



Electricity Act 1989

1989 CHAPTER 29

PART I

ELECTRICITY SUPPLY

[^{F1}Duties of electricity distributors]

23 Determination of disputes.

^{F1}(1) This section applies (in addition to any disputes to which it applies by virtue of any other provision of this Act) to any dispute arising under sections 16 to 21 between an electricity distributor and a person requiring a connection.

[This section also applies to any dispute arising under regulations under Schedule 5B ^{F2}(1ZA) between—

- (a) an electricity distributor, and
- (b) a person in respect of whom the electricity distributor exercises the reimbursement powers conferred by the regulations.]

(1A) A dispute to which this section applies—

- (a) may be referred to the ^{F3}Authority—
 - (i) by either party, or
 - (ii) with the consent of either party, by ^{F4}Citizens Advice, Citizens Advice Scotland or Consumer Scotland or those bodies or any two of them acting jointly];] and
- (b) on such a reference, shall be determined by order made either by the Authority or, if the Authority thinks fit, by an arbitrator (or in Scotland an arbiter) appointed by the Authority.

(1B) The practice and procedure to be followed in connection with any such determination shall be such as the Authority may consider appropriate. .

(1C) No dispute arising under sections 16 to 21 which relates to the making of a connection between any premises and a distribution system may be referred to the Authority after

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the end of the period of 12 months beginning with the time when the connection is made..

[No dispute arising under regulations under Schedule 5B may be referred to the
^{F5}(1D) Authority after the end of the period of 12 months beginning with the time when the second connection (within the meaning of Schedule 5B) is made.]

(2) Where a dispute arising under sections 16 to 21 between an electricity distributor and a person requiring a connection falls to be determined under this section, the Authority may give directions as to the circumstances in which, and the terms on which, the distributor is to make or (as the case may be) to maintain a connection pending the determination of the dispute.]

[^{F6}(2A) Where a dispute arising under regulations under Schedule 5B falls to be determined under this section, the Authority may give directions as to the circumstances in which, and the terms on which, an electricity distributor is to make or (as the case may be) to maintain the second connection (within the meaning of Schedule 5B) pending the determination of the dispute.]

(3) Where any dispute arising under section 20(1) above falls to be determined under this section, the Director may give directions as to the security (if any) to be given pending the determination of the dispute.

(4) Directions under subsection (2)[^{F7}, (2A)] or (3) above may apply either in cases of particular descriptions or in particular cases.

[^{F8}(4A) A person making an order under this section shall include in the order his reasons for reaching his decision with respect to the dispute.]

(5) An order under this section—

(a) may include such incidental, supplemental and consequential provision (including provision requiring either party to pay a sum in respect of the costs or expenses incurred by the person making the order) as that person considers appropriate; and

(b) shall be final and—

(i) in England and Wales, shall be enforceable, in so far as it includes such provision as to costs or expenses, as if it were a judgment of the county court;

(ii) in Scotland, shall be enforceable as if it were an extract registered decree arbitral bearing a warrant for execution issued by the sheriff.

(6) In including in an order under this section any such provision as to costs or expenses as is mentioned in subsection (5) above, the person making the order shall have regard to the conduct and means of the parties and any other relevant circumstances.

[^{F9}(7) Section 16(4)(a) does not apply to the references in this section to making a connection.]

Textual Amendments

F1 S. 23(1)(1A)-(1C)(2) substituted for s. 23(1)(2) (1.10.2001) by 2000 c. 27, s. 108, **Sch. 6 Pt. II para. 26(2)**; S.I. 2001/3266, art. 2, **Sch.** (subject to transitional provisions in arts. 3-20)

F2 S. 23(1ZA) inserted (6.4.2017) by **Infrastructure Act 2015 (c. 7), ss. 52(6)(a), 57(7)(c)**; S.I. 2017/108, reg. 2

