



ST. HELENA

CHAPTER 107

ELECTRICITY ORDINANCE

and Subsidiary Legislation

Non-authoritative Consolidated Text

This is not an authoritative 'revised edition' for the purposes of the Revised Edition of the Laws Ordinance; it has been prepared under the supervision of the Attorney General for the purpose of enabling ready access to the current law, and specifically for the purpose of being made accessible via the internet.

Whilst it is intended that this version accurately reflects the current law, users should refer to the authoritative texts in case of doubt. Enquiries may be addressed to the Attorney General at Essex House, Jamestown [Telephone (+290) 2270; Fax (+290) 2454; email pa.lawofficers@legallandlands.gov.sh]¹

Visit our [LAWS page](#) to understand the St. Helena legal system and the legal status of this version of the Ordinance.

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¹ These contact details may change during 2011 or early in 2012. In case of difficulty, email shgwebsite@sainthelena.gov.sh or telephone (+290) 2470.

² *These Regulations have become obsolete. See section 14 of the Utility Services Ordinance, 2013*

CHAPTER 107
ELECTRICITY ORDINANCE
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CHAPTER 107

ELECTRICITY ORDINANCE

(Ordinances 8 of 1961, 7 of 1995 and 1 of 1996, Legal Notice 11 of 2010 and Ordinance 3 of 2013)

AN ORDINANCE TO REGULATE THE GENERATION, DISTRIBUTION, SUPPLY AND USE OF ELECTRICITY.

Commencement

[7 August 1961]

Short title, application

1. This Ordinance may be cited as the Electricity Ordinance, and shall apply only to St. Helena.

Interpretation

2. In this Ordinance—
- “the Authority”**³ ...
- “consumer”** means any person or body of persons supplied or entitled to be supplied with electricity by the Utilities Provider or whose premises are for the time being connected for the purpose of such supply;
- “Utilities Provider”**⁴ means a person licenced under section 6 of the Utility Services Ordinance, 2013, to provide public utility services relating to the generation, distribution or supply of electricity.

³ Definition of “the Authority” repealed by Ord. 3 of 2013

⁴ Definition of “Utilities Provider” inserted by Ord. 3 of 2013

Establishment of Electricity Authority

3.⁵ ...

Generation etc., of electricity

4.⁶ ...

Offences

- 5.⁷ (1) Any person who—
- (a) wilfully or fraudulently injures or otherwise interferes with, or causes or permits to be injured or otherwise interfered with any electrical line, meter or apparatus the property of the Utilities Provider; or
 - (b) fraudulently alters the index of such meter; or
 - (c) fraudulently prevents such meter from giving a correct indication; or
 - (d) fraudulently abstracts, diverts, consumes, uses or wastes any electricity of the Utilities Provider or causes or permits such electricity to be so dealt with,

is guilty of an offence for which the maximum penalty upon conviction is a fine of £20,000 or imprisonment for a term of two years or both such fine and such imprisonment.

(2) Any person who negligently injures or permits to be injured any electrical line, meter or apparatus the property of the Utilities Provider or so prevents such meter from giving a correct indication is guilty of an offence for which the maximum penalty upon conviction is a fine of £1,000.

(3) Where a meter the property of the Utilities Provider is on the premises of a consumer and means of causing any alteration, prevention, abstraction, diversion, consumption or use contrary to the provisions of subsection (1) are found on the premises or under the control of the consumer, such finding shall be *prima facie* evidence that any such alteration, prevention, abstraction, diversion, consumption or use as the case may be was fraudulently, knowingly and wilfully caused by the consumer.

(4) Where an offence under this Ordinance is committed by a body corporate, every director, manager, secretary or other similar officer of the body corporate is guilty of the like offence and liable to be proceeded against, convicted and punished accordingly:

Provided that a person shall not be liable to be convicted under this subsection if he shows that he was unaware (and could not by reasonable diligence have been aware) of the acts or omissions which constituted the offence.

