

SCHEDULE **XX**¹ – RESOLVING UNREGISTERED CONSUMERS CODE OF PRACTICE

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¹ To be added as first available schedule on implementation.

1 INTERPRETING THIS DOCUMENT

- 1.1 This Code of Practice is a Schedule to the Distribution Connection and Use of System Agreement (the **DCUSA**) established under the licences of the Distributors.
- 1.2 The Distributors and the Suppliers are obliged (by Clause 32A of the DCUSA) to comply with the respective obligations of Distributors and Suppliers under this Code of Practice.
- 1.3 This document is generally divided into sections headed “**OBLIGATIONS**”, “**BEST PRACTICE**” and “**REFERENCES**”, which are to be interpreted as follows:
- (a) sections marked “**OBLIGATIONS**” detail actions which must be taken by the relevant Party. Failure to take these actions constitutes a breach of this Code of Practice (and therefore of the DCUSA);
 - (b) sections marked “**BEST PRACTICE**” set out a suggested course of action for achieving the Obligations. They confer no obligation, and Parties may choose whether they follow the course of action set out or another course of action entirely. They are therefore provided for information only and denote one way in which the Obligations may be achieved; and
 - (c) sections marked “**REFERENCES**” provide additional information to assist Parties in meeting the requirements of this Code of Practice that are relevant to its subject matter. Failure to adhere to any of the requirements described is not a breach of this Code of Practice itself, but may lead to a Party being in breach of their obligations elsewhere. They are provided for information only.
- 1.4 Some sections of this Code of Practice are not marked as “Obligations”, “Best Practice” or “References”. These sections do not confer any obligation on the Parties, but are included so as to support and provide context to the Obligations (and the Obligations should be read accordingly).
- 1.5 Any reference to days, months, years throughout this document should be interpreted as calendar days, calendar months and calendar years unless otherwise stated.

2 **DEFINITIONS**

- 2.1 In this Code of Practice, and without prejudice to the provisions of paragraph 2.2, the following words or expressions shall have the meanings set out opposite them.

Consumer Details means appropriate details about the Occupier/Unregistered Consumer and the Unregistered Premises to assist with the registration of the Premises, including the consumer's name, address and contact details together with basic metering details (as appropriate) including the meter serial number, meter reading(s) and the date of such meter reading(s).

De-energise means, in respect of a Premises, to deliberately prevent the flow of electricity between the Premises and the Distribution System until Re-energised or Disconnected.

Disconnect means, in respect of a Premises, to permanently disconnect the Premises in accordance with Section 17 of the Act (and cognate expressions shall be construed accordingly).

Distributor means a holder of a distribution licence under the Electricity Act or its agents (and, in respect of Theft in Conveyance from a Premises, is the owner and/or operator of the Distribution System to which such Premises are connected).

Domestic Customer has the meaning given to that expression in the Supplier licences.

Electricity Act means the Electricity Act 1989.

MPAN	means the core meter point administration number, a 13-digit reference used in industry codes to identify a metering point at a Premises.
Occupier	means the occupier of a Premises prior to identifying whether they are an Unregistered Consumer.
Party	means the Distributor or the Supplier.
Personal Characteristics or Circumstance	includes: (a) the Domestic Customer being of pensionable age; or (b) the Domestic Customer being chronically sick, or having an impairment, disability, long term medical condition (including but not limited to a visual, auditory, literacy or mobility impairment), or severe financial insecurity (they are unable to safeguard their personal welfare or the personal welfare of other members of the household).
Premises	includes any land, building or structure.
Priority Services	is to be interpreted by reference to the licence obligations of Distributors and Suppliers concerning their priority service registers.
Supplier	means a holder of a supply licence under the Electricity Act (and, in respect of Theft of Electricity for use at a Premises, is the electricity Supplier Registered for the Metering Point or Metering System relating to the supply of electricity to those Premises).
Theft in Conveyance	means the abstraction of electricity (regardless of where such abstraction takes place) for use otherwise than at a Premises for which there is a

Metering Point or Metering System that is Registered by a Supplier.

Theft of Electricity

includes (but is not limited to) Theft in Conveyance, the circumstances described in paragraph 4 of schedule 6 to the Electricity Act, and the circumstances described in paragraph 11 of schedule 7 to the Electricity Act.

Unregistered Consumer

means a person occupying Premises at which electricity is being (or has been) consumed outside of the normal Supplier registration process (sometimes referred to as “untraded”).

