



Consumers, Estate Agents and Redress Act 2007

2007 CHAPTER 17

PART 1

THE NATIONAL CONSUMER COUNCIL

Powers of investigation

11 General powers of investigation

- (1) The Council may investigate—
 - (a) a complaint made by or on behalf of a consumer which appears to the Council to raise one or more issues of general relevance;
 - (b) any matter which appears to the Council to be, or to be related to, a problem which affects or may affect consumers generally or consumers of a particular description.
- (2) For this purpose, a complaint raises an issue of general relevance if it raises—
 - (a) a novel issue which affects or may affect consumers generally or consumers of a particular description, or
 - (b) any other issue which has or may have an important effect on consumers generally or consumers of a particular description.

12 Investigation of complaints made by vulnerable designated consumers

- (1) Subsection (3) applies to a complaint which is made—
 - (a) by or on behalf of a vulnerable person in that person's capacity as a designated consumer ("the designated consumer"),
 - (b) against a person ("the supplier") who in the course of a business carried on by the supplier supplies or seeks to supply, or refuses to supply, goods or services to the designated consumer, and

Status: This is the original version (as it was originally enacted).

- (c) in respect of a matter connected with the supply of goods or services by the supplier to the designated consumer or a refusal by the supplier to supply goods or services to the designated consumer.
- (2) For this purpose a person is “vulnerable” if the Council is satisfied that it is not reasonable to expect that person to pursue the complaint on that person’s own behalf.
- (3) Where a complaint to which this subsection applies is referred to the Council by or on behalf of the designated consumer, the Council may investigate the complaint for the purpose of determining whether it is appropriate to take any action under subsection (4).
- (4) Where it appears to the Council to be appropriate to do so with a view to assisting in reaching a satisfactory resolution of a complaint referred to it under this section, the Council may—
 - (a) provide advice to the designated consumer or, if the complaint was made by another person on the designated consumer’s behalf, that person;
 - (b) make representations on behalf of the designated consumer to the supplier about anything to which the complaint relates.

13 Investigation of complaints relating to disconnection of gas or electricity

- (1) This section applies to—
 - (a) a complaint by a gas consumer against a gas transporter, in respect of the disconnection of, or a threat to disconnect, the consumer’s premises by the gas transporter;
 - (b) a complaint by a gas consumer against a gas transporter, following such a disconnection, in respect of a refusal by the gas transporter to reconnect the premises;
 - (c) a complaint by a gas consumer against a gas supplier, in respect of the cutting off of, or a threat to cut off, a supply of gas to the consumer’s premises by the gas supplier;
 - (d) a complaint by a gas consumer against a gas supplier, following such a cutting off, in respect of a refusal by the gas supplier to restore the supply to the premises;
 - (e) a complaint by a gas consumer against a gas supplier, in respect of the failure of a prepayment system;
 - (f) a complaint by an electricity consumer against an electricity supplier, an electricity distributor or a transmission licence holder, in respect of the disconnection of, or a threat to disconnect, the consumer’s premises by the electricity supplier, electricity distributor or licence holder;
 - (g) a complaint by an electricity consumer against an electricity supplier, electricity distributor or transmission licence holder, following such a disconnection by the supplier, distributor or licence holder, in respect of a refusal by the supplier, distributor or licence holder to reconnect the premises;
 - (h) a complaint by an electricity consumer against an electricity supplier, in respect of the failure of a prepayment system.
- (2) Where a complaint to which this section applies is referred to the Council by or on behalf of the complainant, the Council must investigate the complaint for the purpose of determining whether it is appropriate to take any action under subsection (3).

Status: This is the original version (as it was originally enacted).

