Investigations into Theft of Gas

- 5.3 The arrangements for carrying out an investigation must include details for how the licensees will confirm whether the suspected theft did actually occur. ~~This may include testing of gas meters and/or other equipment.~~
- 5.4 When ~~a~~the DNO identifies suspected Theft of Gas, or is notified of suspected Theft of Gas by another party, the DNO must take reasonable endeavors to complete a site visit and inspect ~~of~~ the appropriate gas equipment and associated installation as soon as reasonably possible. Where required, the DNO must take steps to ensure [the gas supply arrangements to](#) the premises are made safe. To meet reasonable endeavors, if the DNO cannot gain access to the relevant gas equipment on the first site visit, the DNO must make at least one other site visit to the premises to attempt to gain access, [except where a second or subsequent visit would represent a safety concern](#).
- 5.5 When visiting premises to investigate Theft of Gas, the licensee shall provide appropriate identification to the ~~customer~~consumer and state on whose behalf they are calling, and shall and act in accordance with their policy on site attendance.
~~When visiting~~
- 5.6 [In respect of Theft of Electricity investigations at](#) domestic premises, [when either reporting a case of suspected Theft of Electricity or any subsequent visit to a domestic premise](#), the licensee should pay particular attention to identify if the domestic ~~customer~~consumer or anyone living in the domestic property is a

Vulnerable Customer. Where a Vulnerable Customer is identified by the DNO, the DNO shall report this to the registered supplier for the premises. Likewise, where a Vulnerable Customer is identified by the registered supplier, the registered supplier shall report this to the DNO in advance of the DNO's visit to the premises.

~~Care~~

- 5.7 Where reasonably possible, care should be taken to record any communication between the licensee and the ~~customer~~consumer or others present at the premises, especially where a Vulnerable Customer has been identified.
- 5.8 Where possible, licensees shall gather and consider the relevant information required for the investigation prior to attending premises. Where it is a domestic premises, this shall include checking relevant ~~account~~available information to confirm whether the domestic ~~customer~~consumer is a Vulnerable Customer.
- 5.9 Where all relevant information is not available to ~~a particular licensee~~licensees in advance of a visit, it shall be the responsibility of ~~that licensee~~licensees to attempt to obtain such information during or subsequent to the visit.
- 5.10 Where access to the premises has not been gained after reasonable attempts have been made by the DNO to visit the premises and gain access, then a warrant should be sought by the licensees to gain entry to the premises.
- 5.11 Where the DNO visits the premises and confirms on immediate inspection that there is no evidence of any risk of Theft of Gas, then no further steps are required. However where Theft of Gas is evident, or where further inspection and/or testing are required to confirm, then the licensees must comply with the ~~following~~ requirements set out in the following steps.
- 5.12 While any investigation into suspected theft is ongoing, the ~~licensee~~licensees must provide in plain language, clear, timely and accurate information and advice to the ~~customer~~consumer about:
- a) The contact details for the licensee that they should contact in relation to the investigation. Where different companies are responsible for different aspects of the investigation, then additional contact details can be provided that is clear to the ~~customer~~consumer which company should be contacted for which activity;
 - b) ~~Details of~~The reason for the investigation being undertaken and, when it becomes available details of the outcome of the site investigation and details of the outcome of the full investigation including confirmation on

whether the suspected ~~theft~~Theft of Gas was confirmed ~~as actual theft~~, or not;

- c) Confirmation of any physical work undertaken (e.g. meter exchange etc);
- d) Details of any actions the ~~customer~~consumer may need to take (e.g. actions required to be able to use gas through new meter etc);
- e) What the ~~customer~~consumer can expect next and what the ~~customer~~consumer can do if they feel they have been unfairly treated; and
- f) Contact details for further advice and sources of help. This will include the Consumer Council's 'Support and advice in Northern Ireland' information sheet and any other sources that the licensee may wish to provide.

Outcome of Investigation into Theft of Gas

~~1.1 — Where an investigation into suspected Theft of Gas confirms that actual Theft of Gas has not occurred, the customer should be advised if further visits are required or the investigation is complete. Any faulty metering equipment identified should be exchanged or replaced as soon as practical.~~

5.13 Where an investigation into suspected Theft of Gas confirms that actual Theft of Gas has occurred and can be proven, the licensees will be required to comply with the ~~following~~ requirements— set out in the following steps.

~~5.13~~5.14 The licensees will take reasonable steps to prevent the Theft of Gas once detected at the earliest opportunity.

~~5.14~~5.15 In taking steps to prevent the Theft of Gas once detected, the licensees shall ensure that:

- a) its Statutory Disconnection Powers² are only exercised where it reasonably believes that there is sufficient evidence to prove (on the balance of probabilities) that Theft of Gas has been committed;
- b) its Statutory Disconnection Powers are only exercised where it reasonably believes that there is sufficient evidence to prove (on the balance of probabilities) that the Theft of Gas was committed by the current occupier (or owner) of the Premises; and
- c) it does not mislead ~~customers~~consumers about the scope of its Statutory Disconnection Powers.

² Note that Statutory Powers may be invoked for other reasons such as safety issues.

5.15 5.16 The licensees will identify the person who either intentionally or by culpable negligence is responsible for the Theft of Gas (referred to as the ~~customer~~ consumer).

5.16 5.17 All relevant information will be collated relating to the case, including any information obtained during a site visit and information on communication between the licensees and the ~~customer~~ consumer. This may also include evidence relating to any suspected criminal damage associated with the Theft of Gas. All information will be stored securely and destroyed after a period of time. No information will be retained longer than reasonably required.

