STATUTORY INSTRUMENTS

2015 No. 699

ELECTRICITY

The Electricity (Standards of Performance) Regulations 2015

Made - - - -	*13th March 2015*
Coming into force - -	*1st April 2015*

The Gas and Electricity Markets Authority(**1**) (the "Authority") makes the following Regulations in exercise of the powers conferred by sections 39, 39A, 39B, 42A and 60 of the Electricity Act 1989(**2**) ("the Act").

In accordance with section 40B(1) of the Act(**3**), the Authority has considered the results of research to discover the views of a representative sample of persons likely to be affected by these Regulations.

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

The Secretary of State has consented to making these Regulations in accordance with sections 39(1), 39A(1) and 39B(3) and (5) of the Act.

PART 1

General

Citation, commencement and transitional provisions

1.—(1) These Regulations may be cited as the Electricity (Standards of Performance) Regulations 2015 and come into force on 1st April 2015.

(**1**) The Gas and Electricity Markets Authority was established by section 1(1) of the Utilities Act 2000 (c.27).

(**2**) 1989 c.29: section 39 was amended by section 54(1) of, paragraphs 24 and 32 of Schedule 6 to, and Schedule 8 to the Utilities Act 2000 (c.27); section 39A was inserted by section 54(2) of the Utilities Act 2000; section 39B was inserted by section 54(2) of the Utilities Act 2000 and amended by paragraph 52(1) and (2) of Schedule 9 to the Crime and Courts Act 2013 (c.22) and by paragraph 5 of Schedule 1 to the Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631); section 42A was inserted by section 21 of the Competition and Service (Utilities) Act 1992 (c.43) and substituted by section 58 of the Utilities Act 2000; and sections 39 and 60 were modified by section 3(2) of the Utilities Act 2000.

(**3**) Section 40B was inserted by section 56 of the Utilities Act 2000 (c.27) and amended by paragraph 5 of Schedule 1 to the Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order (S.I. 2014/631).

(2) Where, in relation to any occasion upon which a regulation would otherwise apply, the applicable date falls before the date on which these Regulations come into force, the Electricity (Standards of Performance) Regulations 2010(**4**) continue to apply to the exclusion of these Regulations.

Revocation

2. The instruments listed in column 1 of Schedule 1 to these Regulations (which have the references in column 2) are revoked to the extent indicated in column 3 of that Schedule.

General interpretation

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

"the Act" means the Electricity Act 1989;

"applicable date" means, in relation to each occasion on which a regulation applies, the day on 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" has the meaning given in paragraph 1(6) of Schedule 7 to the Act;

"the Authority" means the Gas and Electricity Markets Authority established under section 1 of the Utilities Act 2000(**5**);

"consumer advocacy body" means the National Association of Citizens Advice Bureaux or the Scottish Association of Citizens Advice Bureaux;

"customer" means an owner or occupier of premises in Great Britain who is supplied or requires to be supplied with electricity, and includes an electricity supplier where it is acting on behalf of such a person;

"designated electricity distributor" means an electricity distributor in whose licence Section B of the standard conditions of distribution licences is in effect but only to the extent that the electricity distributor is undertaking activities within its distribution services area;

"directly connected", in relation to premises, means so connected to an electricity distributor's distribution system that the final connection to the premises is from that system;

"distribution low voltage" means a nominal voltage not exceeding 1,000 volts;

"distribution services area" means, in relation to a designated electricity distributor, the area specified as such by the Authority under:

(a) standard condition 2 (Application of Section C) of the licensee's electricity distribution licence in the form in which that licence was in force on 31st May 2008; or

(b) standard condition 3 (Application of the Section B standard conditions) of the licensee's electricity distribution licence in the form in which that licence was in force on 31st March 2015; or

(c) standard condition 3 (Application of the Section B standard conditions) of the electricity distribution licence on or after 1st April 2015;

"distributor's fuse" means the fusible cut-out or automatic switching device of the electricity distributor for disconnecting the supply to the customer's premises situated nearest to the appropriate meter for the customer's premises and on the distributor's side thereof;

(**4**) S.I. 2010/698, amended by S.I. 2010/2131, 2014/631.
(**5**) 2000 c.27.

"domestic customer" means a customer supplied or requiring to be supplied with electricity at domestic premises (but excluding such customer insofar as the customer is supplied or requires to be supplied at premises other than domestic premises);

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

"margins of error" means the prescribed margins of error or the agreed margins of error as defined in paragraph 13 of Schedule 7 to the Act;

"non-domestic customer" means any customer other than a domestic customer;

"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, and "payment" is construed accordingly;

"prescribed period" in relation to any paragraph of these Regulations means the period in column 2 of Part 1 of Schedule 2 opposite the reference to that paragraph in column 1 of that Part;

"prescribed sum" means, where the customer is a domestic customer the amount in column 3 of Part 1 of Schedule 2, or where the customer is a non-domestic customer the amount in column 4 of Part 1 of Schedule 2, in either case opposite the reference to that paragraph of the regulation in column 1 of Part 1 of that Schedule;

"Priority Services Register" means a list established and maintained by an electricity distributor which contains the details of Priority Services Register Customers;

"Priority Services Register Customer" means a domestic customer who—

(a) is of pensionable age, disabled or chronically sick; and

(b) due to special communication needs or dependency on electricity for medical reasons, requires certain information and advice about interruptions in the supply of electricity to the customer's premises; and

(c) has either—

  (i) personally asked the licensee to add the customer's name to the Priority Services Register; or

  (ii) had a person acting on the customer's behalf ask for the customer's name to be added to it; or

  (iii) had a relevant supplier ask for the customer's name to be added to it;