Unregistered Premises

means Premises at which electricity is being (or has been) consumed outside of the normal Supplier registration process (sometimes referred to as “untraded”).

Vulnerable Consumer

means a Domestic Customer who, due to their Personal Characteristics or Circumstance or otherwise being in a vulnerable situation, may require Priority Services or additional support.

Website

means the website established under the DCUSA.

- 2.2 Any other words or expressions used in this Code of Practice (excluding headings or any parts thereof) which bear initial capital letters are to be interpreted in accordance with Clause 1 of the DCUSA.

3 INTRODUCTION

Objectives of this Code of Practice

- 3.1 This Code of Practice outlines the relationships between Distributors and Suppliers to identify and resolve situations, by taking appropriate actions, where Unregistered Consumers are identified. The Code of Practice describes how those Parties shall deal

with Occupiers who are identified as being Unregistered Consumers in order to ensure consistency of treatment by Distributors, Suppliers and their appointed agents.

- 3.2 Where an instance of an Unregistered Consumer also involves tampering, Theft of Electricity or Theft in Conveyance, Suppliers or Distributors (as applicable) may deem it appropriate to apply the provisions of DCUSA Schedule 23 (Revenue Protection Code of Practice) rather than this Code of Practice.
- 3.3 Where an instance of an Unregistered Consumer also involves a connection that has been improperly modified, for example by an unauthorised contractor or unknown third party, Distributors or Suppliers (as applicable) may deem it appropriate to apply the provisions of DCUSA Schedule 23 (Revenue Protection Code of Practice) rather than this Code of Practice.

High Level Principles

- 3.4 Working within the statutory and regulatory framework, the following principles have been identified:
- (a) **Make safe.** Where any activities are undertaken in accordance with this Code of Practice safety is paramount.
 - (b) **Collect and report trend data.** Trend data and management information relating to Unregistered Consumers should be shared between Parties in a generally consistent format.
 - (c) **Ensure that consumers are treated in an appropriate manner.** It is recommended that industry best practice should be adopted for the management of consumer relationships, and in particular the needs of Vulnerable Consumers.
 - (d) **Standardisation.** Minimum standards should be established for the identification and resolution of Unregistered Consumers and to create a broadly common approach with respect to the management of those consumers.

4 IDENTIFICATION OF UNREGISTERED CONSUMERS

Obligation

- 4.1 The Distributor shall take all reasonable cost-effective steps to identify and investigate Unregistered Consumers with the intention of resolving such cases of Unregistered Consumers (by a Supplier agreeing a supply contract and registering them in industry systems).
- 4.2 Suppliers and Distributors shall (and shall ensure that their agents shall) act on reports made to them regarding Occupiers and potential Unregistered Consumers for which they have responsibility in accordance with this Code of Practice, and take the appropriate steps required of them (whether required of them under this Code of Practice, the DCUSA or general laws).

Best Practice

- 4.3 Distributors and Suppliers shall take all reasonable steps to cooperate with each other to identify Unregistered Consumers.

5 COMMUNICATION WITH UNREGISTERED CONSUMERS

Obligations

- 5.1 The Distributor, and the consumer's chosen Supplier, shall each communicate with Occupiers and Unregistered Consumers, as appropriate to the circumstances, in order to capture Consumer Details.
- 5.2 The Distributor shall take all reasonable steps to communicate with Occupiers and Unregistered Consumers to obtain Consumer Details and:
- (a) in investigating Unregistered Consumers the Distributor shall make written contact with the Occupier of the Unregistered Premises to request details of any supply contract the Occupier/Unregistered Consumer may have with a Supplier and (in the absence of any such contract) inform the Occupier of the requirement to have a valid supply contract and to obtain Consumer Details; and

- (b) where the Distributor obtains Consumer Details the Distributor shall retain such details to assist future communications with the Occupier/Unregistered Consumer by Parties; and
- (c) where the Unregistered Consumer indicates to the Distributor that they are trying to seek a contract with a particular Supplier the Distributor shall share relevant Consumer Details with that Supplier; and
- (d) where necessary to resolve higher volumes of Unregistered Consumers the Distributor shall send to Suppliers list(s) of those Unregistered Consumers who have indicated they are trying to seek contracts with those particular Suppliers.

