

## **ELECTRICITY SUPPLY EMERGENCY CODE**

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## DEFINITIONS

*In this Code, unless indicated otherwise:*

*"associated load" means electricity which, when a protected consumer is being supplied, is unavoidably supplied to a consumer who is not protected;*

*"authorised area", in relation to a person authorised by a licence under section 6(1)(b) or (c) has the meaning assigned to it in section 6(9) of the Electricity Act*

*"CPRP" means the Contingency Planning Review Panel established under paragraph 29 of this Code;*

*"discrete feeder" means an electrical high voltage circuit which is used solely to connect an individual consumer to a point of supply on the network operator's system. This circuit must be capable of being protected from disconnection by the ability to switch the remaining circuits connected to the point of supply by either local or remote operation from a network operator's location which is normally continuously manned;*

*"Electricity Act" means the Electricity Act 1989;*

*"electricity supply emergency" means an emergency affecting electricity supplies which makes it necessary that the Government should temporarily have at its disposal exceptional powers for controlling the sources and availability of energy;*

*"Energy Act" means the Energy Act 1976;*

*"ESECRG" means the Electricity Supply Emergency Code Review Group which is established as a working group of the CPRP;*

*"fuel security period" means a period commencing on the date on which any direction issued by the Secretary of State under Section 34(4)(b) of the Electricity Act enters effect and terminating on the date (being not earlier than the date such direction, as varied, is revoked or expires) as the Director General of Electricity Supply, after consultation with such persons (including, without limitation, licence holders liable to be principally affected) as he shall consider appropriate, may with the consent of the Secretary of State by notice to all licence holders determine, after having regard to the views of such persons;*

*"Fuel Supplies Committee" means an informal committee chaired by NGC and composed of representatives of such industry participants which will, inter alia, prepare and review plans, manuals and other arrangements to assist in the orderly conduct of the industry in planning for, and operating and recovering during, a fuel security period;*

*"licensed generator" means any person who is authorised by a licence under section 6(1)(a) of the Electricity Act to generate electricity;*

*"network operator" means any public electricity supplier and any person who is authorised by a licence under section 6(1)(b) of the Electricity Act to transmit electricity;*

*"NGC" means The National Grid Company plc;*

*"protected consumer" means any person whose name appears on one of the lists of protected consumers which under paragraph 45 of this Code is to be compiled and kept up to date;*

*"public electricity supplier" has the meaning assigned to it in section 6(9) of the Electricity Act;*

*"second tier supplier" means any person who, not acting as a public electricity supplier, is authorised by a licence under section 6(2) of the Electricity Act to supply electricity to any premises specified or of a description specified in the licence except where he is acting otherwise than for purposes connected with the supply of electricity to those premises;*

*"standby generation" means electricity generation equipment which is capable of providing a supply of electricity adequate for the continuation of activities which are the subject of the "V" and "F" lists or, as regards the "O"list, adequate to avoid damage to plant or for the operation of a continuous manufacturing process.*

## **ELECTRICITY SUPPLY EMERGENCY CODE**

*The paragraphs printed in italic type are for information or are advisory. The paragraphs printed in bold type are those with which individual companies are required to comply by virtue of directions under section 96 of the Electricity Act.*

### **INTRODUCTION**

1. *The purpose of this Code is to:*
  - a) *describe the steps which the Government might take to deal with an electricity supply emergency of the kind envisaged under section 96(7) of the Electricity Act or section 3(1)(b) of the Energy Act; and*
  - b) *set down the actions which companies in the electricity industry should plan to take and which may be needed or required in order to deal with such an emergency.*

### **POWERS OF THE SECRETARY OF STATE**

2. *Under section 96 of the Electricity Act (see Appendix 1), the Secretary of State has power, after consultation, to give directions for the purpose of preserving the security of buildings or installations used for, or for purposes connected with, the generation, transmission or supply of electricity or mitigating the effects of any civil emergency which may occur. "Civil emergency" is defined in section 96(7) as "any natural disaster or other emergency which in the opinion of the Secretary of State, is or may be likely to disrupt electricity supplies."*

3. *The Secretary of State has power under section 34(4)(b) of the Electricity Act to direct the operator of any generating station which is of a capacity not less than 10 megawatts and is fuelled otherwise than by waste or manufactured gases to operate, or not to operate, that generating station for specified periods, at specified levels of capacity or using specified fuels.*

4. *Section 1 of the Energy Act (see Appendix 1) enables the Secretary of State, by order, to regulate or prohibit the production, supply, acquisition or use of inter alia, electricity. In addition section 2 enables the Secretary of State to give directions to undertakings as to the production, supply and use of inter alia, electricity. Section 4 enables the Secretary of State to authorise suppliers and users to disregard or fall short in discharging any statutory or contractual obligations relating to or involving the supply or use of inter alia, electricity. Save for orders under section 1, which may be made, subject to consultation, where it appears to the Secretary of State to be desirable for the purposes of conserving energy, these powers are activated when an Order in Council has been made declaring that there exists or is imminent "an actual or threatened emergency affecting fuel or electricity supplies which makes it necessary that the Government should temporarily have at its disposal exceptional powers for controlling the sources and availability of energy". (There are also powers available under the Emergency Powers Act 1920, but powers under the Energy Act are more likely to be invoked save in the case of a more general emergency extending beyond the production, supply and use of energy.)*

## **ELECTRICITY SUPPLY EMERGENCY**

5. *An electricity supply emergency may have been preceded by a fuel security period, resulting from a direction under section 34(4) of the Electricity Act. An emergency may, however, occur without a preceding fuel security period. A fuel security period may continue after an emergency has ended.*

## **ENFORCEMENT**

6. *Directions under section 96 of the Electricity Act place obligations on network operators to prepare and maintain plans in accordance with this Code, and on both network operators and certain licensed generators to participate in the CPRP. Drafts of the directions are at Appendix 2. If at any time the Code is amended new section 96 directions will be issued.*

7. *In the event of an electricity supply emergency, directions may be issued under section 2 of the Energy Act obliging network operators to introduce rota disconnections in accordance with this Code. A draft of these directions is at Appendix 5.*

## **REVIEW AND AMENDMENT**

8. *Paragraph 32 refers to the annual review of the Code by the CPRP. Section 96 of the Electricity Act requires the Secretary of State to consult those to whom directions are to be issued before issuing directions. If the Secretary of State proposes to make any amendments to the Code, he will consult with the CPRP and with the network operators and licensed generators to whom directions under section 96 of the Electricity Act have been, or are to be, issued. In consulting them, the Secretary of State will set out in detail the amendments proposed, together with such explanation as is necessary. The Secretary of State will take account of comments on the proposed modifications before deciding whether to amend the Code.*

## **POLICY AIMS**

9. *The Government's policy in planning for and dealing with emergencies is to seek to maintain an equitable distribution of available supplies to all consumers, whilst protecting, as far as reasonably practicable, supplies to industries and services on which the well-being of the nation particularly depends.*

## **GOVERNMENT ACTIONS NOT REQUIRING EMERGENCY POWERS**

10. *Before resorting to the use of emergency powers, the Government may appeal for voluntary restraint in the consumption of electricity. In that event, regional Government Offices may be briefed to provide guidance to the public, to handle enquiries and to liaise with network operators other than NGC, with whom the Department of Trade and Industry will maintain liaison, principally through the CPRP. The Department of Trade and Industry may also activate its Operations Rooms at 1 Victoria Street, London SW1 H OET. Network operators should not normally need to contact these Operations Rooms unless it is to respond to an enquiry from them. It is envisaged that communication between central Government and NGC will be principally through the CPRP. Enquiries by network operators or licensed*

*generators regarding the total effects of disconnections on the transmission network should be directed to the National Grid Company System Incident Centre.*

## **GOVERNMENT ACTIONS UNDER EMERGENCY POWERS**

11. *In the light of experience, particularly since 1972, a set of draft Statutory Instruments (Orders) and other statutory measures have been prepared for introduction, as circumstances require, to deal with a wide range of electricity supply emergencies. The extent to which such measures, or any others that might be appropriate, are adopted will depend on many factors such as whether the emergency has arisen because of a shortfall in generating capacity or because of fuel shortage, and on the seriousness and expected duration of the emergency.*