- (3) Where it appears to the Council to be appropriate to do so with a view to assisting in reaching a satisfactory resolution of a complaint referred to it under this section, the Council must—
- (a) provide advice to the complainant, or
 - (b) make representations on behalf of the complainant to the person against whom the complaint is made about anything to which the complaint relates.
- (4) The Council may refuse to investigate a complaint, or part of a complaint, if—
- (a) the complaint or part appears to the Council to be frivolous or vexatious;
 - (b) the complaint or part falls within a class of matter which a regulatory body is under a duty (whether imposed by or under an enactment or otherwise) to investigate;
 - (c) the complaint or part is being dealt with, or the Council is satisfied that it would be better dealt with, under an ombudsman scheme or any other redress scheme or in legal proceedings;
 - (d) the Council considers that there has been undue delay in the making of the complaint or part, or the provision of evidence to support it;
 - (e) the Council considers that there are other compelling reasons why it is inappropriate for the complaint or part to be investigated by the Council.
- (5) The Council may refuse to investigate a complaint until the complainant has taken such steps as appear to the Council to be reasonable for the purpose of giving the person against whom the complaint is made a reasonable opportunity to deal with it.
- (6) In subsection (1)—
- (a) in paragraphs (a) and (b) “disconnection” in relation to any premises, means disconnection from a main of a gas transporter or the discontinuation of the conveyance of gas to the premises;
 - (b) in paragraphs (b), (d) and (g), the references to a gas consumer or electricity consumer are references to a person who was such a consumer at the time the disconnection of, or cutting off of the supply to, the premises occurred;
 - (c) in paragraphs (e) and (h), references to the failure of a prepayment system are references to—
 - (i) a failure in the facilities for payment for the supply of gas or electricity which results in a consumer with a prepayment meter being unable to make a payment for the supply of gas or electricity, or
 - (ii) where a payment has been made for the supply of gas or electricity through a prepayment meter, a case where the supply is not given through the prepayment meter because of a defect in the meter or in the facilities for payment.
- (7) In this section—
- “electricity consumer” means an individual who is a consumer in relation to electricity supplied by an authorised supplier;
- “enactment” means—
- (a) an Act of Parliament,
 - (b) an Act of the Scottish Parliament, or
 - (c) a Measure or Act of the National Assembly for Wales,
- whenever passed or made;

Status: This is the original version (as it was originally enacted).

“gas consumer” means an individual who is a consumer in relation to gas supplied by an authorised supplier;

“the consumer’s premises”—

(a) in relation to an electricity consumer, means the premises to which the electricity supplied to the consumer by the authorised supplier is supplied;

(b) in relation to a gas consumer, means the premises to which the gas supplied to the consumer is conveyed by the gas transporter;

“redress scheme” means a scheme under which complaints may be made to, and investigated and determined by, an independent person.

14 Reference of matters to the Gas and Electricity Markets Authority

(1) In this section references to a complaint are to a complaint within section 11(1)(a) or to which section 12(3) or 13 applies.

(2) Where it appears to the Council that a complaint relates to a matter in respect of which any of the Authority’s enforcement functions may be exercisable, the Council must refer the complaint to the Authority unless it is satisfied that the Authority is already aware of the matter.

(3) Where a complaint to which section 13 applies is referred to the Authority under subsection (2), the Council is not required to investigate the complaint under subsection (2) of that section until the Authority has had a reasonable opportunity to exercise its enforcement functions in relation to the matter to which the complaint relates.

(4) On investigating a complaint, the Council must inform the complainant if it considers that the complaint relates to a matter of a kind which can be referred by the complainant to the Authority under any provision of the Gas Act 1986 (c. 44) or the Electricity Act 1989 (c. 29).

(5) In this section—

“the Authority” means the Gas and Electricity Markets Authority;

“enforcement function”, in relation to the Authority, means any of its functions under section 28 or 30A of the Gas Act 1986 or section 25 or 27A of the Electricity Act 1989.

15 Reference of matters to the Postal Services Commission

(1) The Council must refer any complaint within section 11(1)(a), or to which section 12(3) applies, to the Postal Services Commission (“the Commission”) if the Council considers that—

(a) the subject matter of the complaint indicates that a condition of a licence under Part 2 of the Postal Services Act 2000 (c. 26) has been contravened,

(b) the subject matter of the complaint is a referable matter, or

(c) it is appropriate to do so.

(2) The Council and the Commission must, from time to time, agree the descriptions of matters which are to be referred to the Commission and, for the purposes of subsection (1)(b), a matter is a “referable matter” if it is of a description for the time being so agreed.

16 Investigations relating to public post offices

- (1) Without prejudice to the generality of section 11, the Council may investigate any matter relating to—
 - (a) the number and location of public post offices in England and Wales and Scotland;
 - (b) the number and location of public post offices in Northern Ireland.
- (2) In this section “public post office” has the same meaning as in the Postal Services Act 2000 (c. 26) (see section 42(3) of that Act).