Entry on land and compensation

6.⁸ For the purpose of constructing or affixing any electrical line or maintaining or repairing any such line or apparatus the Utilities Provider or any person authorised by him in that behalf may at all reasonable times enter upon any land and may carry out all necessary works and repairs and may in the course thereof affix electrical lines to any building, fell or lop trees, remove vegetation and do all other things necessary to such purpose, and section 4 of the Land Acquisition Ordinance, 2006, shall apply to the payment of compensation for any injury

⁵ Section 3 amended by L.N. 11 of 2010 and repealed by Ord. 3 of 2013

⁶ Section 4 amended by Ord. 7 of 1995 and repealed by Ord. 3 of 2013

⁷ Section 5 amended by Ord. 7 of 1995, Ord. 1 of 1996 and Ord. 3 of 2013

⁸ Section 6 amended by Ord. 3 of 2013

caused by such entry or by doing any of the aforesaid acts or things in like manner as it applies to the payment of compensation in respect of a preliminary investigation:

Provided that, save in an emergency, no tree shall be lopped or felled before seven clear days' notice shall have been given by the Utilities Provider to the owner of the land on which the tree stands or, in the case of dispute between the Utilities Provider and the owner, before reference has been had to the Utilities Regulatory Authority established by section 3 of the Utilities Services Ordinance, 2013, whose decision in the matter shall be final:

Provided further that no additional compensation shall be payable for the felling or lopping of trees or removal of vegetation where such action is necessary for the maintenance of an electrical line or other apparatus and such trees or vegetation have grown or been allowed to grow in such a manner as to obstruct or interfere with the electrical line or other apparatus since a previous payment of compensation in respect of trees or vegetation in the same place.

Regulations

7.⁹ (1) The Governor in Council may make regulations for the better carrying of this Ordinance into effect and in particular and without prejudice to the generality of the foregoing—

- (a) ...
- (b) ...
- (c) prescribing the methods to be adopted for the supply and use of electricity, the security to be furnished by consumers and the conditions for the discontinuance of the supply in cases where a consumer fails to observe the requirements of this Ordinance or of any regulations made thereunder or is in arrears with his payments of any proper charges or uses defective fittings, and also in cases where such discontinuance may be deemed necessary or advisable;
- (d) regulating the methods of wiring of premises, the types of apparatus that may be used and such other matters as may appear expedient;
- (e) for the reporting of accidents;
- (f) regulating the examination, licensing and registration of electrical engineers, charge men, wiremen and electrical contractors and the granting of certificates of competency and of registration to such persons;
- (g) for the performance of all acts necessary for the proper management of the supply of electricity,

and such regulations may impose a penalty not exceeding £500 for any breach thereof.

(2) Regulations made for the purpose of subsection (1)(d)—

- (a) may be made so as to require a matter affected by the regulations to be—
 - (i) in accordance with a specified standard or specified requirement; or
 - (ii) approved by or to the satisfaction of a specified person or body of persons; or
- (b) may be made so as to apply, adopt or incorporate a matter contained in a document, code, standard, rule, specification or method formulated, issued, prescribed or published by an authority or body whether—
 - (i) wholly or partially or as amended by the regulations; or
 - (ii) as formulated, issued, prescribed or published—
 - (A) at the time the regulations are made or at any time before then; or
 - (B) from time to time; and

⁹ Section 7 amended by Ord. 7 of 1995 and Ord. 3 of 2013

- (c) may be made so as to confer a discretionary authority or impose a duty on a specified person or body of persons; and
 - (d) may be made so as to provide in a specified case for exemption from a provision of the regulations, whether unconditionally or on specified conditions and either wholly or to such extent as is specified.
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ELECTRICITY REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

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3. Apparatus to comply with certain standards
4. Utilities Provider to install and connect
5. Exclusion from provisions of regulation 4
6. Installation to include earth leakage breaker
7. Power of Utilities Provider to cut off supply of electricity for non-payment of accounts
8. Power of Utilities Provider to require fault to be remedied
9. Power of Utilities Provider to stop electrical interference
10. Power of Utilities Provider to disconnect supply to dangerous installation
11. Reconnections
12. Construction of works
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ELECTRICITY REGULATIONS – SECTION 7

(Legal Notices 13 of 1995, 4 of 1996, 5 of 2000, 1 of 2002, 25 of 2007, 14 of 2011 and 7 of 2013)

Short title

1. These regulations may be cited as the Electricity Regulations.

Interpretation

- 2.¹⁰ ...