12. *The main policy choice that may have to be made in any emergency is the extent to which the necessary restrictions on electricity supplies should be spread across all consumers (i.e. including domestic consumers) or targeted at industrial and commercial users. Since it is not practicable to enforce statutory restrictions on domestic consumers, the only realistic way to restrict electricity supplies to them is by the imposition of rota disconnections. However, in some circumstances, e.g. industrial action in the electricity industry, this option may not be available. There are therefore draft Orders restricting the use of electricity in the workplace and other non-domestic premises. (These are summarised in Appendix 3). A number of the Orders can be used together, with or without rota disconnections. They provide alternative means of reducing consumption of electricity to deal with emergencies of increasing severity. Savings in consumption under different Orders will not necessarily be additional. Savings achievable under rota disconnection are unlikely to be equivalent to the proportion of load disconnected at any one time, as consumers may use more electricity when re-connected.*

13. *Another policy choice to be made would be whether action should be taken to restrict electricity supplies in Great Britain as a whole, or only in parts of the country.*

14. *The Secretary of State will look to the CP RP for advice on the action to be taken to deal with an electricity supply emergency in considering what policy to adopt.*

## **GOVERNMENT CONTINGENCY PLANS**

15. *The Government needs to plan for many possible civil emergency situations, including difficulties arising outside the electricity industry which could affect electricity supplies.*

16. *In a severe emergency the Government would consider activating the twelve Regional Emergency Committees (RECs). They are inter-Departmental but do not take over the responsibilities of the Departments represented. RECs are based in England on geographic areas covered by the regional structure of the Department of Environment, Transport and Regions (DETR), the Department of Trade and Industry (DTI) and the Department of Education and Employment (DFEE). The equivalents of the RECs in Scotland (the Scottish Emergency Co-ordinating Committee (SECC)) and Wales (the Welsh Regional Emergency Committee (WREC)), cover the whole area of those parts of Great Britain and are based in the respective territorial departments. Government Offices' Regional Directors act as Chairmen of the Committees in England. They have power to delegate this responsibility at their discretion to the Regional Emergency Liaison Officers (RELOs). The Chairmen of the Welsh and Scottish Committees are nominated by their respective territorial Departments.*

*The Committees would be responsible for co-ordinating arrangements for maintaining essential supplies and services in their region, for monitoring the effects of the emergency and the adequacy of contingency arrangements, and for publicising those arrangements. This Code does not apply to Northern Ireland where separate provisions apply.*

17. *In an emergency affecting the electricity industry, the DTI may need to communicate with the industry at regional as well as national level. RELOs in the Regional Government Offices will act as the channel of communication. In Scotland this role is undertaken by the Scottish Executive. The DTI will inform the Office of Gas and Electricity Markets (OFGEM), of measures which the Government proposes to implement to deal with an emergency. However, it will be the responsibility of the RELOs to maintain liaison with OFGEM's Regional Managers on how particular measures affect their region. Although it is recognised that OFGEM will have no direct role in managing an emergency, they will retain their ongoing responsibility for monitoring the public electricity suppliers' and second tier suppliers. supply activities and will where necessary investigate complaints regarding breaches of supply obligations while rota disconnection directions are in force.)*

### **FUEL SECURITY PERIOD**

18. *If a fuel security period is not already in existence when an emergency occurs and if the Government wishes during an emergency to control the operation of power stations, a direction can be expected to be issued under section 34(4)(b) of the Electricity Act. thus initiating a fuel security period.*

### **ACTIONS BY GOVERNMENT DEPARTMENTS OTHER THAN DTI**

19. *There is a close liaison at national level between the DTI and those other Government Departments who have particular concerns in the event of an electricity supply emergency e.g. with DETR, the Home Office, the Department of Health and with the Ministry of Agriculture, Fisheries and Food (.MAFF). The DTI also maintains close liaison with the Scottish Executive regarding electricity supply emergencies.*

20. *In an electricity supply emergency. the DETR may be asked by the DTI to request Railtrack to make maximum economies having regard to the general level of restrictions on the use of electricity. Similarly, they may seek local authority assistance concerning street . lighting. If necessary, the DTI would consider the use of an order under section 2(1)(c) of the Energy Act.*

21. *The problems which other Departments foresee or encounter may need to be discussed with, or by, the CPRP.*

### **METHODS FOR RESTRICTING THE USE OF ELECTRICITY**

22. *In an electricity supply emergency it may become necessary to restrict consumers' demand for and consumption of electricity because of a generating plant shortage, a fuel shortage, a combination of both of these circumstances, or for some other reason. Restrictions on the demand/consumption of electricity over the longer term may be achieved by one or more of the following methods:*

- a) *appeals by the Government to the public for voluntary restraint;*

- b) *the issue of orders [or directions] under the Energy Act requiring restrictions on consumption by industry, commerce and other undertakings;*
- c) *the issue of directions under the Energy Act requiring rota disconnections and associated restrictions.*

23. *If the Government decides that rota disconnections should be introduced; the Secretary of State will issue a direction to each network operator. It will direct him to restrict the supply of electricity to consumers, other than those in protected categories, by rota disconnections so as to achieve a specified level of disconnection. A draft of the direction is at Appendix 5. Whether the directions should cover a period of 24 hours or less and whether different levels of disconnection should be specified for different periods of 24 hours would be decided by the Government in the light of advice from the CP RP.*

24. *Orders and directions issued under the Energy Act to restrict consumption by industrial and commercial users will contain a Schedule exempting certain premises and purposes from the scope of the order or direction. The categories exempted in these are likely to be more extensive than the categories of consumers protected from rota disconnections.*

25. *During an electricity supply emergency NGC will advise and regularly update the CP RP of the levels of disconnection it considers necessary. The CP RP will advise the DTI by 17.00 hours each day of the level of rota disconnections it considers necessary for the 24 hour period commencing at 06.30 the next day following. At regular intervals throughout the day, 10 a timetable agreed between the CP RP and the DTI the CP RP will submit revisions to its advice so as to allow the DTI to issue revised directions at least 2 hours before the relevant rota disconnection period.*

26. *If rota disconnections are directed, the Secretary of State will issue authorities under section 4 of the Energy Act authorising network operators to disregard or fall short of their statutory and contractual obligations to supply to such an extent as is necessary to comply with the directions on rota disconnections. A draft of the authority is at Appendix 6.*

27. *As rota disconnections do not constitute "failures of supply" within the terms of regulation 35 of the Electricity Supply Regulations 1988, because suppliers should be in a position to give 48 hours notice of disconnections, there is no requirement under regulation 35 to report the effects of rota disconnections to the Secretary of State*

28. *One of the possible orders which could be issued under the Energy Act to restrict the use of electricity in industrial and commercial premises would require consumption to be reduced by a certain percentage (see Appendix 3(e)). (This is to be distinguished from a direction instituting rota disconnections.) It is an alternative to an order which would restrict the use of electricity to specified days of the week (see Appendix 3(j)). If a percentage reduction order was issued; it might be necessary for directions to be issued to network operators requiring them to provide information showing consumers whose consumption was above a certain level so as to enable the Government to monitor observance of the orders.*

#### **CONTINGENCY PLANNING REVIEW PANEL (CPRP)**

29. **A Contingency Planning Review Panel shall be established. It shall be chaired by the Chairman of the National Grid Company (or his nominated alternative) and shall meet as and when the Chairman (or his nominated alternative) determines or as required by the Secretary of State. In addition to the Chairman, the panel shall comprise the Chief Executives of National Power plc and of PowerGen plc (or their nominated alternatives), a total of three senior officers from the public electricity suppliers in England and Wales, one senior officer from the public electricity suppliers in Scotland and an appropriate Director (or his nominated alternative), from the National Grid Company. Other representatives from licence holders under section 6 of the Electricity Act may be co-opted on to the CPRP as the Chairman or the Secretary of State may decide, in particular from the nuclear generators when nuclear safety issues arise. The CPRP may appoint such working groups as it considers necessary.**

