

# Final Code of Practice for the Theft of Gas

## 1. Objective of Code of Practice and obligation to achieve it

- 1.1 The objective of this Code of Practice (CoP) is to ensure that gas suppliers and distribution network operators work in cooperation with other licence holders where necessary to put best-practice industry procedures in place for the:
  - (i) Prevention of Theft of Gas<sup>13</sup>;
  - (ii) Detection of Theft of Gas;
  - (iii) Investigation of Theft of Gas; and
  - (iv) Managing the Outcome of Investigation into Theft of Gas
- 1.2 Compliance with this CoP is a mandatory licence requirement on all gas suppliers and the gas distribution network operators (DNOs), and therefore any breach of the CoP will be considered a breach of licence. Further, this CoP requires the Licensees to work together and cooperate to establish industry procedures and to implement and comply with the procedures. Therefore any failure by a Licensee to establish and implement such procedures or to comply with such procedures on an ongoing basis would be considered a breach of this CoP and therefore a breach of licence.
- 1.3 The Licensees shall research and implement best practice arrangements for the theft-related industry procedures. The Licensees should continue to seek best practice arrangements on an ongoing basis and propose amendments to the industry procedures where appropriate.
- 1.4 Where appropriate, the Licensees should take opportunities to share best practice ideas, arrangements and information between the electricity and gas industry.
- 1.5 This CoP covers domestic and non-domestic gas premises. Therefore the industry procedures must cover domestic and non-domestic gas premises in order to comply with this CoP. Disconnection from and reconnection to

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<sup>13</sup>Theft of Gas is defined in Section 10 of this CoP

the gas network are not within the scope of this CoP. Disconnection and reconnection arrangements are set out in the relevant Licensees disconnection and reconnection policies.

- 1.6 The industry procedures must include distribution and supply activities and the industry procedures must set out the roles and responsibilities of each party in a clear and transparent way.
- 1.7 The gas DNOs will share the drafting of the gas industry procedures, with one DNO adopting a principal co-ordinator role in developing the industry procedures; however the DNO with the principal co-ordinator role, other DNOs and all gas suppliers must take all reasonable steps to cooperate with other licence holders where necessary, to facilitate the development, implementation and compliance with the industry procedures.
- 1.8 In developing the industry procedures, the Licensees should seek independent views from other parties such as the Health & Safety Executive for Northern Ireland (HSENI) or the Consumer Council (CCNI).
- 1.9 When developing the industry procedures, if situations arise where the Licensees cannot reach agreement on certain issues for the industry procedures, then the Licensees can jointly bring issues to the UR for adjudication. The UR will only consider issues that have been brought by the gas industry as a group, rather than by individual licence holders.
- 1.10 Any issues referred to the UR for adjudication must be accompanied by background information and evidence relating to the different opinions of the industry participants and the impact of the different options. Where an issue is referred to the UR for adjudication, the UR will make a decision which will be final and the industry must abide by that decision and implement the UR's decision within the industry procedures.
- 1.11 The Licensees must make best endeavors to develop and implement the industry procedures within the timeframes set out by the UR. While developing the industry procedures, the Licensees must provide joint progress reports to the UR every 2 months or as requested to explain the progress being made, highlighting any specific issues that may delay the development and implementation of industry procedures against the timeframes set out by the UR.
- 1.12 The Licensees must be a party to, comply with, and maintain such industry procedures.