Apparatus to comply with certain standards

- 3.¹¹ (1) Subject to subregulation (2), a person must not—
 - (a) install electrical apparatus with the intention that it be connected to the Utilities Provider's supply line; or

¹⁰ Regulation 2 revoked by L.N. 7 of 2013

¹¹ Regulation 3 amended by L.N. 7 of 2013

- (b) connect electrical apparatus to the Utilities Provider's supply line, unless the apparatus conforms to the Regulations for the Electrical Equipment of Buildings of the Institution of Electrical Engineers for the time being in force.
- (2) The Utilities Provider may permit a person not to comply with a requirement of a Regulation referred to in subregulation (1) if the Utilities Provider is satisfied that the requirement is not appropriate in any particular circumstance.
- (3) Permission under subregulation (2) may be given subject to conditions.
- (4) A person to whom permission is given under subregulation (2) must comply with any condition subject to which the permission is given.
- (5) If a person fails to comply with a condition imposed under subregulation (3) the Utilities Provider may cut off any supply of electricity to the premises.
- (6) A person who fails to comply with paragraphs (1) or (4) is guilty of an offence for which the maximum penalty on conviction is a fine of £500.

Authorisations required for certain installations and connections

- 4.¹² (1) Any person who—
- (a) installs any electrical apparatus which is intended to be connected to the Utilities Provider's supply line, while not being the holder of a current licence issued by the Governor which authorises him to undertake work of that nature; or
- (b) connects any electrical apparatus to the Utilities Provider's supply line without first obtaining the written approval of the Utilities Provider,
- shall be guilty of an offence for which the maximum penalty on conviction is a fine of £500.
- (2) Any licence or approval issued or obtained in compliance with sub-regulation (1) of this regulation shall be in such form, for such duration, and subject to such requirements or conditions (including the payment of any fee therefor) as the Utilities Provider may from time to time deem appropriate.
- (3) The Utilities Provider may, at any time during its currency, extend, revoke, vary the conditions, or in any other manner amend any licence or approval issued or obtained in compliance with subregulation (1).

Exclusion from provisions of regulation 4

- 5.¹³ For the purposes of regulation 4(1) "electrical apparatus" shall not include any equipment constructed or attached in a manner which enables it to be immediately connected to or disconnected from any electrical supply by any person, irrespective of his own skills.

Installation to include earth leakage breaker

- 6.¹⁴ (1) Subject to subregulation (2), a person must not connect an electrical installation to the Utilities Provider's supply line or allow an electrical installation to remain connected to the Utilities Provider's supply line unless the electrical installation is protected by an earth leakage circuit breaker having a rated residual operating current not exceeding 30 milliamps.
- (2) The Utilities Provider may permit a person not to comply with subregulation (1) if the Utilities Provider is satisfied that the requirement of the subregulation is not appropriate in any particular circumstance.

¹² Regulation 4 substituted by L.N. 5/2000 and amended by L.N. 7 of 2013

¹³ Regulation 5 substituted by L.N. 5/2000

¹⁴ Regulation 6 amended by L.N. 7 of 2013

- (3) Permission under subregulation (2) may be given subject to conditions.
- (4) A person to whom permission is given under subregulation (2) must comply with any condition subject to which the permission is given.
- (5) If a person fails to comply with a condition imposed under subregulation (3) the Utilities Provider may cut off any supply of electricity to the premises.
- (6) A person who fails to comply with paragraphs (1) or (4) is guilty of an offence for which the maximum penalty on conviction is a fine of £500.

Power of Utilities Provider to cut off supply of electricity for non-payment of accounts

7.¹⁵ The Utilities Provider may cut off the supply of electricity to premises if any account—

- (a) for electricity consumed on the premises or for the meter hire; or
- (b) for testing a meter on the premises in accordance with a request made under regulation 15(1); or
- (c) for the balance of the cost of installing a service line to the premises payable by virtue of regulation 17(3),

is not paid in full within 28 days of the account being sent by the Utilities Provider to the last address for the consumer known to the Utilities Provider.