#### **ADVICE ON PLANNING FOR AN EMERGENCY**

30. **Prior to a potential emergency the CPRP will be responsible for providing advice to the Secretary of State on dealing with it. The CPRP shall endeavour to provide agreed advice. If there are differences of view between members, the advice of the majority shall be given to the Secretary of State and the differences of view shall accompany such advice. The advice will embrace the nature and likely impact of threats to electricity supply; and options for electricity consumption restrictions to mitigate the effects of such threats including, but not limited to, the use of appeals to consumers to exercise restraint and the introduction of statutory measures under the Energy Act.**

31. **Network operators and licensed generators in receipt of directions made under section 96 of the Electricity Act shall take all reasonable steps to provide the CPRP with the information it needs to carry out its responsibilities. Information passed to the CPRP for the purpose of enabling it to carry out its responsibilities and bearing a confidentiality marking shall not be used for any other purpose except with the prior consent in writing of the person who provided the information, save that licensed transmission operators in England and Wales and both Scottish Hydro and Scottish Power in Scotland may use any such information for the purpose of planning the operations of the transmission system in an electricity supply emergency.**

#### **REVIEW OF THE CODE**

32. **The ESECRG will, on behalf of the CPRP, review this Code annually and advise the Secretary of State of any amendments it considers appropriate.**

## **ADVICE AND REPORTS DURING AN EMERGENCY**

33. *In the event of there being in force an Order in Council declaring the powers under sections J and 2 of the Energy Act exercisable to their fullest extent in so far as they relate to electricity, the Secretary of State will look to the CP RP to provide advice on the need for the introduction of orders or directions under that Act to regulate or prohibit the production, supply, acquisition or use of electricity. The CP RP should endeavour to give network operators warning of the introduction of such measures and their nature. The Secretary of State will look to the CPRP for co-ordinated reports on the effects on consumers of the measures that have been taken; and for advice on the adoption of variations to any measures that may have been taken. The CP RP will look to network operators, licensed generators and any other bodies or persons who may provide the information needed for this purpose.*

## **STATEMENTS AND PUBLICITY DURING AN EMERGENCY**

34. *The CPRP will be expected to issue statements on the effects of an emergency on the country as a whole in consultation with the licensed generators and network operators. The network operators may need to supplement these statements with such local publicity as they deem to be appropriate.*

35. *The NGC may activate its System Incident Centre to receive and disseminate information on the electricity supply position and to report to the CP RP either routinely or as requested.*

## **CPRP AND FUEL SUPPLIES COMMITTEE**

36. *The CPRP's role and responsibilities have already been outlined in the preceding paragraphs. The role of the Fuel Supplies Committee (FSC), established under the Fuel Security Code, is mainly that of providing advice to the Secretary of State on system endurance and maintaining operational mechanisms during a fuel security period. It has a number of responsibilities in carrying out that role, and acts as a forum for discussion of generation issues relating to a potential or actual fuel security period.*

37. *The roles and responsibilities of the FSC and CP RP are therefore distinct. If a situation arose where the FSC and the CPRP were required to meet in parallel, for example if a fuel security period and an electricity supply emergency were to run concurrently, then both bodies would continue to provide advice concerning their separate areas.*

38. *If appropriate any member of the FSC may be co-opted on to the CPRP as provided for in paragraph 29.*

## **GRID CODE CONTINGENCY PLANS**

39. *During the approach of an emergency and possibly during its early stages, companies authorised by a licence under section 6] (b) to transmit electricity may need to exercise demand control in accordance with the procedures set out in the Grid Code Operating, State, there is likely to be a requirement for concurrent application of further stages of demand control in accordance with the relevant Demand Control Sections of those Codes. This will be a necessary supplement to the basic pattern of disconnection and will enable a degree of*

*fine-tuning to be exercised, when the precise extent of the demand/generation imbalance becomes known.*

## **ROTA DISCONNECTION PLANS**

**40. Each network operator shall prepare and keep up to date plans for the introduction of rota disconnections which, in the event of a direction being made for this purpose under the Energy Act, shall be capable of being activated at 48 hours' notice. Except in respect of protected consumers, such plans shall apply equally, as far' as practicable, to all consumers supplied through the networks of network operators including non-embedded consumers (i.e. consumers, other than public electricity suppliers, receiving electricity direct from the transmission company authorised under section 6(1)(b) of the Act).**

**41. The plans for the introduction of rota disconnections shall be designed so as to provide that:**

- a) for the purpose of applying rota disconnections, the load of consumers not protected from rota disconnection is divided geographically into 18 approximately equal load blocks. Each load block is to be identified by one of the following letters:**

**ABCDEFGHIJKLMNPQRSTU**

- b) the allocation of consumers to load blocks reflects, as far as practicable, the network operator's normal operating mode;**
- c) load block areas are pre-planned and the plans maintained in a state of readiness. This pre-planning will be in the form of maps and schedules showing load block area boundaries for all consumers;**
- d) if there is a possibility of rota disconnections, all consumers who could be affected will be informed, so far as is practicable, of their load block in advance. It is for network operators to decide how best to do this.**

**42. The plans shall take into account that:**

- a) to create the discrete load groups required for operating rota disconnections, it may be necessary to set up the network by advance switching and that for this purpose approximately 48 hours' notice of the intention to issue a direction on rota disconnections will be given, whenever practicable;**
- b) the CPRP mayor may not be able to give advance warning of the probable period for which disconnections will be required and the number of stages likely to be called for each day;**
- c) there exists a standard disconnection period of three hours but that, at higher levels of disconnection, a number of periods may be applied in succession without any relief;**

- d) **changeover between blocks should be staggered so as not to increase or decrease significantly the level of demand at anyone point of time; and rota changeover switching by a network operator should therefore be capable of being staggered over a 30 minute period;**
- e) **under conditions of rota disconnections, it is possible that an unforeseen system incident may occur which requires action under the Grid Code Operating Codes. A capability to meet these requirements should be retained, "as far as is practicable, in an emergency involving rota disconnections.**

## **ROTA SEQUENCING PLANS**

**43. The sequence by which load blocks are to be disconnected shall be set down in the network operator's rota plans. All rota plans shall be designed on the basis of three hour disconnection periods, i.e. eight periods in any 24 hour day. They shall relate to days of the week and respect the need for equality of treatment between consumers, other than protected consumers, as far as it is practicable to do so. All rota plans shall be designed so that they can be used without any incompatibility for each level of disconnection up to the maximum amount of load available for disconnection. Period 1 of each day for rota disconnection purposes shall start at nominal 0630 hours, so that periods 6-8 shall end in the following day. However, individual network operators must plan to be able to observe specific switching start times for disconnections of e.g. 06.00, 06.30 and 07.00 together with specific changeover times and restoration times, if required by directions. This is in order to avoid load swinging (see paragraph 42(d)).**

## **STANDARD ROTA PLAN**

**44. Details of the Standard Rota Plan, on which network operators' plans shall be based, are set out in Appendix 11 to the Code. The Standard Rota Plan is designed to concentrate disconnection periods on the three days of either Monday, Tuesday and Wednesday or Thursday, Friday and Saturday. The load blocks are grouped in numbered columns which, from left to right, represent increasing disconnection levels. Each number signifies a disconnection level. The levels are derived by dividing the maximum amount of load available for disconnection (being the amount of total network load not supplied to protected consumers) into 18 approximately equal amounts. As available supplies diminish, increasing levels of disconnection will mean that an increasing number of load blocks are disconnected in anyone period. Each network operator shall also show on his plan the percentage disconnection of his total network load represented by each disconnection level. Disconnection of up to level 4 would permit three day working by industry and can be used in conjunction with a, Statutory Order for that purpose (see Appendix 3(1). The sequence of load blocks may be varied if such variation would lead to more equal treatment of consumers, other than protected consumers. The Deed to inform consumers of their load block in advance will Deed to be borne in mind.**

## **PROTECTED CONSUMERS**

**45. Each network operator shall plan so as not to disconnect supply during an emergency to protected consumers, including those protected consumers who are customers of second tier suppliers irrespective of who their supplier is.**