- 1.13 The industry procedures must include a process for ongoing reviews and changes. This will include pre-planned reviews at set timeframes and also an ability to review the procedures on an ad-hoc basis when it is considered necessary to react to changes in the industry and/or environment. The review process must allow for changes to be proposed by any Licensee that is party to the procedures or by the UR. Any proposed changes by a Licensee should be discussed and agreed collectively before updating the industry procedures. Note that where the UR considers the industry procedures are not best practice arrangements or do not comply with this CoP it may direct the Licensees to review and amend the procedures
- 1.14 The obligations in this CoP and any industry procedures that are implemented will apply to each Licensee and any representatives of the Licensee. For clarity, where a licensed company contracts with a third party for the provision of any services, the licensed company must ensure that the third party complies with all components of this CoP and the industry procedures. Any breaches of this CoP or the industry procedures by a third party will be deemed to be a breach by the licensed company.
- 1.15 Nothing in this CoP is intended to, or should be deemed to, constitute an exemption from existing regulatory requirements and/or obligations under other industry agreements.
- 1.16 Nothing in this CoP is intended to, or should be deemed to, constitute an exemption from each Licensees legal obligation to comply with any and all relevant legislation, statute, statutory instrument, regulation or order (or any provision thereof) or any subordinate legislation. Licensees are responsible for ensuring that the industry procedures they develop are compliant with all relevant legislation.
- 1.17 Where the UR considers it necessary to amend this CoP it will consult on any proposed changes. The consultation may be a restricted to the gas industry (i.e. any company holding a gas distribution or supply licence) and may include key stakeholders (e.g. consumer groups and PSNI) or may be a public consultation, depending on the nature of the changes.

## **2. Principles underpinning the Code of Practice**

- 2.1 Each licensed company must comply with the following principles when dealing with all aspects of prevention, detection, investigation and managing the outcome of investigation of Theft of Gas. When

documenting and implementing industry procedures to deal with Theft of Gas, each licensed company must consider these principles and ensure that the industry procedures comply with these principles.

1. **Safety** – where any activities are undertaken in accordance with this CoP, safety is a key consideration.
2. **Costs** – Licensees must have processes in place that are clear for all industry participants in order to make reasonable endeavors to recover the costs related to Theft of Gas. Any charges for costs associated with Theft of Gas must be fair, transparent and as far as possible must not exceed the associated costs incurred by the Licensees. Supplier charges to customers in relation to amounts owed must adhere to the principles in the minimum standards in the CoP for payment of bills.
3. **Prevention, Detection, Investigation and Manage the Outcome of Theft of Gas through best practice**– Licensees must ensure that effective procedures are in place to proactively prevent Theft of Gas, detect Theft of Gas, investigate Theft of Gas and manage the Outcome of Theft of Gas. The procedures adopted should reflect industry best practice and must clearly define the roles and responsibilities of each Licensee in achieving the procedures. Licensees must research best practice and adopt a continuous improvement approach to the procedure for Theft of Gas.
4. **Communication and reporting** – Licensees must have clear and transparent reporting processes in place between distribution network operators, suppliers and any relevant third parties. Licensees must also have a reporting mechanism in place to enable any third party too easily and, if necessary confidentially, report suspected Theft of Gas to the relevant Licensees.
5. **Ensure that consumers are treated in an appropriate and consistent manner**– In all interactions with consumers in relation to Theft of Gas, each Licensee must behave and act towards customers in a manner which is fair, appropriate, professional and not misleading.
6. **Customer Vulnerability** – In all interactions with customers in relation to Theft of Gas, each Licensee must take into account whether a domestic customer is vulnerable. In all actions relating to this CoP, Licensees must give appropriate consideration to the needs of customers in vulnerable circumstances.

**7. Investigation by competent individuals** – All responsibilities relating to the Theft of Gas must be carried out by individuals possessing skills, qualifications, experience and authorisation appropriate to the task they are undertaking. Licensees must adequately train all relevant staff in relation to the issues and activities relating to energy theft and the requirements of this CoP.

**8. Cooperation.** Licensees should cooperate with the Police Service of Northern Ireland, the Health and Safety Executive for Northern Ireland and the Consumer Council for Northern Ireland regarding the requirements of this CoP and their respective regulatory and statutory obligations. Licensees should also have consideration of other related bodies in respect of their statutory role.