Power of Utilities Provider to require fault to be remedied

8.¹⁶ (1) The Utilities Provider may by notice in writing served on a consumer require the consumer to rectify a fault or deficiency in the consumer's electrical installation within the period stated in the notice.

(2) A consumer must not fail to comply with any requirement specified in a notice served on him in accordance with subregulation (1).

(3) If a consumer fails to comply with any requirement specified in a notice served on him in accordance with subregulation (1) the Utilities Provider may cut off any supply of electricity to the consumer's premises.

(4) A person who fails to comply with paragraphs (2) is guilty of an offence for which the maximum penalty on conviction is a fine of £500.

Power of Utilities Provider to stop electrical interference

9.¹⁷ (1) If the Utilities Provider is of the opinion that the use by a consumer of electrical equipment is unreasonably interfering with the supply of electricity to another consumer the Utilities Provider may serve on the first mentioned consumer a notice requiring that consumer—

- (a) not to use the electrical equipment specified in the notice; or
- (b) not to use the electrical equipment specified in the notice except during the period specified in the notice; or
- (c) not to use the electrical equipment specified in the notice except when the conditions specified in the notice are being complied with.

(2) A consumer must not fail to comply with a notice served on him in accordance with subregulation (1).

¹⁵ Regulation 7 amended by L.N. 7 of 2013

¹⁶ Regulation 8 amended by L.N. 7 of 2013

¹⁷ Regulation 9 amended by L.N. 7 of 2013

(3) A notice served under subregulation (1) may be served orally or in writing but if served orally ceases to have effect unless within 24 hours a written notice is served on the consumer.

(4) If a consumer fails to comply with any requirement specified in a notice served on him in accordance with subregulation (1) the Utilities Provider may cut off the supply of electricity to the consumer's premises.

(5) A person who fails to comply with paragraphs (2) is guilty of an offence for which the maximum penalty on conviction is a fine of £500.

Power of Utilities Provider to disconnect supply to dangerous installation

10.¹⁸ The Utilities Provider may at any time disconnect an installation from the Utilities Provider's supply line if the Utilities Provider is satisfied that the installation is dangerous.

Reconnections

11.¹⁹ (1) If the Utilities Provider cuts off a supply of electricity in accordance with these regulations the Utilities Provider may refuse to restore the supply until—

- (a) all outstanding amounts in respect of electricity supplied to the premises have been paid; and
- (b) any other amounts due to the Utilities Provider from the consumer have been paid; and
- (c) any work required by the Utilities Provider to be done has been done; and
- (d) the prescribed reconnection charge is paid.

(2) ...

Construction of works

12.²⁰ (1) The Utilities Provider must serve a notice setting out in general terms the work the Utilities Provider proposes to carry out before exercising any of the powers vested in the Utilities Provider by section 6 of the Electricity Ordinance.

(2) The Utilities Provider must, wherever practicable, serve the notice referred to in subregulation (1) on the owner of the premises affected by the proposed work and, (unless the premises are in multiple occupation) the occupier of those premises.

(3) The notice referred to in subregulation (1) must with reasonable particularity or by an accompanying sketch map indicate—

- (a) the proposed position of any sub-station, transformer, post or similar apparatus or obstacle; and
- (b) the proposed run of any wiring.

(4) A notice referred to in subregulation (1) must also state that if the person upon whom it is served has any objection to the proposed work he must lodge the objection with the Utilities Provider within 3 weeks from the date of issue of the notice.

(5) The Utilities Provider must—

- (a) consider any objection received in accordance with subregulation (4); and
- (b) try to satisfy the objector and secure the withdrawal of the objection or arrive at a compromise.

¹⁸ Regulation 10 amended by L.N. 7 of 2013

¹⁹ Regulation 11 amended by L.N. 25 of 2007, L.N. 4 of 2011 and L.N. 7 of 2013

²⁰ Regulation 12 amended by L.N. 7 of 2013

(6) If agreement cannot be reached and the objection is not withdrawn either the objector or the Utilities Provider may appeal to the Governor in Council who may make such order authorising entry to the premises and the construction of the works as appears to him to be necessary and appropriate.