**46. Each network operator shall take all reasonable steps to compile and keep up to date the following lists of protected consumers:**

- (i) a "V" list covering vital services (see Appendix 7);**
- (ii) an "F" list covering the major food manufacturers, processors and storers; and**
- (iii) an "O" list covering certain continuous process and manufacturing firms**

**47. The "V", "F" and "O" lists shall contain:**

- (i) The name of each consumer of electricity connected to the electrical system of the network operator in his authorised area, required to be listed in that list by the following paragraphs; and**
- (ii) in respect of each such consumer, the address of the premises to which electricity is supplied.**

**The "O" list shall also contain:**

- (iii) in respect of each such premises, the address of the government office for the area or appropriate department in which the premises are situated. This is listed in Appendix 4 (Guidance Notes), together with a map illustrating the government office regional structure.**

**48. Listing as a protected consumer shall be in accordance with the following paragraphs.**

#### **"V" List**

**49. A consumer shall be listed in the "V" list if:**

- a) he has informed the network operator in writing that he consider his activities fall into one of the categories of vital services in Appendix 7; and**
- b) the network operator agrees that the activities fall into one of the categories of vital services in Appendix 7; and**
- c) the consumer does not have standby generation; and**
- d) either**
  - (i) he is connected to a discrete feeder; or**

- (ii) in the opinion of the network operator maintaining supply during rota disconnections would involve retention of not more than a marginal amount of associated load; or
- (iii) the network operator has been advised to list him by the DTI pursuant to paragraph 53 below.

50. If a network operator is unsure whether a consumer's activities fall within one of the categories of vital services in Appendix 7, he shall inform the Government Department responsible for the service or the industry concerned which shall instruct the network operator whether the consumer should be listed. Pending resolution of the matter the consumer shall not be listed.

51. If in the network operator's opinion the consumer's activities do not fall within one of the categories of vital services and the consumer disputes this, the network operator shall refer the matter to the DTI for determination, unless the consumer prefers himself to refer the matter to the DTI. The DTI shall instruct the network operator whether the consumer should be listed. Pending resolution of the matter the consumer shall not be listed. The consumer shall be informed, in a timely fashion, of the outcome of any referral.

52. If the network operator consider that the consumer's activities fall into one of the categories of vital services, and if the consumer does not have standby generation nor is he connected to a discrete feeder and if maintaining supply during rota disconnections would, in the opinion of the network operator, involve retention of more than a marginal amount of associated load, the network operator shall advise the consumer that he should either pay for a new or modified connection by means of a discrete feeder or should install standby generation.

53. If the consumer is not prepared to install standby generation and is not prepared to pay for a discrete feeder the network operator shall refer the matter to the DTI with an estimate of the amount of associated load which would need to be kept on supply if the consumer was to be protected. The DTI will consult with other departments concerned and with the network operator and will instruct the latter whether the consumer should exceptionally be listed, despite the retention. of the amount of associated load involved. Pending resolution of the matter, the consumer shall not be listed.

#### **"F" List**

54. Each network operator shall consult with Regional Offices of MAFF in England, the Scottish Executive or the National Assembly for Wales about consumers who should be listed in the "F" list as major food manufacturers, processors or storers. A consumer shall be listed in the "F" list if:

- a) MAFF, the Scottish Executive or the National Assembly for Wales advise that he is a major food manufacturer, processor or storer; and
- b) he does not have standby generation; and

- c) **either**
  - (i) **he is connected to a discrete feeder; or**
  - (ii) **in the opinion of the network operator maintaining supply during rota disconnection's would involve retention of not more than a marginal amount of associated load; or**
  - (iii) **the network operator has been instructed to list him by MAFF , the Scottish Executive or the National Assembly for Wales pursuant to paragraph 56 below.**

**55. If the consumer is a major food manufacturer, processor or storer, does not have standby generation and is not already connected to a discrete feeder, and if maintaining supply during rota disconnections would, in the opinion of the network operator, involve retention of more than a marginal amount of associated load, the network operator shall advise the consumer that he should either pay for a new or modified connection by means of a discrete feeder or should install standby generation.**

**56. If the consumer is not prepared to install standby generation or is not prepared to pay for a discrete feeder the network operator shall refer the matter to MAFF in England, the Scottish Executive or the National Assembly for Wales with an estimate of the amount of associated load which would need to be kept on supply if the consumer was to be protected. MAFF, the Scottish Executive or the National Assembly for Wales will consult with the network operator and the DTI and will instruct the network operator whether the consumer should be listed. Pending resolution of the matter, the consumer shall not be listed.**

*57. MAFF Regional Offices in England, the Scottish Executive or the National Assembly for Wales will review the need for protection annually and notify network operators of any changes they wish to make. If an emergency is imminent, and during an emergency, network operators may wish to consult with MAFF regional offices in England, the Scottish Executive or the National Assembly for Wales on whether any further changes need to be made.*

*58. In preparing their plans, network operators should take into account that, depending on the availability of certain foodstuffs, there may be a need for particular food producers to increase output during an emergency.*

*59. Due to the need to avoid maintaining more than a marginal amount of associated load, it will not normally be possible for network operators to provide protection from rota disconnection's to abattoirs and to firms dealing with disposal of food waste. But network operators' plans should take into account the need to give such firms adequate notice where practicable of rota disconnections.*

### **"0" List**

**60. A consumer shall be listed in the "0" list if;**

- a) **he has informed the network operator in writing that either**

- (i) **substantial damage would result if he was subject to rota disconnections; or**
  - (ii) **his operation involves a continuous manufacturing process; and**
  - (iii) **the network operator has no reason to doubt the accuracy of the information; and**
- b) **he does not have standby generation; and**
  - c) **he is connected to a discrete feeder; and**
  - d) **the consumer has informed the network operator in writing that he recognises he may be required to restrict his consumption during rota disconnections. In the case of a new consumer, if the network operator has reason to believe that the consumer might qualify for listing, he shall inform him of the above criteria for listing.**

**61. If a network operator has reason to doubt the accuracy of information provided under paragraph 60(a) above he should contact the RELO located at the relevant regional Government Office or the Welsh or Scottish Offices equivalent. The RELO may be able to provide additional information about the consumer to satisfy the network operator that the information provided by the consumer is accurate. If this is the case, the network operator shall list the consumer in the "0" list provided that sub. paragraph b, c and d of paragraph 60 are satisfied. If the RELO is unable to provide information to the network operator, then the RELO should refer the matter to the relevant DTI sponsorship Directorate for determination. The network operator may decide to refer the matter direct to the DTI for determination. In this case, the sponsorship Directorate may seek the assistance of the relevant RELO in obtaining information on the consumer to assist in the determination. Pending resolution of the matter, the consumer shall not be listed.**

*62. In the event of network operators being directed to make rota disconnections, it is expected that consumers in the "0" List would be directed to reduce their consumption by a percentage broadly commensurate with rota disconnections ( a draft direction is at Appendix 8). Network operators will be directed to provide details of consumption to Regional Government Offices for this purpose. (A draft of the direction is at Appendix 9.) Appendix 10 describes the procedure for issue of directions to "0" list consumers by Regional Government Offices.*

#### **PROTECTED CATEGORIES: GENERAL**

**63. Network operators shall plan to give as much notice as possible to protected consumers in the event that protection from disconnection is at risk for whatever reason.**

*64. In the case of consumers who would have been listed in one of the protected categories but for the fact that they have standby generation, the network operator will endeavour to provide a supply in the event of failure of standby generation where there is a risk to life or damage to plant.*

## **INFORMATION ON LISTING**

**65. Network operators shall, on request, supply the DTI with lists of their protected consumers, to enable the Department to review the consistency with which the criteria for listing are being applied.**

**66. Network operators shall inform protected consumers, including customers of second tier suppliers, that they have been listed in one of the lists. If a consumer has sought to be listed but a decision has been taken not to do so, he shall be informed of the fact and, where appropriate, the possibility of seeking a determination from the DTI.**

