1993 No. 448

ELECTRICITY

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

Made . . . . . 11th November 1993

Coming into operation . . 1st January 1994

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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 1992(**a**) 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

(**a**) 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)

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) Regulations (Northern Ireland) 1993 and shall come into operation on 1st January 1994.

Interpretation

2.—(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;

"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 the Schedule opposite the reference to the paragraph or sub-paragraph of the regulation in column 1 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 the Schedule, or where the customer is a non-domestic customer, the amount in column 4 of the Schedule in either case opposite the reference to that paragraph or sub-paragraph of the regulation in column 1 of the Schedule;

"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 1.00 p.m. or 12 noon and 5.00 p.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 customer shall be a sufficient notice to every person who is a customer in respect of those premises;

(*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.

Supplier's fuse

3.—(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" mea the period between 8.30 a.m. and 5.00 p.m. on each working day.

Supply restoration

4.—(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 kilovolts 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).

Providing a supply

5.—(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