STATUTORY RULES OF NORTHERN IRELAND

1999 No. 366

ELECTRICITY

Electricity (Standards of Performance) (Amendment No. 3) Regulations (Northern Ireland) 1999

Made - - - -	*23rd August 1999*
Coming into operation	*1st October 1999*

The Director General of Electricity Supply for Northern Ireland, in exercise of the powers conferred by Articles 42 and 64 of the Electricity (Northern Ireland) Order 1992(**1**) and of every other power enabling him in that behalf, after consultation with public electricity suppliers and with 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:

Citation and commencement

1. These Regulations may be cited as the Electricity (Standards of Performance) (Amendment No. 3) Regulations (Northern Ireland) 1999, and shall come into operation on 1st October 1999.

Amendment of the Electricity (Standards of Performance) Regulations (Northern Ireland) 1993

2. The Electricity (Standards of Performance) Regulations (Northern Ireland) 1993(**2**) shall be amended in accordance with regulations 3 to 11.

3. In regulation 2—

(a) after the definition of "domestic customer" in paragraph (1) there shall be inserted the following definition—

> ""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;";

(b) for the definitions of "prescribed period" and "prescribed sum" in paragraph (1) there shall be substituted respectively the following definitions—

(**1**) S.I. 1992/231 (N.I. 1); Article 42 was amended by Articles 3 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)

(**2**) S.R. 1993 No. 448 which was amended by S.R. 1999 No. 186 and S.R. 1999 No. 331 (which revoked S.R. 1999 No. 186)

""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;";

(c) for sub-paragraph (a) of paragraph (2) there shall be substituted the following sub-paragraph—

"(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. In regulation 3(5) for the definition of "working hours" there shall be substituted the following definition—

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

5. After regulation 8 there shall be inserted the following regulations—

"**Meter disputes**

8A.—(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.

Prepayment meters

8B.—(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 customers 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.".

6. In regulation 9—

(a) in paragraph (1) for the word "methods" there shall be substituted the word "method";

(b) the word "or" shall be deleted at the end of paragraph (2)(a);

(c) for the word "information" at the end of paragraph (2)(b) there shall be substituted the words "information; or"; and

(d) after paragraph (2)(b) there shall be inserted the following sub-paragraph—

"(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.".

7. In regulation 10(5)(b) for the words "under regulation 3 or 8" there shall be substituted the words "under regulation 3, 8, 8A or 8B".

8. For regulation 13(2) there shall be substituted the following paragraph—

"(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