"relevant operator" means the relevant supplier or, as the case may be, the relevant electricity distributor or the electricity distributor and, for the purposes of regulations 17, 18, 19 20 and Schedule 3, includes any electricity supplier;

"relevant supplier" means an electricity supplier in whose licence Section D of the standard conditions of electricity supply licences had effect immediately prior to 1st August 2007 but only to the extent that the supplier is undertaking activities within its supply services area;

"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 so specified by the relevant operator) within the prescribed period from the applicable date, being either—

  (i) a part which falls either wholly before one o'clock in the afternoon or wholly after noon; or

  (ii) a part not exceeding two hours; 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 relevant operator is not obliged to agree a part of a day that is less than two hours;

"standard conditions of electricity distribution licences" means such conditions as may be determined by the Secretary of State for electricity distribution licences pursuant to section 33(1) of the Utilities Act 2000(**6**), including any amendment or modification made to those standard conditions in accordance with the Act, the Utilities Act 2000 or the Energy Act 2004(**7**), and a reference in a provision relating to electricity distributors to a numbered standard condition is a reference to the standard condition bearing that number in the standard conditions of electricity distribution licences;

"supply services area" means, in relation to a relevant supplier, the area specified or described pursuant to standard condition 3 of the standard conditions of electricity supply licences as incorporated in that electricity supplier's licence immediately prior to 1st August 2007; and

"working hours" means the period between the times specified in Part 2 of Schedule 2.

(2) For the purposes 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 is a sufficient notice to any other person who is a customer in respect of those premises at the time at which the notice is given;

(b) where a person is a customer in respect of more than one set of premises, a reference in a regulation to "customer" is a reference to that person in respect of each of the premises at which the person 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 does not require that the explanation or reply (if in writing) is received by the customer within that period and is satisfied if the relevant operator provides the explanation or reply orally to the customer within that period;

(d) any reference to a customer (except in relation to the entitlement to any payment due from a relevant operator under these Regulations) includes any person having apparent authority to represent the customer;

(e) any reference to a customer does not include any person who is supplied otherwise than through an appropriate meter (as prescribed in regulations made under paragraph 1(1A) of Schedule 7 to the Act(**8**)); and

(f) any customer identified as being a Priority Services Register Customer, and who experiences a qualifying interruption, is entitled to an automatic payment from the customer's electricity distributor of the prescribed sum in respect of regulations 5, 6, 7 and 8, where no exemptions under those regulations apply.

(**6**) 2000 c.27; section 33(1) was amended by paragraph 20 of Schedule 19 to, and Part 1 of Schedule 23 to the Energy Act 2004 (c.20), section 7(7) of the Climate Change and Sustainable Energy Act 2006 (c.19), paragraph 13 of Schedule 5 to the Energy Act 2008 (c.32), paragraph 12 of the Schedule to the Energy Act 2010 (c.27), sections 22(7), 77(5) and 98(9) of the Energy Act 2011 (c.16), sections 65(2) and 142(2) of the Energy Act 2013 (c.32), S.I. 2011/2704

(**7**) 2004 c.20.

(**8**) Paragraph 1(1A) was inserted by paragraph 3(2) of Schedule 5 to the Utilities Act 2000 (c.27)

PART 2

Supply Restoration Standards of Performance for Electricity Distributors

Supply Restoration Standards of Performance for Electricity Distributors

4.—(1) In this regulation and regulations 5, 6, 7, 8 and 9—

"category 1 severe weather conditions" means—

(a) conditions in which eight or more times the daily mean faults on the designated electricity distributor's distribution system at distribution higher voltage caused by weather predominantly related to lightning in a 24-hour period affect less than the category 3 threshold number of customers; or

(b) conditions in which eight or more but fewer than thirteen times the daily mean faults on the designated electricity distributor's distribution system at distribution higher voltage caused by weather not predominantly related to lightning in a 24-hour period affect less than the category 3 threshold number of customers;

"category 2 severe weather conditions" means conditions in which thirteen or more times the daily mean faults on the designated electricity distributor's distribution system at distribution higher voltage in a 24-hour period caused by weather not predominantly related to lightning affect less than the category 3 threshold number of customers;

"category 3 severe weather conditions" means conditions in which faults on the designated electricity distributor's distribution system caused by weather interrupt a number of customers that is equal to or greater than the category 3 threshold number of customers;

"category 3 threshold number of customers" means, for each designated electricity distributor, the number in column 4 in the Table in Part 3 of Schedule 2 opposite the reference to that distributor in column 1;

"distribution higher voltage" means any nominal voltage of more than 1,000 volts up to and including 132 kilovolts in England and Wales and up to but excluding 132 kilovolts in Scotland;

"eight times the daily mean faults at distribution higher voltage" means, for each designated electricity distributor, the number in column 2 in the Table in Part 3 of Schedule 2 opposite the reference to that distributor in column 1;

"relevant electricity distributor", in relation to any customer, means—

(a) the electricity distributor to whose distribution system that customer's premises are directly connected; or

(b) where that distributor is entitled to rely on the exemption described at paragraph (9) of regulation 9 and has so notified the other electricity distributor to whom that paragraph refers, that other electricity distributor;

"relevant period" means the prescribed period commencing at the earlier of—

(a) the first time at which an electricity distributor is informed by a customer that the supply to that customer's premises has been discontinued; or

(b) the first time at which an electricity distributor is informed by a person other than that customer or is otherwise made aware by the operation of any automatic system operated by that distributor of circumstances in which regulation 5(1), 6(1), 7(1), 7(2) or 7(3) applies or may reasonably be expected to apply to premises including the customer's premises;

"thirteen times the daily mean faults at distribution higher voltage" means, for each designated electricity distributor, the number in column 3 in the table in Part 3 of Schedule 2 opposite the reference to that distributor in column 1;