### **3. Requirements for Prevention of Theft of Gas**

- 3.1 In order to comply with this CoP, the Licensees must establish, implement and comply with industry procedures which set out detailed roles, responsibilities and best practice processes for each of the following requirements. The arrangements to achieve each of these requirements must be included in the industry procedures.
- 3.2 The Licensees must take reasonable steps to deter and prevent the Theft of Gas. The Licensees are required to work together and to cooperate with each other to achieve this.
- 3.3 The DNOs will proactively research gas meters and equipment to keep up to date with technical advancements in equipment aimed at preventing Theft of Gas and where possible the DNOs will seek to adopt such technologies in delivery of its metering operations on a continuous improvement basis.
- 3.4 As a means of preventing Theft of Gas, the Licensees should proactively engage with and educate consumers, the general public and staff on the dangers and consequences of Theft of Gas and interference with gas equipment. They should also publicise the reporting mechanism for reports of any suspected theft, or damaged equipment to the relevant Licensee.
- 3.5 Licensees shall ensure that any customer terms and conditions (T's&C's) that it has with a customer include all relevant terms that would be required to discourage and ultimately deal with any issues relating to Theft of Gas.

This may include supplier T&Cs and also DNO T&Cs where relevant. The Licensee is responsible for ensuring any T&Cs are compliant with all relevant legislation in addition to regulatory requirements for T&Cs (e.g. the Consumer Rights Act 2015 includes requirements in relation to unfair terms in consumer contract which may mean that it can be easier for customers to challenge hidden charges).

- 3.6 The Licensees will keep-up-to-date with the latest methods for preventing energy theft so as to ensure that their existing procedures remain fit-for-purpose on a continuous improvement basis.

#### **4. Requirements for Detection of Theft of Gas**

- 4.1 In order to comply with this CoP, the Licensees must establish, implement and comply with industry procedures which set out detailed roles, responsibilities and best practice processes for each of the following requirements. The arrangements to achieve each of these requirements must be included in the industry procedures.
- 4.2 The Licensees must take reasonable steps to detect the Theft of Gas. The Licensees are required to work together and to cooperate with each other to achieve this.
- 4.3 When visiting properties the Licensees must take all reasonable steps to inspect gas meters and equipment for evidence of any damage or interference with or tampering of the meter or associated installation or Theft of Gas.
- 4.4 The Licensees shall ensure that all relevant staff are trained on how to identify potential energy theft or evidence of damage or interference with metering equipment and the associated installation.
- 4.5 The Licensees will work in partnership to routinely analyse energy usage and take all reasonable steps to attempt to identify any potential instances of Theft of Gas.
- 4.6 The Licensees shall have prompt and appropriate reporting processes in place for reporting suspected Theft of Gas to include:
  - a) reporting processes between the DNOs and suppliers; and

- b) reporting processes to enable individuals to inform the DNO and/or suppliers of suspected interference. This should include a telephone number for reporting such information, which could be widely publicised.
- 4.7 The Licensees will keep-up-to-date with the latest methods for detecting energy theft so as to ensure that their existing procedures remain fit-for-purpose on a continuous improvement basis.

## **5. Requirements for Investigation of Theft of Gas**

- 5.1 In order to comply with this CoP, the Licensees must establish, implement and comply with industry procedures which set out detailed roles, responsibilities and best practice processes for each of the following requirements. The arrangements to achieve each of these requirements must be included in the industry procedures.
- 5.2 The Licensees must take reasonable steps to investigate and deal with the Theft of Gas. The Licensees are required to work together and to cooperate with each other to achieve this.
- 5.3 Where an instance of suspected theft is identified the Licensees must take all reasonable steps to promptly investigate that suspected Theft of Gas and must have procedures in place setting out the arrangements for such investigations.

### ***Standards for Investigations into Theft of Gas***

- 5.4 The arrangements for carrying out an investigation must include details for how the Licensees will confirm whether the suspected theft did actually occur.
- 5.5 When the DNO identifies suspected Theft of Gas, or is notified of suspected Theft of Gas by another party, the DNO must take reasonable endeavours to complete a site visit and inspect the appropriate gas equipment and associated installation as soon as reasonably possible. Where required, the DNO must take steps to ensure the gas supply arrangements to the premises are made safe. To meet reasonable endeavors requirement, if the DNO cannot gain access to the relevant gas equipment on the first site visit, the DNO should normally make at least one other site visit to the premises to attempt to gain access, except where a

second or subsequent visit would represent a safety concern to either staff or consumer(s) or where an additional visit may compromise future attempts to seek access.

