STATUTORY RULES OF NORTHERN IRELAND

2014 No. 60

GAS

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

Made - - - -	*3rd March 2014*
Coming into operation	*1st April 2014*

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

In accordance with section 4(1)(a) of that Act, the Authority arranged for such research as it considered appropriate with a view to discovering the views of a representative sample of persons likely to be affected and considered the results.

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

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

PART 1

General

Citation and commencement

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

Interpretation

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

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

(**2**) 2011 c.6

"accurate" means

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

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

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

"the Act" means the Energy Act (Northern Ireland) 2011;

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

"applicable date" means, in relation to each occasion upon which a regulation applies, the day upon which that regulation first applies, or, where a prescribed period in a paragraph of a regulation is expressed in hours, the time on that day when that regulation first applies;

"appropriate meter" means a meter stamped in accordance with the provisions of Article 22 of the Gas Order or regulations made pursuant to that section;

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

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

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

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

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

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

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

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

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

(**3**) S.I. 2003/419 (N.I.6) as amended by S.I. 2006/3336 (N.I.21)
(**4**) S.I. 1984/1822 (N.I.12)

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

"the Gas Order" means the Gas (Northern Ireland) Order 1996(**5**);

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

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

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

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

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

"non-domestic premises" means any premises other than domestic premises;

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

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

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

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

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

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

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

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

"quotation" means a cost estimate for a connection;

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

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

(**5**) S.I. 1996/275 (N.I.2)
(**6**) S.I. 2006/2647

"relevant operator" means the relevant gas conveyor or gas supplier according to the circumstances of the relevant customer's case;

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

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

"specified time" means—

(a) unless sub-paragraph (b) applies, a part (which has been specified by the relevant operator) of a day (which has also been specified by the relevant operator) within the prescribed period from the applicable date, being either a part which falls wholly between eight thirty in the morning and one o'clock in the afternoon or wholly between noon and five o'clock in the afternoon; or

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

provided that—

(i) a part of a day may be a specified time for the purpose of a regulation notwithstanding that it was requested, agreed or specified prior to the time at which that regulation first applied; and

(ii) the gas supplier shall not be obliged to agree part of a day which is not the part of the day between eight thirty in the morning and one o'clock in the afternoon or between noon and five o'clock in the afternoon;

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

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

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

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

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

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

(2) For the purpose of these Regulations—

(a) where more than one person is a customer in respect of particular premises, a notice given by a relevant operator to one person who is a customer in respect of those premises shall be a sufficient notice to any other person who is a customer in respect of those premises at the time the notice is given;

(b) where a person is a customer in respect of more than one premises, a reference in a regulation to "customer" is a reference to that person in respect of each of the premises in relation to which he is a customer to which the regulation applies;

(c) any reference to the dispatch by a relevant operator of an explanation or reply within a particular period shall not require that the explanation or reply (if in writing) is received by the customer within that period and shall be satisfied if the relevant operator provides the explanation or reply orally to the customer within that period;

(d) any reference to a customer shall (except in relation to the entitlement to any payment due from a relevant operator under these Regulations) include any person having apparent authority to represent the customer unless the context otherwise requires.

PART II

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

Meter disputes

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

(a) that the customer considers that an appropriate meter is or may have been operating outside the margins of error; or

(b) that circumstances exist which a gas conveyor might reasonably expect to have been caused by the appropriate meter operating outside the margins of error.

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

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

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

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

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

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

(5) The circumstances described in this paragraph are each of the circumstances described in regulation 15 provided that, in relation to paragraph (6) of that regulation, the gas conveyor or gas supplier gave the customer not less than one working days prior warning (whether or not in writing)