5.3 The Supplier shall take all reasonable steps to communicate with Unregistered Consumers with the intention of agreeing a supply contract and:

- (a) shall, upon receipt of contact from an Unregistered Consumer obtain and retain appropriate Consumer Details and offer contractual terms to the consumer, to the extent it is required to do so under the Electricity Act; and
- (b) shall, upon receipt of Consumer Details from the Distributor, retain such details and proactively contact the Unregistered Consumer and offer contractual terms to them, to the extent it is required to do so under the Electricity Act; and
- (c) where a Supplier agrees to contract with an Unregistered Consumer and where an MPAN is provided but there is no meter installed (or where a non-settlements meter has been installed) the Supplier will arrange a site visit to install a meter; and
- (d) where a Supplier receives a list of those Unregistered Consumers who have indicated they are trying to seek a contract with that particular Supplier the Supplier shall provide no less than monthly updates to the relevant Distributor on the progress being made to register those consumers; and
- (e) where a Supplier believes that an Unregistered Consumer is not genuinely

seeking a supply contract with that Supplier, the Supplier shall provide appropriate details to the Distributor for use in relation to further communication and potential De-energisation; and

- (f) shall retain, update and share tracking data with Distributors as appropriate in the activity of resolving Unregistered Consumers.

Best Practice

- 5.4 To assist Distributor's communications with Occupiers of Unregistered Premises a range of best practice letter templates are located on the Website. These letters may be modified by Distributors as appropriate.
- 5.5 The Distributor, in the interest of data protection, may wish to clarify with the Occupier or Unregistered Consumer that it intends to share Consumer Details with their preferred Supplier.
- 5.6 The Distributor may make site visits where written communication proves ineffective.
- 5.7 The Distributor may make site visits, especially where the connection has no MPAN, to gain an understanding of the prevailing circumstances, any connection work that has been carried out and the condition of the connection assets.
- 5.8 The Supplier may make site visits to obtain meter readings or carry out meter exchanges.
- 5.9 Distributors and Suppliers should help Unregistered Consumers by using the most appropriate and efficient means to engage in dialogue with Unregistered Consumers, including:
 - (a) via mobile phone where the Occupier/Unregistered Consumer has provided a mobile phone number in its Consumer Details; and
 - (b) contacting the Occupier/Unregistered Consumer at different times of day; and
 - (c) providing information about their normal working hours for resolving Unregistered Consumers.

- 3.2 Where Distributors or Suppliers contact Occupier/Unregistered Consumers in writing they should use the most appropriate and efficient means including by e-mail where the Occupier/Unregistered Consumer has provided an e-mail address in its Consumer Details.

6 INFORMATION EXCHANGE BETWEEN PARTIES

Obligation

- 6.1 Distributor and Suppliers shall exchange information on Unregistered Consumers, including Consumer Details, to facilitate effective communications with Unregistered Consumers.
- 6.2 Distributors and Suppliers shall have appropriate and co-ordinated reporting in place to enable the recording of Unregistered Premises, and to record general progress towards achieving registration by a Supplier.
- 6.3 Where a Supplier agrees a contract with an Occupier/Unregistered Consumer, the Supplier will inform the Distributor and check that the necessary registrations have been completed in industry systems.

Best Practice

- 6.4 A consumer tracking template spreadsheet has been placed on the Website designed to assist Parties in meeting their Obligations under Clause 6.1, including for higher volumes of Unregistered Consumers.

7 DATA PROTECTION REQUIREMENTS

Obligation

- 7.1 Any information transfer pursuant to this Code of Practice shall be made in compliance with relevant data protection legislation, and the relevant Party's data protection policies and procedures.

8 PROCEDURES FOR INVESTIGATION

Best Practice

Process

- 8.1 A diagram showing the outline process for resolving Unregistered Consumers is provided at Appendix 1.

Site Visits

- 8.2 On receipt of information indicating a potential Unregistered Premises, the Distributor shall assess whether there is a need for a site visit. In the event a site visit is required this visit should be aimed at determining whether or not the Premises is occupied and to collect Consumer Details and metering information. The Distributor shall allocate appropriate priority to the Unregistered Premises for the purposes of this section.
- 8.3 Where the Distributor reasonably believes that a connection may have been tampered with or improperly modified, the Distributor may deem it appropriate to carry out a site visit (from a safety perspective) prior to issuing any new MPANs.