- 5.6 When visiting premises to investigate Theft of Gas, the Licensee shall provide appropriate identification to the consumer, state on whose behalf they are calling, and shall act in accordance with their policy on site attendance.
- 5.7 In respect of Theft of Gas investigations at domestic premises, when either reporting a case of suspected Theft of Gas or conducting any subsequent visit to a domestic premises, the Licensee should pay particular attention to identify if the domestic customer or anyone living in the domestic property is vulnerable. Where a customer in vulnerable circumstances is identified by the DNO, the DNO shall report this to the registered supplier for the premises. Likewise, where a vulnerable customer is identified by the registered supplier, the registered supplier shall report this to the DNO in advance of the DNO's visit to the premises.
- 5.8 Where reasonably possible, care should be taken to record any communication between the Licensee and the consumer or others present at the premises, especially where a vulnerable customer has been identified.
- 5.9 Where possible, Licensees shall gather and consider the relevant information required for the investigation prior to attending premises. Where it is a domestic premises, this shall include checking relevant available information to confirm whether the domestic consumer is in vulnerable circumstances - for example the Supplier Care Registers and the DNO Critical Care Registers.
- 5.10 Where all relevant information is not available to Licensees in advance of a visit, it shall be the responsibility of Licensees to attempt to obtain such information during or subsequent to the visit.
- 5.11 Where access to the premises has not been gained after reasonable attempts have been made by the Licensee to visit the premises and gain access, then a warrant should be sought by the Licensees to gain entry to the premises.



- 5.12 Where the Licensee visits the premises and confirms on immediate inspection that there is no evidence of any risk of Theft of Gas, then no further steps are required. However where Theft of Gas is evident, or where further inspection and/or testing are required to confirm, then the Licensees must comply with the requirements set out in the following steps.
- 5.13 While any investigation into suspected theft is ongoing, the Licensees must provide in plain language, clear, timely and accurate information and advice to the consumer about:
- a) The contact details for the Licensee that they should contact in relation to the investigation. Where different companies are responsible for different aspects of the investigation, then additional contact details can be provided that is clear to the consumer which company should be contacted for which activity;
  - b) The reason for the investigation being undertaken and, when it becomes available details of the outcome of the site investigation and details of the outcome of the full investigation including confirmation on whether the suspected Theft of Gas was confirmed, or not;
  - c) Confirmation of any physical work undertaken (e.g. meter exchange etc);
  - d) Details of any actions the consumer may need to take (e.g. actions required to be able to use gas through new meter etc);
  - e) What the consumer can expect next and what the consumer can do if they feel they have been unfairly treated; and
  - f) Contact details for further advice and sources of help. This will include relevant Consumer Council information as specified by the Consumer Council from time to time and any other sources that the Licensee may wish to provide

## **6. Manage the Outcome of Investigation into Theft of Gas**

- 6.1 Where an investigation into suspected Theft of Gas confirms that actual Theft of Gas has occurred and can be proven, the Licensees will be required to comply with the requirements set out in the following steps.