Power to enter premises

- 13.**²¹ (1) The Utilities Provider may at all reasonable times enter upon premises—
- (a) to inspect, test or maintain the electric lines, meters, fittings or other works and apparatus belonging to the Utilities Provider on the premises; or
 - (b) to ascertain the quantity of electricity consumed in or supplied to the premises; or
 - (c) where a supply of electricity is no longer required to the premises — to remove any electric lines, meters, fittings or other works or apparatus belonging to the Utilities Provider; or
 - (d) where the Utilities Provider may in accordance with these regulations cut off a supply of electricity to the premises — to remove any electric lines, meters, fittings or other works or apparatus belonging to the Utilities Provider; or
 - (e) where a notice has been served in accordance with regulation 12(1) and—
 - (i) no objection to the notice has been received by the Utilities Provider within the period of 3 weeks specified in regulation 12(4); or
 - (ii) an objection has been received by the Utilities Provider but a compromise has been reached; or
 - (iii) the Governor in Council has made an order under regulation 12(6)—
- to carry out the work in accordance with the notice, compromise or order, as the case may be.
- (2) The Utilities Provider must repair any damage caused by the Utilities Provider when carrying out a function referred to in subregulation (1).
- (3) A person must not hinder the Utilities Provider when carrying out a function referred to in subregulation (1).
- (4) A person who fails to comply with paragraphs (3) is guilty of an offence for which the maximum penalty on conviction is a fine of £500.

Electrical accidents to be reported

- 14.**²² (1) If—
- (a) an accident results from the use of electricity; and
 - (b) the accident causes the death of or serious injury to a person,
- the occupier of the premises on which the accident occurred must forthwith inform the Utilities Provider of the accident.
- (2) A person who fails to comply with paragraphs (1) is guilty of an offence for which the maximum penalty on conviction is a fine of £500.

Utilities Provider must test meters upon request

- 15.**²³ (1) The Utilities Provider must test an electrical meter on the premises of a consumer if requested to do so by the consumer.
- (2) Subject to sub-regulation (3), the prescribed fee shall be paid for testing a meter.

²¹ Regulation 13 amended by L.N. 7 of 2013

²² Regulation 14 amended by L.N. 7 of 2013

²³ Regulation 15 amended by L.N. 4 of 2011 and L.N. 7 of 2013

(3) No fee is payable for a test carried out in accordance with subregulation (1) if the meter is found to give a reading that differs from a correct reading by more than 3%.

General charges

16.²⁴ ...

Installation charges

17.²⁵ (1) Subject to the following provisions of this regulation, and for the purpose of calculating the total charge to be levied for the installation of a service line from the Utilities Provider's mains to the premises of a consumer, the Utilities Provider shall first cost all necessary labour and materials at current prices, and then add 20% to the total thereof to cover the Utilities Provider's administration costs and other overheads.

(2) Where the initial cost of a service line has been borne by one consumer, and the Utilities Provider makes any subsequent connection to that line for the benefit of another consumer or consumers, he or they shall pay to the Utilities Provider such portion of the total initial installation cost charged, as the Utilities Provider, in its discretion shall deem fair and reasonable.

(3) All amounts paid to the Utilities Provider pursuant to subregulation (4) shall, on receipt, be forthwith paid over to the first and any subsequent previous contributor in such proportion, where more than one, as the Utilities Provider in its discretion shall deem fair and reasonable:

Provided that no consumer who has paid or contributed to the payment of the initial installation or any subsequent connection costs shall have any entitlement under the provisions of this sub-regulation after the expiry of a period of six years from completion of the installation and connection of the service to which he is a registered contributor.

(4) Where it appears to the Utilities Provider that any application by a prospective consumer, if granted, is likely to form part of a multiple customer area mains service, the Utilities Provider may in a manner which in its discretion it considers fair and reasonable apportion the total costs of the works necessary to constitute such service, including investment costs and other costs stipulated in subregulation (1), among the total number of consumers projected for that area by the Utilities Provider and calculate the charge to be levied in respect of such consumer on such basis.