## **ROTA DISCONNECTIONS - ADVICE TO 'CONSUMERS**

*67. Network operators shall endeavour to give advice to consumers subject to rota disconnections on alternative working hours/shift patterns which would minimise the effect of rota disconnections.*

## **OTHER PRIORITY NEEDS**

*68. Depending on the changing circumstances during an emergency, industries, users and premises other than those mentioned above may need to be given priority for electricity supplies where this is technically possible. Following consultation with them, network operators may be subject to a direction requiring them to exempt certain consumers from rota disconnections. Examples of industries, other than those in protected categories, which may seek special treatment are producers of materials for water purification (e.g. chlorine and lime), producers of carbon dioxide (required by gas cooled nuclear stations) and producers of oxygen (for medical use).*

## **SEVERE SHORTAGES OF ELECTRICAL POWER**

*69. In the event of a severe shortage of electrical power, it may no longer be possible to maintain an equitable distribution of available supplies, while protecting, as far as reasonably practicable, supplies to industries and services on which the well-being of the nation particularly depends. In such an event the CP RP will have a major role in providing - advice according to the circumstances of the particular emergency.*

*70. The consumer load groups described for the Standard Rota Plan, set out in Appendix 11, should be retained for as long as possible, thus permitting the operation of the pre-selected rota plans. To cater for urgent needs in the build-up to an extreme situation it may become necessary to carry out additional switching to increase the protection of vital services within the operation of the rota switching, whilst maintaining, so far as reasonably practicable, equity of treatment of other consumers. Prior to the onset of an extreme situation all "0" list consumers will have been directed to reduce load broadly" commensurate with the level of disconnections applying to the general body of consumers. As the situation worsens, "0" list consumers will be directed to reduce their consumption to the minimum load necessary for the avoidance of damage to their major plant.*

*71. Appendix 7 lists the vital services for which it may be necessary to maintain supplies. The needs of any component of a vital service may vary daily or even by the hour in an*

*extreme situation. Network operators may need to exercise discretion in some cases and in that event should give priority to the maintenance of life and to minimising the risk of disasters which would involve loss of life or major damage to plant. In this respect it should be recognised that the electricity industry's own requirements, particularly those required to maintain the remaining generating capacity and to ensure that nuclear power stations continue to meet the safety requirements of their nuclear licences, need to be protected.*

72. *In the event of partial or total system shutdowns during an emergency, network operators will implement the operating procedures set out in the Grid Code Operating Codes, such that the affected demand may be restored in the shortest possible time.*

## **RESTORATION OF SUPPLIES**

73. *As supplies of electricity are restored, it may be necessary for the Secretary of State to issue further directions on rota disconnections following advice from the CPRP.*

## **ADMINISTRATIVE ARRANGEMENTS**

### Public relations

74. *This Code does not deal in detail with network operators' normal and special public relations arrangements (e.g. with local broadcasting services) during incipient or actual emergencies.*

### Action in support of electricity industry/Government measures

75. *If appeals are made for voluntary restraint in the use of electricity, the primary responsibility for making such appeals will lie with the DTI. They may be reinforced by statements issued by the CP RP or the network operators. The effectiveness of such appeals may vary depending on the time of the year or the duration of the emergency.*

## **ISSUE OF STATUTORY DIRECTIONS**

76. *As explained at paragraph 61, in the event of rota disconnections "O" list consumers would be directed to reduce their consumption broadly commensurate with the level of disconnections. They may also be directed to reduce their consumption by a prescribed percentage in the event of Orders being made under the Energy Act (paragraph 21(b) refers). The procedure for issuing these directions to "O" list consumers is the same as that for rota disconnections (see Appendix 10).*

**Energy Utilities Directorate  
Department of Trade and Industry**

**November 1999**

# Energy Act 1976

## 1976 CHAPTER 76

An Act to make further provision with respect to the nation's resources and use of energy.

[22nd November 1976]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:-

### *Permanent and reserve powers for energy conservation and control*

1. (1) The Secretary of State may by order provide for regulating or prohibiting the production, supply, acquisition or use of - **General control by order.**

(a) any of the following substances, namely -

(i) crude liquid petroleum, natural gas and petroleum products;

(ii) any substance, whether solid, liquid or gaseous, not falling within sub-paragraph (i) above but used as fuel, whether for the propulsion of vehicles or for any other purposes;

(b) electricity.

(2) Order under subsection (1) above regulating or prohibiting the use of any of the substances mentioned in the subsection, or of electricity, may be made at any time but only where it appears to the Secretary of State to be desirable for the purpose of conserving energy.

Subject to this, orders under the subsection may be made only when an Order in Council under section 3 of this Act is in force.

(3) When no Order in Council under section 3 is in force the Secretary of State shall before making an order under subsection (1) consult with organisations in the United Kingdom appearing to him to represent those who will be affected by the order, including both consumers and suppliers of energy, and such other organisations as he thinks appropriate.

**(4) The Secretary of State may by order provide for regulating the price at which crude liquid petroleum, natural gas or petroleum products may be supplied.**

**This power is exercisable at any time in the case of petroleum products, but otherwise is exercisable only when an Order in Council under section 3 is in force.**

**2. (1) When an Order in Council under section 3 of this Act is in force the Secretary of State may give directions -**

**Reserve power to control by government directions.**

**(a) to any person carrying on an undertaking in the course of which he produces any substance mentioned in section 1(1) above, as to the production and use of that substance;**

**(b) to any person carrying on an undertaking in the course of which he supplies any such substance, as to the supply by him of that substance; and**

**(c) to any person carrying on an undertaking which involves the use of any such substance, as to the use by him of that substance for the purposes of the undertaking.**

**(4) Without prejudice to subsections (2) and (3) above, an Order made by virtue of subsection (1)(b) shall cease to be in force at the end of the 12 months beginning with the date on which it was made, unless before then both Houses of Parliament have resolved that it be continued for a further period of 12 months.**

**(5) An Order may be continued in force under subsection (4) more than once; and on each occasion after the first that subsection applies with the substitution for the period of 12 months there specified of a period of 12 months beginning with the date on which, but for the resolutions of Parliament, the Order would have ceased to be in force.**

**4. (1) A person supplying or using a substance mentioned in section 1(1) above may, if authorised to do so by the Secretary of State by any general or special authority granted for the purpose, and while acting in accordance with that authority, disregard or fall short in discharging any obligation imposed by or under an enactment, or any contractual obligation, relating to or involving the supply or use of that substance.**

**Other powers.**

**This subsection has effect only at a time when there is in force an Order in Council under section 3(1).**

**(2) At any time when such an Order in Council is in force, the Secretary of State may grant, or enable any person to grant on his behalf, a general or special authority for the doing, during the whole**

**or any part of the period for which the Order remains in force, of all or any of the things mentioned in Schedule 1 to this Act (relaxations of road traffic and transport law).**

**(3) Her Majesty may by Order in Council make provision for modifying or excluding any obligation or restriction imposed, or extending any power conferred, by or under an enactment which directly or indirectly affects the use of a substance mentioned in section 1(1).**

**(4) While an Order in Council is in force under section 3(1) -**

**(a) subsection (3) above has effect as if for "affects the use" there were substituted "affects the supply or use"; and**

**(b) without prejudice to the generality of the subsection, the powers under it extend to making such provision for modifying an order under section 2 of the Counter-Inflation Act 1973 as appears to Her Majesty to be necessary or expedient for the purpose of price controls under this Act.**

**(5) This section applies in relation to electricity as it applies in relation to substances mentioned in section 1(1).**

**PLANNING FOR EMERGENCIES: DRAFT DIRECTION UNDER SECTION 96 OF THE ELECTRICITY ACT 1989**

To: [the X network operator]

Whereas [the X network operator] ("the Company") is the holder of a licence under section 6 of the Electricity Act 1989;

Whereas the following directions appear to the Secretary of State to be requisite or expedient for the purpose of mitigating the effects of any civil emergency which may occur;

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by section 96 of the Electricity Act 1989, and of all other powers enabling him in that behalf, and after consultation with the Company, hereby gives the following directions to the Company:-

1. The Company shall take all such measures available to it as will assist in securing that paragraphs 29 to 32 of the Electricity Supply Emergency Code ("the Code"), issued by the Secretary of State on [date] and attached hereto, are complied with.
2. The Company shall comply with paragraphs 40 to 56,60, 61,63, 65 and 66 of the Code.