- 6.2 The Licensees will take reasonable steps to prevent the Theft of Gas once detected at the earliest opportunity.
- 6.3 In taking steps to prevent the Theft of Gas once detected, may, after full assessment of the circumstances, including relevant safety considerations, apply its disconnection policy as granted under its Statutory Disconnection Powers.
- 6.4 The Licensees must cooperate with each other and the PSNI in any investigation into the Theft of Gas.
- 6.5 All relevant information will be collated relating to the case, including any information obtained during a site visit and information on communication between the Licensees and the consumer. This may also include evidence relating to any suspected criminal damage associated with the Theft of Gas. All relevant information should be processed in accordance with the applicable data protection legislation.
- 6.6 The Licensees must provide in plain language, clear, timely and accurate information and advice to the consumer about:
- a) the contact details for the Licensee responsible for dealing with the consumer;
  - b) the basis of any assessment made by the Licensees that Theft of Gas occurred;
  - c) the details of any physical work undertaken (e.g. meter exchange, removal of meter);
  - d) the basis for the calculation of any costs associated with the Theft of Gas made to the consumer;
  - e) what steps the consumer should take if they wish to dispute that Theft of Gas occurred;
  - f) the steps a consumer may take to reinstate supply if the Licensee has exercised the Statutory Disconnection Power;
  - g) where legal action is being taken by any Licensees, a statement explaining the legal basis for any action taken; and

- h) Contact details for further advice and sources of help. This will include relevant Consumer Council information as specified by the Consumer Council from time to time and any other sources that the Licensee may wish to provide
- 6.7 Where the consumer is charged by a Licensee for the costs associated with the Theft of Gas, the Licensee must ensure the following requirements are met;
  - a) where the Theft of Gas involved units of gas been stolen, then the consumer must be provided with details of the number of units stolen and the calculation of the cost associated with the stolen units;
  - b) any bills relating to Theft of Gas must include, on or with the bill, an itemised statement to show separately, as a minimum, any costs relating to units of gas, and any administrative costs associated with the investigation;
  - c) where a consumer reasonably requests further detail of the bill to be itemised this should be provided on a best endeavours basis.
- 6.8 Where payment is sought by a Licensee for Theft of Gas, reasonable efforts will be made to identify to whom charges should be levied. The Licensee will take the circumstances of the Theft of Gas, the consumer's circumstances and the consumer's ability to pay into account in deciding whether payment arrangements by instalment would be applicable as per the minimum standards for Payment of Bills.
- 6.9 Where prosecution is an option, the industry procedures must set out the detail on how the decision is made whether to proceed with prosecution. The industry procedures must also set out the roles and responsibilities and best practice steps that the Licensees must take, including with PSNI.
- 6.10 The Licensees will keep-up-to-date with the latest methods for investigating energy theft so as to ensure that their existing procedures remain fit-for-purpose on a continuous improvement basis.

## **7. Information exchange between Licensees**

- 7.1 The exchange of information between Licensees relating to suspected

and/or actual Theft of Gas shall be organised so that they may meet the requirements of this CoP, their licence and applicable law.

- 7.2 Gas suppliers shall provide information reasonably requested by the DNOs for the purpose of enabling the DNO to fulfil its licence obligations to draw up plans for the safe operation, development or maintenance of any gas system and as it may reasonably request for the purpose of preventing, detecting, investigating or managing the outcome of investigation into Theft of Gas.

## 8. Resolving Disputes

- 8.1 Where a consumer has a complaint related to the Theft of Gas or suspected Theft of Gas then they should initially follow the Licensees complaints handling procedure.
- 8.2 Consumers must also be informed of their right to seek help from the Consumer Council in the event that the complainant does not feel that their complaint has been resolved.

## 9. Compliance Reporting

- 9.1 Each Licensee must keep (and ensure that any Representative keeps) a record of its compliance with its obligations under this CoP.
- 9.2 Where a Licensee has evidence of another Licensee being non-compliant with this CoP, then the UR should be informed. The UR shall assess the complaint and consider the most appropriate course of action to be taken, including any breach of relevant licence conditions. Each Licensee must provide to the UR, in such manner and at such times as the UR may reasonably require, such information as the UR may require or deem necessary or appropriate to enable it to monitor the Licensees compliance with this CoP.
- 9.3 Each Licensee must also cooperate with the UR, as and when required, to provide information that will assist the UR to monitor the severity of theft issues and progress in dealing with issues.

## 10. Definitions

**Theft of Gas:** means the theft of gas, or any gas plant and/or criminal damage to gas plant, including gas meters, tampering with the gas supply and/or gas meters.