(5) The Utilities Provider shall not commence any works of installation of a service line until payment has been made of not less than one half of the total amount required to be paid in any case by a consumer under this regulation.

(6) The balance (if any) remaining upon completion of the installation of a service line shall be paid by the customer forthwith upon demand.

Ownership of service lines and equipment

18.²⁶ The service line to a consumer's premises, together with all poles and other equipment ancillary to such line or service, shall be and remain the property of the Utilities Provider up to and including the consumer's meter, notwithstanding that the cost, or a proportion of the cost of the initial installation or any subsequent connection has been paid by the existing consumer or any previous consumer responsible for the premises.

²⁴ Regulation 16 substituted by L.N. 25 of 2007 and revoked by L.N. 4 of 2011

²⁵ Regulation 17 substituted by L.N. 5/2000 and amended by L.N. 7 of 2013

²⁶ Regulation 18 substituted by L.N. 5/2000 and amended by L.N. 7 of 2013

Distribution of electricity

- 19.**²⁷ Subject to regulation 12, the Utilities Provider—
- (a) may arrange electrical distribution in whatever way considered best by the Utilities Provider; and
 - (b) may add electrical supply lines at any point whether or not—
 - (i) the point is on a consumer's premises; or
 - (ii) the electrical supply line is required to supply other consumers.
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²⁷ Regulation 19 amended by L.N. 7 of 2013

ELECTRICITY (TARIFFS) REGULATIONS²⁸ – SECTION 7*(Legal Notices 6 of 2012, 19 of 2012 and 4 of 2013)***Citation and commencement**

1. These Regulations may be cited as the Electricity (Tariffs) Regulations, 2012, and shall come into force on 1 April 2012.

Interpretation

2. For purposes of these Regulations—

“quarter” means a period of three months;

“unoccupied residential premises” means any residential premises, where—

(a) the consumption of electricity during the relevant quarter averaged less than one unit per day;

(b) the premises are deemed to be unoccupied under the Water (Tariffs) Regulations, 2012,

and the consumer in relation to such premises cannot prove to the Electricity Authority that such premises were *bona fide* occupied as a residence for a period, or periods in aggregate, of at least 60 days during such quarter:

Provided that where a consumer who ordinarily resides at such premises is temporarily absent from such premises due to illness or overseas holidays, such premises shall be deemed to remain *bona fide* occupied as a residence during such period of absence.

Service charge

3.²⁹ (1) The service charge for connection to the distribution system shall be—

Type of meter	Service Charge
(a) Single phase (where paragraph (b) does not apply)	£11 per quarter
(b) Single phase (in the case of unoccupied residential premises)	£22 per quarter
(c) Three phase	£33 per quarter ³⁰ .

(2) The service charge referred to in sub-regulation (1) shall be charged pro rata for any part of a quarter.

Rates for consumption of electricity

4.³⁰ The charges for consumption of electricity shall be—

Units consumed per quarter	Rate
Band 1 (first 400 units)	£0.212 per KWH
Band 2 (units 401 – 1,000)	£0.363 per KWH
Band 3 (units in excess of 1,000)	£0.396 per KWH

²⁸ These Regulations have become obsolete. See section 14 of the Utility Services Ordinance, 2013

²⁹ Regulation 3 amended by LN 4 of 2013

³⁰ Regulation 4 amended by LN 19 of 2012 and LN 4 of 2013

Reconnection charges

5. The following charges shall be paid in respect of the reconnection of electricity supply under Regulation 11 of the Electricity Regulations:

	Rate	
	Unoccupied Residential Premises	Others
After being disconnected for a period of up to 1 month	£20.00	£5.00
After being disconnected for a period of over 1 month up to 6 months	£50.00	£10.00
After being disconnected for a period of over 6 months up to 12 months	£100	
After being disconnected for a period of over 12 months	£100 for every year or part of a year that the electricity supply has been disconnected.	

Meter testing fee

6. Fee for testing a meter under Regulation 15 of the Electricity Regulations: £10.

Repeal of legislation

7. The Electricity (Tariffs) Regulations, 2011, are revoked.
