

DCP 127 Change Report – Attachment 13 Minutes of discussion with Health & Safety Executive & feedback from DECC on DCP 127 Impact

Part 1

Extract from DCP 127 Working Group minutes – 8 January 2012 – Health & Safety Executive Comments on DCP 127 Impact

2. HEALTH AND SAFETY EXECUTIVE

2.1 PT [Penny Taylor of HSE] clarified that the health and safety aspects of the Electricity Safety, Quality and Continuity Regulations 2002 (ESQCR) are enforced by the Health & Safety Executive (HSE); DECC is responsible for other aspects. PT advised she has been in touch with DECC and offered to provide relevant contact details. ElectraLink will ask the DECC contact to confirm the impacts from / on those other aspects of the ESQCR.

Action: [HSE] / ElectraLink

2.2 PT reported that the HSE believes there is nothing in the ESQCR that prevents the installation of the gas comms hub between the cut-out and the meter by the Meter Asset Manager (MAM). Whether the ESQCR applies to a MAM installing the gas comms hub will depend on whether the MAM is a duty holder under the ESQCR or an agent/ contractor or sub-contractor of such a duty holder. The HSE believes that:

- The MAM does not fall within the definition of a generator, distributor, supplier or meter operator under the ESQCR as these definitions all refer to electricity or electrical energy (Post meeting note: The HSE will obtain legal advice on the situation where the gas comms hub is later used to transmit the electricity meter data).
- If the MAM is acting as an agent, contractor or subcontractor of one of the duty holders above then the ESQCR will apply (but only for some regulations);
- If the new role of 'smart meter communication provider' is intended to apply to those responsible for the gas and electricity communications hub then the MAM will be a duty holder under ESQCR but only regulation 4 (duty to cooperate) will apply. It may be that the term refers to the central communications body, not the hub owners. PT took an action to obtain clarification from DECC.

Action: [HSE]

2.3 Notwithstanding this, the HSE believed there was sufficient existing health and safety legislation to cover the safety of the gas comms hub itself (design, maintenance etc), the MAM who installs / maintains / decommissions the hub and other persons who may be affected by the work. As long as this legislation is complied with nothing prevents the work being carried out by the MAM.

2.4 PT noted there had been a change to the ESQCR in approximately September 2012 to bring in the role of smart comms provider (CSP). She had requested clarity from DECC on who that party is intended to be.

2.5 The WG and PT agreed there should be provisions for MAMs to inform Electricity Suppliers or Distributors if there is a safety issue detected or created on installation. The Health and Safety at Work Act and secondary legislation such as the Electricity at Work Regulations and the Management of Health and Safety at Work Regulations would cover the need to cooperate to prevent risks. It was noted that the need to cooperate is covered in the guidance note and legal text drafted for DCP 127.

2.6 PT asked what would happen to the gas comms hub when the electricity smart meter was installed; whether the gas and electricity services would use the same or separate comms hubs, and if the gas comms hub would be removed. PW advised that any permutation of usage or redundancy / removal could occur and that the legal text currently drafted states that redundant equipment should be removed. He noted there was no preferred approach as it would depend on nature of devices installed in the future. (Post meeting note: HSE advised this may affect whether the ESQCR applies to the MAM - see 2.2 above)

2.7 Previous legal advice on ESQCR impacts had focused on Regulation 24, which requires Distributors and Meter Operators (MOP) to ensure equipment on customers' premises remains safe. Although the gas MAM is not covered by the ESQCR, the Distributor and MOP are, and as noted earlier, other Health and Safety regulations do cover the gas MAM.

2.8 It was agreed there is sufficient Health and Safety legislation to cover gas first scenarios. PT took an action to provide her summary in writing.

Action: [HSE]

Part 2

Department of Energy and Climate Change Comments on DCP 127 Impact

DECC reviewed the documents related to DCP 127 in March 2013 and advised it had held discussions with the HSE on the DCP 127 proposed solution. DECC provided some comments on the Guidance Note (see Attachment 8).

DECC confirmed on 18 March 2013 that there did not appear to be any ESQCR issues preventing the installation of Gas Comms Hubs.