Process Timing

- 8.4 When establishing a process to manage Unregistered Consumers, Parties should consider the outline process diagram at Appendix 1 and the following process steps and timings:
- (a) Distributors shall investigate and manage all potential instances of Unregistered Premises;
 - (b) on identification of an Unregistered Premises, the Distributor shall take reasonable steps to identify the Unregistered Consumer and contact the Occupier via letter or otherwise to encourage them to contact a Supplier of their choice to register the supply (and, where the Distributor has not identified the Unregistered Consumer, shall arrange for delivery of a letter to the Unregistered Premises, addressed to the Occupier);
 - (c) in the absence of any reasonable response from the Unregistered Consumer within 1 calendar month of initial contact, the Distributor may issue a further letter. This letter would explain the actions that the Distributor may take,

including De-energisation and/or Disconnection and the timescales associated with these actions, if no reasonable response is received; and

- (d) following seven Working Days after such letter issued in accordance with 8.4(c) the Distributor may arrange for the supply of electricity to the Premises to be De-energised or Disconnected.

8.5 It is acknowledged that longer timescales may apply where access to Unregistered Premises is delayed by circumstances outside of the Distributor's control (including where a warrant is needed to obtain access) or for reasonable circumstances that may lead to a more favourable outcome.

8.6 Nothing in Clause 8.4 shall prevent a Distributor from communicating with Occupiers or Unregistered Consumers in a manner or frequency of its choosing, provided that the intent is to obtain Consumer Details or otherwise contribute to resolving Unregistered Consumers.

Reference

8.7 The Distributor has the right to Disconnect a Premises under Section 17(3) of the Electricity Act and under Regulation 26 of The Electricity Safety, Quality and Continuity Regulations 2002. See Appendix 2 for more information.

9 VISIT PROCEDURE/GAINING ENTRY

Best Practice

9.1 Where a Distributor carries out a visit to identify the Occupier of Unregistered Premises the Distributor shall ensure that, if its staff (or agents) visit the Premises without prior notification, they provide appropriate identification for themselves and state the circumstances under which they are calling, and request entry to inspect the Premises.

9.2 Care should be taken when recording what is said by the Occupier/Unregistered Consumer or others present at the Premises, especially where a Vulnerable Consumer has been identified. In particular:

- (a) Care should be taken in the treatment of people who have a visual impairment, hearing impairment, physical or learning disabilities, a mental health condition or are under 18 years of age. Such persons should not be interviewed alone - if necessary an 'appropriate adult' should be present.
- (b) Where, as part of any contact with the consumer, it is identified that the consumer has difficulty (or claims to have difficulty) in understanding English, an interpreter may be required. Parties should establish policy guidance for staff for such situations and ensure that they are aware of this guidance. Where it is identified that the consumer is a user of British Sign Language, Parties should make all reasonable efforts to communicate with the consumer through the use of sign language, or alternatively in writing.

9.3 Where access to the Premises has not been gained after reasonable attempts have been made, the Distributor may consider seeking a warrant to enter the Premises.

Reference

9.4 Warrants to enter Premises are granted under the Rights of Entry (Gas and Electricity Boards) Act 1954 and pursuant to schedule 6 of the Electricity Act.

10 TREATMENT OF VULNERABLE CONSUMERS

Obligation

- 10.1 The Parties shall use reasonable endeavours to safeguard the personal welfare of Vulnerable Consumers in respect of the activities set out in this Code of Practice.
- 10.2 If a Party identifies that an Unregistered Consumer is on the 'priority services register' or otherwise identified as vulnerable this information shall be captured to assist with further interactions with that consumer.
- 10.3 The Parties shall take reasonable steps to ascertain who in the household might be a Vulnerable Consumer, and make a judgement regarding the action that needs to be taken in the light of this information.

Reference

- 10.4 Condition 10 of the Distribution Licences and Condition 26 of the Supply Licences oblige Distributors and Suppliers (respectively) to have regard to the interests of individuals who are blind, partially sighted, deaf, hearing impaired, disabled, chronically sick or of pensionable age. This includes establishing and maintaining a 'priority services register'.

