



## **NMO/OFGEM CONSULTATION ON DISPOSAL OF ELECTRICITY METERS REMOVED FOLLOWING INTERFERENCE OR DAMAGE**

### **Response by the United Kingdom Revenue Protection Association (UKRPA)**

#### **THE UKRPA**

1. The UKRPA is a Trade Association open to parties involved in detecting and dealing with meter tampering and illegal abstraction of electricity and to providers of products and services to those parties. It is an unincorporated association to which Gemserv Limited provides the Secretariat.
2. The UKRPA does not involve itself directly in the commercial activities of its members or in commercial arrangements between members and, as such, strictly observes the requirements of the Competition Act, 2000.
3. UKRPA members welcome this consultation and the opportunity to comment on the draft disposal criteria dated 8 March 2012. The following submission, agreed by members, is additional to any individual company submissions which may be made.

#### **GENERAL**

4. The introductory paragraphs of the letter introducing the criteria clarify that the authority ['the Authority'] to approve disposal of meters retained by suppliers under Schedule 6, paragraph 6 of the Electricity Act remains Ofgem whereas the authority ['the Director'] under Schedule 7, paragraph 11 is, following provisions in the Energy Act 2008, now vested with the National Measurement Office (NMO). It is helpful to note that Ofgem and the NMO are cooperating to preserve consistency of approach in this matter.
5. The possibility of a General Authorisation to dispose of or destroy relevant retained meters, subject to conditions (which need to be sensible and workable), is welcomed as there has in the past been some uncertainty amongst UKRPA members as to the timescales involved in the retention and the actual process (see point 7).

#### **UKRPA INVOLVEMENT**

6. For the avoidance of doubt, although the powers to remove and retain a meter subjected to interference as in Schedule 7 are those of the supplier, such powers have been exercised through UKRPA member companies, acting as agents of the relevant supplier. However, this is not commonly so for removal or retention of meters removed found to have been damaged as in Schedule 6, which meters are typically dealt with by member companies of the AMO and/or UKMF<sup>1</sup> who will make their own submissions on this matter.

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1. The AMO is the Association of Meter Operators and the UKMF is the UK Metering Forum

7. A meter retained following a detected or suspected instance of electricity theft/interference is treated as any other evidence relevant to the matter. The UKRPA has a Manual of Best Practice, Section 3 of which provides guidelines for appropriate treatment of evidence. This includes a record of the 'chain of custody' and storage in a secure place. However, unlike other types of evidence which must not be altered or interfered with, a meter may be subject to dismantlement and forensic examination, such work to be documented and also preferably photographed. UKRPA members have in the past also worked to a Code of Practice which has a clause about meter retention, although this is now out of date (it refers to paragraph 4(4) of Schedule 6 of the 'original' Act which has been amended by the Utilities Act 2000 and is now paragraph 11 of Schedule 7 of the revised Act) Work is under way to produce a new Code which will refer to the relevant provisions, including those now proposed once they are finalised.

8. In some cases where a criminal prosecution is confirmed, evidence including a meter may be passed over to the Police for safe keeping until the case is heard.

## **CONDITIONS OF THE GENERAL AUTHORISATION**

### **Condition 1**

9. Condition 1.1 can be a problem. UKRPA members have advised that in some areas of the country the police *actively discourage* reporting of offences of electricity theft, as they view this as similar to 'commercial' fraud (such as stealing and use of credit cards or misuse of illegally obtained card information) which should be dealt with as a civil (commercial) matter. In these areas it therefore may not be possible to "notify the relevant police". Additionally, there is no obligation to report a crime to the Police and only a small proportion of cases are so reported. Of course if the police are involved (eg where utility staff are called in to attend on discovered cannabis grows and in some other cases) then the police will know of the crime and will, in conjunction with the Crown Prosecution Service, decide whether to proceed with a criminal prosecution. If a decision is made not to proceed, this does not preclude the supplier undertaking a civil action for which evidence would need to be retained, although most suppliers would do this only as regards repeated or serious offences.

10. Condition 1.1 also refers to notifying "other relevant Authorities". Could it be clarified who these might be? If this is meant to include, for instance, Ofgem then they are not the relevant Authority for offences under Schedule 7. Should NMO be notified (and do they wish to be notified)? UKRPA members are not aware of a requirement to notify parties such as Ofgem or Consumer Focus of all theft cases, but will make customers aware of their right to complain to such bodies if they feel that they have been unfairly treated.

11. One party which will need to be notified of removal and retention of a meter is the Meter Asset Provider, whose meter it is. However, it is suggested that this is an 'industry' matter which should be dealt with by the Supplier who required the meter to be removed, rather than a matter for legislation

12. Otherwise, the procedures for being able to dispose of the meter seem clear.

### **Condition 2**

13. Condition 2 (a) is subject to the same comments as in 9 and 10 above.

14. With regard to 2 (b)

- If the meter has been taken within 6 months, the supplier no longer has it and cannot dispose of it until it is returned. Should it not be made clear that the authority to dispose applies when it is returned and is no longer needed by the police (or whoever took it)?
- If the police (or whoever may take it) indicate an interest but have not actually taken it at the end of 6 months from removal, how long should the supplier wait after this before enquiring if he can dispose of it?

#### **SUMMARY – ANSWERS TO QUESTIONS POSED**

**Q1.** See 4 and 5 above

**Q2.** See 9, 10, 11, 12, 13 and 14 above

**Q3.** None but background to UKRPA interest is given in 6, 7 and 8 above