



## ELECTRICITY ACT 1989 SCHEDULE 6 (4.3)

### SCHEME IN RESPECT OF SUPPLIES OF ELECTRICITY ILLEGALLY TAKEN

SP Distribution plc and SP Manweb plc are each the holders of an electricity distribution licence. In this scheme the licensee means either SP Distribution plc or SP Manweb plc as the case may be.

This scheme is made by the licensee in accordance with the requirements of paragraph 4 of Schedule 6 to the Electricity Act 1989 ("the Schedule"), and sets out the manner in which, and the persons by whom, the quantity of any electricity taken illegally in the circumstances described below will be determined.

A copy of this document has been provided to the Gas and Electricity Markets Authority, the National Consumer Council ("the Council") and to the Energy Ombudsman, and is available to any person on request.

#### **Entitlement to recover the value of electricity illegally taken**

1. Paragraph 4(1) of the Schedule provides that, where any person takes a supply of electricity that is in the course of being conveyed by an electricity distributor, the distributor shall be entitled to recover from that person the value of the electricity so taken.
2. Paragraph 4(2) of the Schedule provides that, where
  - (a) any person at premises at which a connection has been restored in contravention of paragraph 5(1) of the Schedule (which deals with the offence of illegally restoring supplies where they have been disconnected) takes a supply of electricity that has been conveyed to those premises by a distributor; and
  - (b) the supply is taken otherwise than in pursuance of a supply contract with an authorised supplier or of a contract deemed to have been made with an authorised supplier either under paragraph 3 of the Schedule or under paragraph 23 of Schedule 7 to the Utilities Act 2000 (which deals with former tariff customers), the distributor shall be entitled to recover from that person the value of the electricity so taken.
3. It should be noted that, in other cases where electricity is taken illegally (i.e. at premises where a supply contract or a deemed contract is in force), it will fall to the relevant supplier to calculate the quantity of electricity illegally taken and recover the value of it
4. In this scheme, the term "value", in relation to any electricity taken in the circumstances mentioned above, means the amount that could reasonably be expected to have been payable in respect of the electricity under a deemed contract if the circumstances referred to in paragraph 3(2) of the Schedule (and mentioned above) had applied.

### **Calculation of the quantity of electricity illegally taken**

5. For the purpose of calculating charges that may be levied under this scheme, the licensee will estimate the quantity of electricity taken by reference to the following factors:
  - (a) typical consumption experience of the types of apparatus connected to the installation where the electricity has been taken illegally;
  - (b) the usage of consumers with a similar pattern of use (relying, where appropriate, on electricity industry data); and
  - (c) the length of time that the connection is assessed to have been in use without a supply contract or deemed contract being in place.

### **Additional rights under the scheme**

6. In addition to the rights that the licensee has under this scheme, the licensee may take additional actions, including but not limited to:
  - (a) disconnecting the connection and recovering its costs of doing so;
  - (b) recovering the costs of any damage to the licensee's distribution system, meters, plant or equipment;
  - (c) recovering the costs of investigation; and
  - (d) pursuing actions for electricity theft under relevant legislation.