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- F3** Words in s. 23(1A)(a) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 5(7)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F4** Words in s. 23(1A)(a)(ii) substituted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 3(7)** (with art. 5)
- F5** S. 23(1D) inserted (6.4.2017) by Infrastructure Act 2015 (c. 7), **ss. 52(6)(b)**, 57(7)(c); S.I. 2017/108, reg. 2
- F6** S. 23(2A) inserted (6.4.2017) by Infrastructure Act 2015 (c. 7), **ss. 52(6)(c)**, 57(7)(c); S.I. 2017/108, reg. 2
- F7** Word in s. 23(4) inserted (6.4.2017) by Infrastructure Act 2015 (c. 7), **ss. 52(6)(d)**, 57(7)(c); S.I. 2017/108, reg. 2
- F8** S. 23(4A) inserted (1.10.2001) by 2000 c. 27, s. 108, **Sch. 6 Pt. II para. 26(3)**; S.I. 2001/3266, art. 2, **Sch.** (subject to transitional provisions in arts. 3-20)
- F9** S. 23(7) inserted (1.10.2001) by 2000 c. 27, s. 108, **Sch. 6 Pt. II para. 26(4)**; S.I. 2001/3266, art. 2, **Sch.** (subject to transitional provisions in arts. 3-20)

Modifications etc. (not altering text)

- C1** S. 23 applied (with modifications) (1.10.2001) by S.I. 2001/3266, **arts. 1(2)**, 6(3)
- C2** S. 23 applied (1.10.2001) by S.I. 2001/3266, **arts. 1(2)**, 11(3)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(1)(f) and word inserted by [2023 c. 52 s. 186\(3\)\(b\)](#)
- s. 4(1)(ca) inserted by [2023 c. 52 s. 166\(2\)](#)
- s. 4(1)(da) inserted by [2023 c. 52 s. 205\(2\)\(b\)](#)
- s. 4(3H)(3I) inserted by [2023 c. 52 s. 186\(4\)](#)
- s. 4(3CA) inserted by [2023 c. 52 s. 205\(3\)](#)
- s. 4(3EA) inserted by [2023 c. 52 s. 205\(5\)](#)
- s. 6(1)(g) and word inserted by [2023 c. 52 s. 186\(7\)\(b\)](#)
- s. 6(1)(ea) inserted by [2023 c. 52 s. 205\(8\)\(b\)](#)
- s. 6(2C) inserted by [2023 c. 52 s. 186\(8\)](#)
- s. 6(2AA) inserted by [2023 c. 52 s. 205\(9\)](#)
- s. 6(6E) inserted by [2023 c. 52 s. 205\(10\)](#)
- s. 7(3GA) inserted by [2023 c. 52 s. 186\(17\)](#)
- s. 7A(11B) inserted by [2023 c. 52 s. 186\(18\)](#)
- s. 8A(1C) inserted by [2023 c. 52 s. 206\(6\)](#)
- s. 10NA inserted by [2023 c. 52 s. 207\(2\)](#)
- s. 11E(2)(d) and word inserted by [2013 c. 32 s. 138\(5\)\(b\)\(iii\)](#)
- s. 15(2)(aa) inserted by S.I. 2019/93, Sch. 1 para. 3(2)(b) (as substituted) by [S.I. 2019/1245 reg. 19](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 25(8A) inserted by [2023 c. 52 Sch. 14 para. 7\(3\)](#)
- s. 44A inserted by [1992 c. 43 s. 23](#)
- s. 44A(6)(b)(i) words substituted by [2013 c. 22 Sch. 9 para. 52](#)
- s. 44B(1)(a)(iiia) inserted by [2023 c. 52 Sch. 17 para. 8](#)
- s. 56C(6)(d) and word inserted by [2013 c. 32 s. 138\(5\)\(d\)\(ii\)](#)
- Sch. 6A para. 9ZA and cross-heading inserted by [2023 c. 52 Sch. 14 para. 8](#)