Dated: 199 >

An official of the Department of Trade and Industry authorised [to act on behalf of] [by] the Secretary of State [for Trade and Industry]

**SUMMARY OF DRAFT ORDERS FOR RESTRICTING THE CONSUMPTION OF ELECTRICITY**

**(a) The Energy Act (Reserve Powers) Order 199[ J (an Order in Council)**

This Order in Council which applies to the whole of the United Kingdom is required to activate the Secretary of State's wide-ranging powers in the Energy Act 1976 to deal with an emergency affecting fuel or electricity supplies. In the absence of an order only certain powers are available to the Secretary of State under the Act. The existence of an order permits the Secretary of State to make full use of, in particular, sections 1 and 2 of the Act and thereby make orders similar to those referred to below.

Section 1 of the Act empowers the Secretary of State to make orders controlling the production, supply, acquisition and use of crude liquid petroleum, natural gas, petroleum products, other substances used as fuel and electricity. The section also provides for the making of orders controlling the prices of crude liquid petroleum, natural gas and petroleum products.

Section 2 of the Act empowers the Secretary of State to give directions to producers of any substance mentioned in section (1) as to the production and use of the substance and to persons carrying on an undertaking involving the use of any substance as to the use of that substance. The section also extends to electricity.

**(b) The Electricity (Advertising, Display): etc.) (Control) Order 199[ ]**

This Order prohibits the use in Great Britain of electricity for purposes of advertising or display, or lighting any area in the open air for the purposes of recreation, entertainment or sport, except where an exemption has been granted by the Secretary of State or for purposes specified in the Order, including advertising on television or by radio, or in cinemas or theatres, and the illumination of traffic signs, public telephones and signs indicating hospitals, police and fire stations and other specified premises. The Order could be used in conjunction with rota disconnections and any of the other Orders and directions.

Contravention of this Order without reasonable excuse is an offence under section 18(2)(a) of the Energy Act 1976 and carries the higher penalties provided for in section 19(3) of that Act. These are imprisonment for a term of not more than three months and/or a fine not exceeding the statutory maximum on summary conviction or imprisonment for a term of not more than two years and/or a fine on conviction on indictment.

**(c) The Electricity (Heating) (Control) Order 199[ ]**

This Order prohibits the use in Great Britain of electricity for heating in premises used for the purposes specified in article 3(1) of the Order, except where an exemption has been granted by the Secretary of State.

The premises covered by the Order include factories, offices, showrooms, shops, banks, building societies, post offices, petrol stations, restaurants, bars, warehouses, studios, church halls, public halls, churches, places of education, places of recreation, entertainment or sport.

Such use is, however, permitted for a period of eight hours overnight, falling between 22.30 hours and 07.30 hours on the following day, and for certain purposes specified in article 3(2). These include the maintenance of health, the prevention of damage to sensitive apparatus, goods and material (including food), and heating premises used for the purposes of their practice by doctors and other persons specified in the article or (for a restricted period) for use as a church or other place of public worship or religious education.

Contravention of this Order without reasonable excuse is an offence under section 18(2)(a) of the Energy Act 1976 and carries the higher penalties provided for in section 19(3) of that Act. These are imprisonment for a term of not more than three months and/or a fine not exceeding the statutory maximum on summary conviction or imprisonment for a term of not more than two years and/or a fine on conviction on indictment. The Order can be used in conjunction with rota disconnections and any of the other Orders and directions.

**(d) The Electricity (Lighting) (Control) Order 199(1)**

This Order relates to the electric lighting of the premises in Great Britain specified in article 3 of the Order. These include offices, shops, catering establishments, warehouses, libraries, places of education (except their residential parts), churches, places of recreation, entertainment or sport and the public parts of hotels.

It prohibits the lighting by electricity of any room in such premises while it is unoccupied. It also restricts (with certain exceptions) the electric lighting of any part of such premises to 20 watts per square metre of floor area lit by tungsten lamps or 5 watts per square metre of floor area lit by discharge lamps which include fluorescent tubes. Lighting necessary for the safety of persons on the premises or the security of the premises is permitted.

Contravention of this Order without reasonable excuse is an offence under section 18(2)(a) of the Energy Act 1976 and carries the higher penalties provided for in section 19(3) of that Act. These are imprisonment for a term of not more than three months and/or a fine not exceeding the statutory maximum on summary conviction or imprisonment for a term of not more than two years and/or a fine on conviction on indictment. This Order can be used in conjunction with rota disconnections and any other Orders or directions.

**(e) The Electricity (Restriction) Order 199[ ]**

This Order restricts the use of electricity in Great Britain to a weekly allocation set at a specified percentage calculated by reference to the electricity shown as supplied during a given period.

Where no such account has been received because the occupier entered into occupation too recently to have received one, the allocation is determined by reference to the amount of electricity supplied to the premises since the date of entry. The Secretary of State may grant exemptions from restrictions or give directions determining an allocation other than that applicable under the Order.

The Order does not restrict the use of electricity on domestic premises (so long as the supply is separately metered) or on premises of a kind described in Part II of Schedule 2 to the Order. Nor do the restrictions apply if the premises are used wholly or mainly for any of the

purposes specified in Part I of Schedule 2, if the premises were so used before the date on which the Order was made.

Consumers are required to keep a record of electricity meter readings at 0900 hours each Monday. Those whose weekly allocation exceeds 75,000 kWh are required to make a weekly return in the form scheduled to the Order, showing their weekly allocation and the electricity used during the previous week or to deliver notice of the particulars of the exemption or the grounds of exception under the Order. All consumers must display notices giving this information, or particulars of the exemption or of the grounds of exception.

Contravention of this Order without reasonable excuse is an offence under section 18(2)(a) of the Energy Act 1976 and carries the higher penalties provided for in section 19(3) of that Act. These are imprisonment for a term of not more than three months and/or a fine not exceeding the statutory maximum on summary conviction or imprisonment for a term, of not more than two years and/or a fine on conviction on indictment. This Order is an alternative to the Electricity (Industrial and Commercial Use) (Control) Order. It can be used alongside the Electricity (Advertising, Display etc.) (Control) Order, the Electricity (Heating) (Control) Order and the Electricity (Lighting) (Control) Order.

**(f) The Electricity (Industrial and Commercial Use) (Control) Order 1991**

This Order prohibits the use of electricity (except where an exemption has been granted by the Secretary of State) on any industrial or commercial premises in Great Britain, as defined in article 2 of the Order (other than a shop), or for building or engineering operations on any day other than the days specified in relation to those premises in Schedule 2.

The days applicable in relation to any particular premises depend on the position of those premises in relation to certain designated areas in which the area of each network operator has been divided. Those areas are shown on the load shedding plans prepared by each network operator. A set of the plans applicable to the area of the network operator has been deposited at the principal office of each network operator. These are:-

*Network operator*

*Principal office*

Eastern Electricity plc

Fore Hamlet  
Ipswich  
IP38AA

East Midlands Electricity plc

Woolsthorpe Close  
off Wigmore Road  
Bilborough Nottingham NG83JP

London Electricity plc

Templar House  
81-87 High Holborn  
London WC1V 6NU

Manweb plc

Manweb plc  
Chester Business Park  
Wrexham Road  
Chester CH4 9RF

Midlands Electricity plc	Toll End Road Tipton West Midlands DY40HH
National Grid Company plc	National Grid House Kirby Comer Road Coventry CV 4 8JY
Northern Electric plc	Carloli House Market Street Newcastle-upon-Tyne NE1 6NE
NORWEB plc	Talbot Road Manchester M16 OHQ
SEEBOARD plc	Forest Road Brighton Road Crawley West Sussex RH11 9BH
Southern Electric plc	Lower Draxton Lane Cosham Portsmouth Hants PO62HF
South Wales Electricity plc	Pentwyn Road Nelson CF466LY
South Western Electricity plc	800 Park Avenue Aztec West Almondsbury Bristol BS32 4SE
Yorkshire Electricity Group plc	Scarcroft Leeds LS14 3HS
Scottish Hydro-Electric plc	10 Dunkeld Road Perth PH1 5WA
Scottish Power	1 Atlantic Quay Glasgow G2 8SP

These plans are available for inspection on application within normal working hours at the appropriate principal office. Detailed information about the designated areas in the localities which they serve is available at local offices and retail inlets/stores of the network operator.

