

DCP 181 Draft Legal Text

Previous Connection Terms Enduring

Add a new Definition in Clause 1 as follows:

Bespoke Connection Terms means any terms imposed or agreed by the DNO/IDNO Party in respect of the connection of a Connected Installation to the Distribution System which differ from the terms set out in Schedule 2B (National Terms of Connection).

Add a new Clause 17.10 as follows and renumber the existing Clause 17.10 as 17.10A

17.10 Where the Company enters into a Connection Agreement (not acting via an agent pursuant to Clause 17.3) that includes Bespoke Connection Terms, the Company shall (save in the case of Domestic Premises or an Unmetered Supply) ensure that the Connection Agreement includes the following wording (with those words shown in square brackets amended to reflect the defined terms applying in the Connection Agreement):

17.10.1 The [Connectee] agrees that the [Distributor] shall, on the application of any person purporting to be an owner and/or occupier (or prospective owner and/or occupier) of the [Connected Premises], be entitled to disclose to such person the fact that this [Agreement] contains terms which differ from the terms set out in the National Terms of Connection (www.connectionterms.co.uk).

17.10.2 The [Connectee] shall, prior to selling or leasing its interest in the [Connected Premises] (or otherwise permitting a third party to occupy the [Connected Premises]), ensure that the existence and provisions of this [Agreement] are brought to the attention of such third party. For information, any such third party should note that it may automatically be bound by the provisions of this [Agreement] in accordance with the National Terms of Connection (www.connectionterms.co.uk).

Add a new sub-clause at the end of Clause 17 as follows:

17.14 Each DNO/IDNO Party shall, on the application of any person purporting to be an owner and/or occupier (or prospective owner and/or occupier) of a Connected Installation, disclose to such person whether or not Bespoke Connection Terms apply to the Connected Installation. For the avoidance of doubt, this Clause 17.14 does not oblige or permit the DNO/IDNO Party to disclose the content of the Bespoke Connection Terms.

Amend Schedule 2A as follows:

The following wording is to be included in Contracts in accordance with Clause 17, and the text shown in bold below must be set out in bold in the Contracts (or highlighted in some other similar manner):

National Terms of Connection

Your supplier is acting on behalf of your network operator to make an agreement with you. The agreement is that you and your network operator both accept the National Terms of Connection (NTC) and agree to keep to its conditions. This will happen from the time that you enter into this contract and it affects your legal rights. The NTC is a legal agreement. It sets out rights and duties in relation to the connection at which your network operator delivers electricity to, or accepts electricity from, your home or business. In the case of some non-domestic sites, as further described in the NTC, the NTC provide for the continuing application of site-specific connection terms agreed with a previous owner or occupier of the site. Your network operator will be able to tell you whether or not site-specific connection terms exist. If you want to know the identity of your network operator, or want a copy of the NTC or have any questions about it, please write to: Energy Networks Association, 6th Floor, Dean Bradley House, 52 Horseferry Road, London SW1P 2AF: phone 0207 706 5137, or see the website at www.connectionterms.co.uk.

Amend Schedule 2B as follows:

SCHEDULE 2B – NATIONAL TERMS OF CONNECTION

Version [insert version]6.0 effective from [insert issue date]¹07 November 2013

Amend paragraph (F) of Section 1 to Schedule 2B as follows²:

- (F) Existing connection terms: This paragraph F applies in the event that there are Any existing terms ~~and conditions governing~~ applying to you and the connection of the premises to the network (except for the standard terms set out in sections 2, 3 and 4, or any previous version of the terms set out in those sections ~~which have effect by virtue of statute or pursuant to a contract with an electricity supplier, or which an electricity supplier procured your acceptance of~~). If you are party to the existing terms, then the existing terms shall will apply instead of the National Terms of Connection (while the existing terms remain in effect). If you are not party to the existing terms and the premises are non-domestic premises to which section 3 would otherwise apply, then the existing terms shall apply to you and the premises instead of section 3. This is the only case in which the existing terms will be given effect via the National Terms of Connection. If existing terms are given effect in accordance with this paragraph F, you will have the benefit of the rights, and be bound by the obligations, under the existing terms from the date that the National Terms of Connection apply to you and the premises, as if you had entered into the existing agreement with the network operator on that date (until paragraph E above applies, or the existing terms are terminated in accordance with the provisions for termination in those terms). Confirmation of whether or not existing terms apply to the premises can be obtained from the network operator to the extent that the two are inconsistent. Existing connection terms that apply to you and the premises in accordance with this paragraph F may (as compared to section 3): place additional obligations on you in

¹ Version number and issue date to be added on implementation.

² The whole of section F should be set out in bold.

respect of how you can use the connection; increase your potential liability in respect of the connection; limit the ways and times that you can use the connection; include additional circumstances in which the network operator is able to declare the connection unavailable; and include restrictions and obligations that reflect the physical characteristics of the connection and/or other remote points on the network that are relevant to the connection.

Add paragraph (H) to Section 1 of Schedule 2B as follows:

- (H) Contacting your network operator: Contact details for your network operator are available from the Energy Networks Association: telephone 0207 706 5137, or at www.connectionterms.co.uk.

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