STATUTORY INSTRUMENTS

1984 No. 135

ELECTRICITY

The Electricity (Conduct of Proceedings for the Determination of Disputes) Regulations 1984

Made - - - -	*6th February* 1984
Laid before Parliament	*9th February* 1984
Coming into Operation	*1st March* 1984

The Secretary of State for Energy in relation to England and Wales and the Secretary of State for Scotland in relation to Scotland, in exercise of the powers conferred on them by section 9(2) and (3) of the Energy Act 1983**(a)** (hereinafter called "the Act") and of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Electricity (Conduct of Proceedings for the Determination of Disputes) Regulations 1984 and shall come into operation on 1st March 1984.

Application of regulations

2. These regulations apply to disputes referred to the Secretary of State under section 9 of the Act.

Procedure on reference to the Secretary of State

3.—(1) A party to a dispute shall refer it to the Secretary of State by serving on the Secretary of State notice in writing containing—

(*a*) particulars of the parties to the dispute; and

(*b*) a statement of the matters giving rise to the dispute,

and within 3 days of such service shall serve a copy of the notice on each other party to the dispute.

(2) The Secretary of State shall in writing inform the parties to the dispute whether the dispute will be determined by him or by an arbitrator (or in Scotland an arbiter) appointed by him.

(3) Where the Secretary of State has informed the parties that the dispute will be determined by an arbitrator (or an arbiter), he shall inform them in writing of the name and address of the arbitrator (or arbiter) appointed by him.

(a) 1983 c. 25.

Delivery of statements

4.—(1) Where the Secretary of State has informed the parties to the dispute that he will determine it, each of those parties shall, within such time and in such form as the Secretary of State may direct, deliver to the Secretary of State a statement of case accompanied by copies of any documents which the party considers to be relevant to the dispute together with a copy of that statement and those documents for each other party to the dispute.

(2) The Secretary of State shall send a copy of each statement of case and accompanying documents delivered to him to each other party to the dispute.

(3) The Secretary of State may request any party to the dispute to deliver to him such further statements and documents as he may direct, together with copies thereof for each other party, and shall send those copies to each other party.

(4) If any party shall fail within the time directed by the Secretary of State to deliver to the Secretary of State any statement or document which these regulations require him to deliver or which the Secretary of State has requested him to deliver, the Secretary of State may by notice served on the party in default require him to deliver the statement or document within the time specified in the notice (being a date not less than 14 days from the date of service of the notice) and, if the party fails to comply with the notice within the time specified in it, the Secretary of State may proceed with the determination of the dispute.

Procedure upon determination by the Secretary of State

5.—(1) When a dispute has been determined by the Secretary of State the following provisions of this regulation shall have effect.

(2) He shall in writing notify his decision, and the reasons therefor, to the parties to the dispute.

(3) (*a*) He may, after giving the parties an opportunity of making representations, require a party to the dispute to pay such a sum as he may determine towards the administrative expenses incurred by him in connection with the determination of the dispute.

(*b*) He may cause the amount of the administrative expenses so incurred to be certified, and any amount so certified and required to be paid by any party shall be recoverable from that party by the Secretary of State in any court of competent jurisdiction.

(4) He may, after giving the parties an opportunity of making representations, make awards of costs or expenses as between the parties.

(5) In Scotland, in relation to any award of the Secretary of State under section 9 of the Act, subsection (8) of that section shall have effect.

Scottish arbitrations

6. In Scotland, in relation to an arbitration held by an arbiter appointed under the Act, subsections (6), (7) and (8) of section 9 of the Act shall have effect.

Peter Walker,
Secretary of State for Energy.

6th February 1984.

George Younger,
Secretary of State for Scotland.

6th February 1984.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations prescribe the procedure to be followed when a dispute between an Electricity Board and a private generator or supplier is referred under section 9 of the Energy Act 1983 to the Secretary of State for determination either by the Secretary of State himself or by an arbitrator (or, in Scotland, an arbiter) appointed by him. These Regulations also enable the Secretary of State, when a dispute is determined by him, to require a party to pay a sum towards any administrative expenses incurred by him in connection with the dispute and to make awards of costs or expenses as between the parties.

SI 1984/135
ISBN 0-11-046135-5