So far as industrial premises are concerned a "day" begins at 06.30 hours on the morning of that day and runs until 06.30 hours on the morning of the following day - article 2(1). In other cases a day begins and ends at midnight.

Electricity may be used on industrial premises on a Sunday, during certain hours and for certain purposes, where electricity has normally been used on those premises over the past year for at least one productive shift on each of the seven days of the week - article 3(3).

Shops are subject to different rules. They are permitted the use of electricity at specified times in the morning or afternoon according to the designated area in which they are situated. These times alternate every seven days. On Saturday the use of electricity is permitted at the specified times in both the morning and afternoon and also on Sunday for shops normally open on that day - article 4.

The use of electricity is however permitted for certain general purposes specified in Part I of Schedule 4 to the Order; in shops, for certain purposes specified in Part II of that Schedule, to the extent that such use is essential for those purposes, and provided that the shop was used for such purposes before a specified date or is used wholly or mainly for such purposes; in other premises or places, to the extent that such use is essential for a purpose specified in Part II of the Schedule; on any premises of a kind specified in Part III of the Schedule; and on any premises in relation to which directions have been given under section 2 of the Energy Act 1976 which are in force as to the use of electricity on those premises - article 5.

Contravention of this Order without reasonable excuse is an offence under section 18(2)(a) of the Energy Act 1976 and carries the higher penalties provided for in section 19(3) of the Act. These are imprisonment for a term of not more than three months and/or a fine not exceeding the statutory maximum on summary conviction or imprisonment for a term of not more than two years and/or a fine on conviction on indictment.

Rota disconnections are designed to be used /with this Order which is an alternative to the Electricity (Restriction) Order. It can be used alongside the Electricity (Advertising, Display etc.) (Control) Order and the Electricity (Lighting) (Control) Order.

**(g) The Electricity (Non-Domestic and Non-Industrial Premises) (Control) Order 199[ ]**

This Order prohibits the use of electricity at all premises in Great Britain other than domestic premises (including lodging-houses, residential clubs, hotels, boarding houses, hostels and the residential parts of places of education), industrial premises, and the kinds of premises specified in Schedule 3 to this Order, to the extent that such premises are used for the purposes described in that Schedule. The prohibition does not apply to the use of electricity for the purposes specified in Schedule 2. Nor does it apply when the use of electricity is necessary for the maintenance of health, for reasons of safety or security, to avoid damage to property, or when an exemption has been granted by the Secretary of State.

Contravention of this Order without reasonable excuse is an offence under section 18(2)(a) of the Energy Act 1976 and carries the higher penalties provided for in section 19(3) of that Act. These are imprisonment for a term of not more than three months and/or a fine not exceeding the statutory maximum on summary conviction or imprisonment for a term of not more than two years and/or a fine on conviction on indictment. The Order would probably be used in conjunction with rota disconnections and with the Electricity (Advertising, Display etc.) (Control) Order,

### Electricity Supply Emergency Code

#### Appendix 4.1

Guidance Notes to Assist in the Determination of Eligibility to be included in V, F or O Lists

#### Introduction

These Guidance Note have been prepared to assist Network Operators in determining if a consumer should included in the V, F or O Lists.

Whilst the Code has clear definitions as to what constitutes a V, F or O consumer, appeals have been raised regarding the meaning of the terms in the definitions. These Guidance Notes have been prepared as a result of these appeals, together with decisions made by the Electricity Supply Emergency Code Review Group and the Department of Trade and Industry.

**V List** (defined in paragraph 49)

Appeals to be included in the V List have been rejected on the grounds that load significantly greater than marginal would need to be retained on the system, together with a belief that, due to the extreme sensitivity of the vital service, standby generation should be provided to cover normal fault eventualities. For example if an 'acute' hospital, which should under Department of Health guidelines have Standby generation, were to require the retention of significant load, then the consumer would be expected to provide Standby generation. An appeal by a major television operating centre was rejected on similar grounds.

Newspapers, whilst essential services, are not defined as Vital services and their inclusion has been rejected on appeal. Newspapers are also not considered as continuous processes.

There are a number of circumstances where a consumer given protection under the V List supplies subsidiary activities which fall outside the V List criteria. Examples of this are railway stations and airports which have shops and catering facilities supplied via the discrete feeder. Following discussions with interested parties, guidance for determining what constitutes a 'vital load' is as follows:

- i safety related: railway signalling, station and airport lighting, tunnel lighting and flood prevention pumping systems
- ii essential for the operation of the service - railway traction current, facilities for the loading and unloading of aircraft and baggage handling facilities.

With regard to postal, telecommunications and broadcast facilities, inclusion in the V List should not be determined by size of undertaking. Local radio stations, commercial as well as BBC, will be able to provide an important public service and should be treated evenhandedly with the national undertakings. Such stations may however have difficulty meeting 'discrete feeder' criteria and may therefore fail to be listed. As noted in 1 above, a major television operator's appeal was rejected on such grounds.

Telecommunications facilities should be maintained where possible having due regard to the diversity of facilities in the locality considered. Cellular networks should be given protection where practicable but not if the retention of significant load would be required.

### **F List** (defined in paragraph 54)

The inclusion of a customer in the F List is based on advice from MAFF insofar as assessing the consumers worth as a food manufacturer, processor or storer. It is still incumbent on the network operator to determine if the consumer is on a discrete feeder or not more than a marginal amount of associated load would be retained. In cases where a significant load would be retained, the Department of Trade and Industry has been inclined to reject the inclusion of a site within the F List.

### **O List** (defined in paragraph 60)

The prime consideration in determining if a process is continuous is that the process could not be restarted immediately following a disconnection period. A consumer should be offered protection if damage to plant would occur or significant damage be caused to the product. An appeal has been rejected on the grounds that whilst a substandard product was produced, permanent damage did not occur. An appeal by a consumer on the grounds that permanent damage to the product would occur was upheld.

An appeal by a newspaper was rejected on the grounds that the product could be halted without serious damage to the product.

### **Demand Reduction Services Provided by V, F or O Consumers**

Under normal commercial circumstances it is possible for consumers who qualify for inclusion in V, F or O lists to be able to provide a commercial load reduction service. The provision of such services will not automatically preclude a consumer from being given protected status. Many of the services known to be offered relate to short term interruption of part of the process. For example a steel mill may be able to interrupt a furnace process for one to two hours before damage occurs by solidification of the product. In deciding if a consumer meets the spirit of the criteria for listing, consideration should be given to the effect of prolonged disconnection. Whilst disconnection periods are of three hour blocks, at the higher levels of disconnection (Level 7 and above) disconnection blocks may be contiguous viz level 7 has a continuous disconnection of nine hours during periods 6 to 8 on Tuesday.

**On Site Demand - Private Networks**

Sites exist where normal commercial activities occur which would normally be subject to rota disconnection but which remain supplied due to their being connected to either:-

- i A private network with its own generation,
- ii A generating company site with customers connected,
- iii Private networks receiving V, F or O list protection but with other franchised businesses taking a supply from that network (See reference in appendix 4.1 V list paragraph 3).

It is reasoned for the purposes of equity that such sites should be subject to a reduction in supply, by voluntary means or otherwise and that the network operators should seek the advice of the Department of Trade and Industry regarding specific examples.

The provision of such commercial load reduction facilities is also useful to the network operator by enabling him to fine tune the necessary load reduction levels.