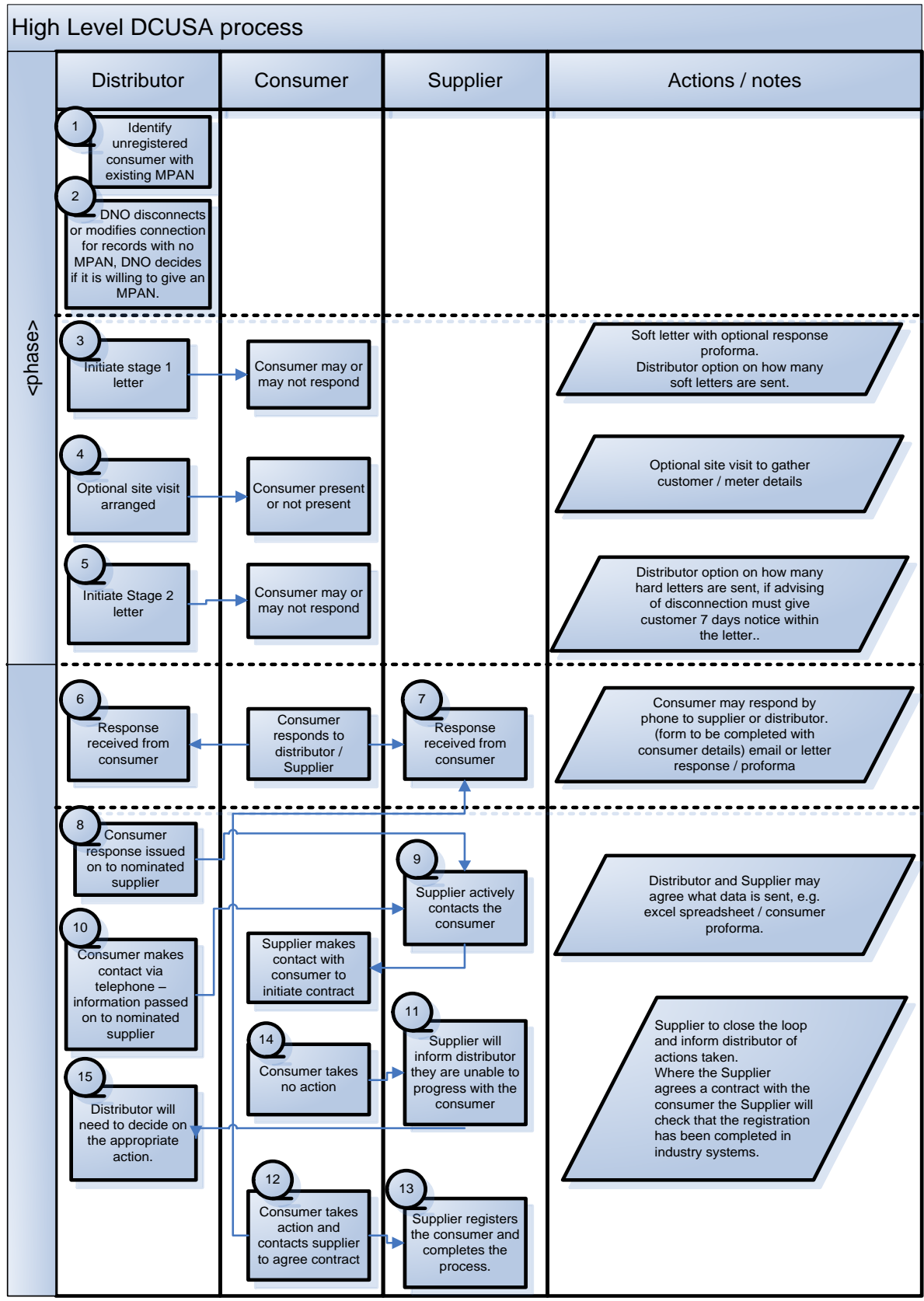
11 INFORMATION TO CONSUMERS

Obligation

- 11.1 On arrival at the Premises, the Distributor's staff (or agents) shall identify themselves to the Unregistered Consumer and act in accordance with the Distributor's policy on site attendance.
- 11.2 On leaving the Premises, the Distributor's staff (or agents) shall leave the following information for the Occupier/Unregistered Consumer:
- (c) the contact details for the Distributor;
 - (d) the reason for the visit;
 - (e) what the Unregistered Consumer can expect next and what they should do (e.g. contact a Supplier of their choice/confirm to the Distributor that they are taking appropriate action);
 - (f) what the Unregistered Consumer should do if they are unhappy with the outcome (e.g. contact the Distributor in the first instance and provide evidence that disputes the Unregistered Premises status);
 - (g) contact details for further independent sources of help and advice (e.g. Citizen's Advice and Citizens Advice Scotland; social services); and
 - (h) who to contact, following De-energisation or Disconnection, in order to find out how to get the supply reinstated.
- 11.3 Where an Occupier/Unregistered Consumer is not present at the Premises, written documentation shall be left at the Premises in a sealed and addressed envelope.