5.17 5.18 The ~~licensee~~ licensees must provide in plain language, clear, timely and accurate information and advice to the ~~customer~~ consumer about:

- a) the contact details for the licensee responsible for dealing with the ~~customer~~ consumer;
- b) the basis of any assessment made by the licensees that Theft of Gas occurred;
- c) the details of any physical work undertaken (e.g. meter exchange, removal of meter);
- d) the basis for the calculation of any ~~Relevant Charges~~ costs associated with the Theft of Gas made to the ~~customer~~ consumer;
- e) what steps the ~~customer~~ consumer should take if they wish to dispute that Theft of Gas occurred;
- f) the steps a ~~customer~~ consumer may take to reinstate supply if the licensee has exercised the Statutory Disconnection Power;
- g) where legal action is being taken by any licensees, a statement explaining the legal basis for any action taken; and
- h) contact details for further advice and sources of help. This will include the Consumer Council's 'Support and advice in Northern Ireland' information sheet and any other sources that the licensee may wish to provide

5.18 5.19 Where the ~~customer~~ consumer is charged by a licensee for the ~~Relevant Costs~~ costs associated with the Theft of Gas, the licensee must ensure the following requirements are met:

- a) where the Theft of Gas involved units of gas been stolen, then the ~~customer~~ consumer must be provided with details of the number of units stolen and the calculation of the cost associated with the stolen units;
- b) any bills relating to Theft of Gas must ~~be~~ include, on or with the bill, an

itemised [statement](#) to show separately, as a minimum, any costs relating to units of gas, ~~costs of repairing or replacing equipment~~, and any ~~other~~ [administrative](#) costs associated with the investigation;

- c) where a ~~customer~~ [consumer](#) reasonably requests further detail of the bill to be itemised this should be provided on a best endeavours basis;

~~5.19~~ [5.20](#) Where payment is sought [by a licensee](#) for Theft of Gas, reasonable efforts will be made to identify to whom charges should be levied.

~~Licensees~~ [The licensee](#) will take the circumstances of the Theft of Gas, the ~~customer's~~ [consumer's](#) circumstances and the ~~customer's~~ [consumer's](#) ability to pay into account in deciding whether payment arrangements by instalment would be applicable.

~~5.20~~ [5.21](#) Where prosecution is an option, the industry procedures must set out the detail on how the decision is made whether to proceed with prosecution. The industry procedures must also set out the roles and responsibilities and best practice steps that the ~~licensee~~ [licensees](#) must take, including with PSNI.

[5.22](#) The DNOs will keep-up-to-date with the latest methods for investigating energy theft so as to ensure that their existing procedures remain fit-for-purpose on a continuous improvement basis.

6. Information exchange between licensees

6.1 The exchange of information between licensees relating to suspected and/or actual Theft of Gas shall meet the reasonable requirements of the licensees involved so that they may meet the requirements of this code of practice, their licence and applicable law.

6.2 Gas suppliers shall provide information reasonably requested by the DNOs for the purpose of enabling it to ~~fulfill~~ [fulfil](#) its licence obligations to draw up plans for the safe operation, development or maintenance of any ~~pipe-line~~ [electrical](#) system and as it may reasonably request for the purpose of preventing or detecting Theft of Gas.

7. Resolving Disputes

7.1 Where a ~~customer~~ [consumer](#) has a complaint related to the Theft of Gas or suspected Theft of Gas then they should initially follow the ~~company's~~ [licensee's](#) complaints handling procedure.

7.2 ~~Customers~~ [Consumers](#) must also be informed of their right to seek help from the Consumer Council in the event that the complainant does not feel that

their complaint has been resolved.

- 7.3 Where a licensee has evidence of another licensee being non-compliant with this Code of Practice, then the Utility Regulator should be informed. The Utility Regulator shall consider the complaint including any breach of relevant licence conditions.

8. Compliance Reporting

~~1.2 — Compliance with this CoP is a licence requirement for all DNOs and suppliers. Therefore a breach of this CoP will be considered a breach of licence.~~

~~1.3 — This CoP requires DNOs and suppliers to cooperate to establish industry procedures and to implement and comply with the procedures by such date as the UR may direct. Therefore any failure by a licensee to establish and implement such procedures by the required date, or to comply with such procedures on an ongoing basis would be considered a breach of this CoP and therefore a breach of licence.~~

8.1 Each licensee must keep (and ensure that any Representative keeps) a record of its compliance with its obligations under this CoP.

8.2 Each licensee must provide to the Utility Regulator, in such manner and at such times as the Utility Regulator may reasonably require, such information as the Utility Regulator may require or deem necessary or appropriate to enable it to monitor the licensee's compliance with this CoP.

8.3 Each licensee must also cooperate with the UR, as and when required, to provide information that will assist the UR to monitor the severity of theft issues and progress in dealing with issues.

9. Definitions

~~Perpetrator~~ Theft of Gas: means the ~~person who has committed the~~ theft of energy

~~Relevant Costs~~: means the value of gas supply stolen, the costs of repairing gas, or replacing any equipment as a result of the Theft of Gas (including any equipment installed to prevent Theft of gas) plant and the costs of investigation associated with the Theft of Gas.

~~Theft of Energy~~: means the Theft of Gas

~~Theft of Gas~~: means the theft of gas equipment, or the theft of energy supplied through gas equipment, ~~or criminal damage to gas equipment, or supply~~ plant, including gas meters, tampering, with the gas supply and/or ~~stolen~~ gas meters.

Vulnerable Customer: ~~means where~~ Means a domestic ~~customer and/or the occupants of domestic premises are~~consumer who is of pensionable age, disabled, or chronically sick ~~and/or domestic customers at domestic premises.~~