**SCOTLAND, WALES AND GOVERNMENT OFFICE REGIONS**

**SCOTTISH EXECUTIVE**

Meridian Court  
5 Cadogan Street  
Glasgow  
Scotland  
G2 6AT

Tel: 0141 248 2855  
Fax: 0141 242 5589

**The National Assembly for Wales (Formerly  
The Welsh Office)**

Cathays Park  
Cardiff  
CF10 3NQ

Tel: 029 20825111  
Fax: 029 20823119

**GO - LONDON**

Riverwalk House  
157-161 Millbank  
London  
SW1P 4RR

Tel: 020 7217 3328  
Fax: 020 7217 3450

**GO - NORTH WEST**

Sunley Tower  
Piccadilly Plaza  
Manchester  
M1 4BE

Tel: 0161 952 4000  
Fax: 0161 952 4099

**GO - NORTH EAST**

Wellbar House  
Gallowgate  
Newcastle upon Tyne  
NE1 4TD

Tel: 0191 201 3300  
Fax: 0191 202 3998

**GO - EAST MIDLANDS**

The Belgrave Centre  
Stanley Place  
Talbot Street  
Nottingham NG 1 5GG

Tel: 0115 971 9971  
Fax: 0115 971 2404

**GO - YORKSHIRE AND  
HUMBERSIDE**

25 Queen Street  
Leeds  
LS1 2TW

Tel: 0113 280 0600  
Fax: 0113 2338301

**GO - SOUTH EAST**

Bridge House  
1 Walnut Tree Close  
Guildford  
Surrey GU14GA

Tel: 01483 882 255  
Fax: 01483 882 259

**GO - WEST MIDLANDS**

77 Paradise Circus  
Queensway  
Birmingham  
B1 2DT

Tel: 0121 212 5000  
Fax: 0121 212 1010

**GO - SOUTH WEST**

4th Floor  
The Pithay  
Bristol  
BS1 2PB

Tel: 0117 900 1700  
Fax: 0117 900 1900

**GO - EASTERN REGION**

Building A

Westbrook Centre

Milton Road

Cambridge CB4 1YG

Tel: 01223 346700

Fax: 01223 346701

**DRAFT ROTA DISCONNECTION DIRECTION UNDER SECTION 2 OF  
THE ENERGY ACT 1976**

To: [the X network operator]

Whereas [the X network operator] ("the company") is a person carrying on an undertaking in the course of which it supplies electricity;

Whereas on [date] the Secretary of State gave directions under section 96 of the Electricity Act 1989 to comply with paragraphs 40 to 56,60,61,63,65 and 66 of the Electricity Supply Emergency Code ("the Code") issued by the Secretary of State on [date];

Whereas in order to comply with the said paragraphs of the Code the company is required to prepare and keep up to date plans in accordance with those paragraphs for the introduction of rota disconnections ("the company's rota disconnection plans"); and

Whereas an Order in Council ("the section 3 Order") under section 3 of the Energy Act 1976 ("the 1976 Act") is in force.

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by section 2 of the 1976 Act, hereby gives the following direction to the company:

1. This Direction shall come into force on [date] and, if not revoked, shall remain in force until the section 3 Order ceases to be in force.

2. The company shall restrict the supply by it of electricity by making disconnection in accordance with the company's rota disconnection plans so as to achieve an [X percentage] [a level X] disconnection [for each period of 24 hours] [during the period from .... to .... in each day] [and [a level Y] disconnection during the period from .... to .... each day].

Dated:

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An official of the Department of Trade and Industry authorised [to act on behalf of] [by] the Secretary of State [for Trade and Industry]



**'V' LIST CONSUMERS: VITAL SERVICES**

- Coal Mines.
- Major airports and associated control facilities.
- Railway operations.
- Gas reception terminals; gas storage installations including gas boosting and compression equipment; gas compressor stations and principal development and control sites which provide facilities for the control of gas supply systems and emergency procedures.
- Licensed Electricity generators, including nuclear stations so as to ensure the safety requirements of their nuclear licences continue to be met; electricity transmitters and distributors.
- Essential water and sewerage installations.
- Hospitals as agreed in consultation with health authorities and NHS trusts.
- Ports and Docks.
- Postal, telecommunications and broadcasting services
- Oil refineries and vital oil pipeline pumping stations.

**ENERGY ACT 1976**  
**DRAFT DIRECTION UNDER SECTION 2**

To:

Whereas [X] ("the consumer") is a person carrying on an undertaking which involves the use of electricity;

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by section 2 of the Energy Act 1976, and of all other powers enabling him in that behalf, there being in force an Order in Council under section 3 of that Act ("the section 3 Order"), hereby gives the consumer the following directions:-

1. These directions shall come into force on [date] and, if not revoked, shall remain in force until the section 3 order ceases to be in force.
- [2. The consumer shall regulate the use of electricity supplied by ..... for the purposes of the undertaking carried on by him on the premises at [the address of the relevant premises] so that the demand for a supply shall not [at any time] [during any specified period] exceed [X] per cent of [X] kilowatts.]
- [3. The consumer shall regulate the use of electricity supplied for the purposes of the undertaking carried on by him on the premises at [the address of the relevant premises] so that the amount used during any period of [X] hours shall not exceed [X] percentage of [X] kilowatt hours.]

Dated:

199 >

An official of the Department of Trade and Industry authorised [to act on behalf of] [by] the Secretary of State [for Trade and Industry]

**ENERGY ACT 1976**  
**DRAFT DIRECTION UNDER PARAGRAPH 1 OF SCHEDULE 2**

To: [the X company]

Whereas on [date] the Secretary of State gave [the X company] ("the company") directions under section 96 of the Electricity Act 1989 to comply with paragraphs 39 to 49,51,53,54,60 and 61 of the Electricity Supply Emergency Code ("the Code") issued by the Secretary of State on [date];

Whereas in order to comply with the said paragraphs of the Code the company is required to take all reasonable steps to compile and keep up to date an O list {"the company's O list"} containing the names of certain consumers of electricity and containing, in respect of each such consumer, the address of the premises to which electricity is supplied and, in respect of each such premises, the address of the relevant government office for the regions listed in Appendix 4 to the Code within whose area the premises are situated ("the relevant Government Offices"), and their equivalents in the Scottish Executive and the National Assembly for Wales;

Whereas it appears to the Secretary of State expedient for purposes connected with the operation of the Energy Act 1976 ("the 1976 Act") or the effective performance by him of his functions under it;

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by section 18(1) of, and paragraph 1 of Schedule 2 to, the 1976 Act, and of all other powers enabling him in that behalf, hereby gives the company, being a person carrying on an undertaking, the following direction:-

1. In relation to each consumer whose name is contained in the company's O list, the company shall, before [date], furnish the Secretary of State at the relevant government regional office with the information specified in paragraph 2 below.

2. The information required is:-

- a. the name of the consumer;
- b. the address of the premises to which electricity is supplied;
- c. the maximum demand for electricity in kilowatts in respect of the premises shown In the last account for use of system charges rendered by the company in respect of those premises before the date of this direction;
- d. the total consumption of electricity in kilowatt hours in respect of the premises shown in the last account for use of system charges rendered by the company before the date of this direction divided by the number of days in the period covered by the account.

Dated:

199 >

An official of the Department of Trade and  
Industry authorised [to act on behalf of] [by]  
the Secretary of State [for Trade and Industry]

**ISSUE OF STATUTORY DIRECTIONS TO GROUP "O" LIST CONSUMERS**

*Paragraph 62 of the Code explains that O list consumers would be directed by the Government to reduce their consumption in the event of rota disconnections being instituted*

*In order that directions to individual consumers can be prepared by DTI Officials, or Government Office, Scottish Executive or National Assembly for Wales officials shown in Appendix 4, a direction will be issued to network operators on the lines of Appendix 9, requiring them to provide relevant details of consumption to Government Offices for the Regions, the Scottish Executive and the National Assembly for Wales as appropriate.*

*Each direction to a consumer, before issue, will have to be signed individually by an authorised DTI official or an official from the Scottish Executive or the National Assembly for Wales, as appropriate. Such officials are permanently authorised to sign on behalf of the Secretary of State,*

*Each direction will be delivered to the individual consumer at the premises to which the direction refers.*