- 11.4 Where it is not possible for a Party or its agent to leave the written information, as described above, with the Occupier/Unregistered Consumer on leaving the Premises, this must be done so as soon as possible thereafter.

APPENDIX 1 – OUTLINE PROCESS DIAGRAM FOR RESOLVING UNREGISTERED CONSUMER



Process Step Description			
No	Process step description	Explanation	Obligation / Best practice
1	Identify unregistered consumer with existing MPAN	Distributor will identify consumers with existing MPAN.	Obligation
2	DNO disconnects or modifies connection for records with no MPAN	The Distributor will identify consumers which do not have an existing MPAN, if the Distributor is not satisfied with the condition of the connection they will arrange disconnection or modification of connection. Distributor will allocate an MPAN where appropriate.	Obligation
3	Initiate Stage 1 letter	Distributor will initiate stage 1 letter to customer.	Best Practice
4	Optional site visit arranged	Distributor will decide if site visit is necessary if no response is received from the stage 1 letter.	Best Practice
5	Initiate Stage 2 letter	Distributor will initiate a stage 2 letter if no response is received to stage 1 letter and potential site visit results.	Best Practice
6	Response received from consumer	Following response from consumer, distributor will determine if the information provided is sufficient, if not contact will be made with the consumer to retrieve any additional information. Records will be passed to supplier on a monthly basis.	Obligation
7	Response received from consumer	If consumer responds directly to supplier, the supplier will communicate with the distributor to ensure no further chase up is carried out given a response has been received.	Obligation
8	Consumer response issued to supplier	Consumer response forms are issued on to suppliers where required information has been provided. This activity will take place on a monthly basis via schedules.	Obligation
9	Supplier actively contacts the consumer	Supplier actively contacts consumers following notification / correspondence from the Distributor and offer terms to agree a contract. Best practice has been identified as contacting mobile phones rather than landlines.	Obligation
10	Consumer makes contact via telephone	If consumer contacts Distributor via telephone, form will be completed and consumer will be advised to contact supplier of their choice and also advised information will be passed on to chosen supplier.	Obligation
11	Supplier makes contact with Distributor.	Supplier will contact Distributor if they are unable to progress with the registration due to lack of cooperation from the consumer.	Obligation
12	Consumer takes action	Consumer proactively contacts the supplier to initiate a contract. Supplier will notify Distribution to cease chase up as supply is to be registered.	Best Practice
13	Supplier completes registration	Supplier offers the consumer a contract and supply is registered.	Obligation
14	Consumer takes no action	Consumer refuses to accept terms for contract	Obligation
15	Distributor will decide on appropriate action.	Distributor will decide of the appropriate action i.e. disconnect the premise taking into account consumer and supplier feedback / site visit result and potential vulnerability.	Best Practice

APPENDIX 2 - DISCONTINUATION OF SUPPLY**(Reference Only)****Introduction**

Appendix 2 sets out guidance regarding the statutory powers of Suppliers and Distributors to discontinue the supply of electricity which may arise where a person is an Unregistered Consumer and fails to resolve the situation by appointing a Supplier of their choice. For the avoidance of doubt, this Appendix 2 does not seek to grant additional rights to signatories to this Code of Practice and is intended for guidance only.

For the avoidance of doubt, Parties may have additional statutory powers to discontinue supply which are not set out below, for example in relation to unpaid charges for the supply of electricity and Distributors may Disconnect under Regulation 26 of The Electricity Safety, Quality and Continuity Regulations 2002.

Not reasonable to maintain a connection

The effect of section 17(1)(c) of the Electricity Act 1989 is that an electricity Distributor is not required to maintain a connection if and to the extent that it is not reasonable in all the circumstances for him to be required to do so.

This provision may therefore give rise to a power to discontinue the supply of electricity to a premise (or to another distribution system) where the occurrence of theft (or similar abstraction) means that it is no longer reasonable to require the connection to be maintained. Note, however, that not less than seven Working Days' notice² of the intention to discontinue the premises must be given to the occupier (or, if the premises are unoccupied, the owner).

² See section 17(3) of the Electricity Act 1989