

SCHEDULES

SCHEDULE 1

THE NATIONAL CONSUMER COUNCIL

PART 5

FUNDING AND ACCOUNTS

Funding

- 28 The Secretary of State may pay the Council out of money provided by Parliament such sums as the Secretary of State may determine towards the Council's expenses.
- 29 (1) Section 8 of the Utilities Act 2000 (c. 27) (payments by licence holders relating to new arrangements) is amended as follows.
- (2) In subsection (2) after "subsection (3)" insert "or (3A)".
- (3) In subsection (3)—
- (a) for "Those expenses" substitute "The expenses within this subsection",
 - (b) in paragraph (a) for "Council" substitute "Gas and Electricity Consumer Council", and
 - (c) omit paragraph (b) and the "and" immediately preceding it.
- (4) After that subsection insert—
- “(3A) The expenses within this subsection are—
- (a) the appropriate proportion of the expenses of the Council (including expenses which relate to its establishment but not expenses within paragraph (c));
 - (b) the appropriate proportion of the expenses of the Secretary of State which relate to the establishment of the Council;
 - (c) any expenses of the Council, the Secretary of State or the Gas and Electricity Consumer Council which relate to a transfer scheme made in respect of the Gas and Electricity Consumer Council under section 35(2)(a) or (7) of the Consumers, Estate Agents and Redress Act 2007;
 - (d) the expenses of the Secretary of State which relate to the abolition of the Gas and Electricity Consumer Council;
 - (e) the expenses of the Office of Fair Trading which relate to the expansion of an OFT scheme to enable it to cater for gas and electricity consumers;
 - (f) the appropriate proportion of the expenses of the Office of Fair Trading on, or in connection with, the support of any OFT scheme.

Status: This is the original version (as it was originally enacted).

- (3B) The “appropriate proportion” of any expenses means such proportion of the expenses as the Secretary of State considers is reasonable having regard to—
- (a) in the case of expenses within subsection (3A)(a) or (b), the functions exercisable by the Council in relation to gas and electricity consumers, and
 - (b) in the case of expenses within subsection (3A)(f), the functions under the OFT scheme which are exercisable in relation to gas and electricity consumers.”

- (5) In subsection (4) for paragraphs (a) and (b) substitute—

- “(a) the establishment of the Council, or
(b) the abolition of the Gas and Electricity Consumer Council.”

- (6) For subsection (5) substitute—

- “(5) The Authority may, in accordance with this section, make such incidental or consequential modifications of—
- (a) the other conditions of a gas licence or an electricity licence, or
 - (b) any code or agreement relevant to the conditions of such a licence,
- as it considers necessary or expedient in consequence of, or of preparations for, an event mentioned in subsection (4)(a) or (b).”

- (7) In subsection (6) after “licence” insert “or any code or agreement”.

- (8) Omit subsection (7).

- (9) For subsection (8) substitute—

- “(8) The powers of the Authority under subsection (4) (as amended by paragraph 29 of Schedule 1 to the Consumers, Estate Agents and Redress Act 2007), and subsection (5) as it applies in relation to that subsection, may not be exercised after the end of the period of 2 years beginning with the commencement of that paragraph.”

- (10) In subsection (9) after “(3)” insert “or (3A)”.

- (11) After that subsection insert—

- “(10) For the purposes of this section—
- “consumer” has the same meaning as in Part 1 of the Consumers, Estate Agents and Redress Act 2007 (see section 3 of that Act);
- “gas and electricity consumers” means consumers in relation to gas conveyed through pipes or electricity conveyed by distribution systems or transmission systems;
- “OFT scheme” means any public consumer advice scheme supported by the Office of Fair Trading.”

- 30 In section 39 of the Postal Services Act 2000 (c. 26) (recovery of costs of the Council etc)—

- (a) for “the Council”, in the first place, substitute “the Consumer Council for Postal Services”, and
- (b) omit “or of the Secretary of State in relation to the establishment of the Council”.

31 (1) After section 39 of that Act insert—

“39A Licences and the new arrangements

- (1) The conditions of a licence may require the payment by the licence holder of sums relating to any of the expenses mentioned in subsection (2).
- (2) The expenses within this subsection are—
 - (a) the appropriate proportion of the expenses of the Council (including expenses which relate to its establishment but not expenses within paragraph (c));
 - (b) the appropriate proportion of the expenses of the Secretary of State which relate to the establishment of the Council;
 - (c) any expenses of the Council, the Secretary of State or the Consumer Council for Postal Services which relate to a transfer scheme made in respect of the Consumer Council for Postal Services under section 35(2)(a) or (7) of the Consumers, Estate Agents and Redress Act 2007;
 - (d) the expenses of the Secretary of State which relate to the abolition of the Consumer Council for Postal Services;
 - (e) the expenses of the Office of Fair Trading which relate to the expansion of an OFT scheme to enable it to cater for postal services consumers;
 - (f) the appropriate proportion of the expenses of the Office of Fair Trading on, or in connection with, the support of any OFT scheme.
- (3) The “appropriate proportion” of any expenses means such proportion of the expenses as the Secretary of State considers is reasonable having regard to—
 - (a) in the case of expenses within subsection (2)(a) or (b), the functions exercisable by the Council in relation to postal services consumers, and
 - (b) in the case of expenses within subsection (2)(f), the functions under the OFT scheme which are exercisable in relation to those consumers.
- (4) The Commission may, in accordance with this section, modify any condition included in a licence by virtue of section 39 where the Commission considers it necessary or expedient to do so in consequence of, or of preparations for—
 - (a) the establishment of the Council, or
 - (b) the abolition of the Consumer Council for Postal Services.
- (5) The Commission may, in accordance with this section, make such incidental or consequential modifications of the other conditions of a licence, as it considers necessary or expedient in consequence of, or of preparations for, an event mentioned in subsection (4)(a) or (b).
- (6) Before modifying the conditions of a licence under subsection (4) or (5) the Commission must consult the licence holder.
- (7) The powers of the Commission under subsection (4) or (5) may not be exercised after the end of the period of 2 years beginning with the commencement of those subsections.

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

- (8) The Secretary of State may give directions to the Commission for the purpose of securing that sums relating to any of the expenses mentioned in subsection (2) are included in the sums payable by virtue of conditions in licences and the Commission must comply with any such direction.
- (9) In this section—
- “consumer” has the same meaning as in Part 1 of the Consumers, Estate Agents and Redress Act 2007 (see section 3 of that Act);
 - “postal services consumers” means consumers in relation to relevant postal services (within the meaning of section 41);
 - “OFT scheme” means any public consumer advice scheme supported by the Office of Fair Trading.”

Accounts

- 32 (1) The Council must—
- (a) keep proper accounts and proper records in relation to the accounts, and
 - (b) prepare in respect of each financial year a statement of accounts.
- (2) Each statement of accounts must comply with any directions given by the Secretary of State, with the approval of the Treasury, as to—
- (a) the information to be contained in it and the manner in which it is to be presented;
 - (b) the methods and principles according to which the statement is to be prepared;
 - (c) the additional information (if any) which is to be provided for the information of Parliament.
- (3) The Council must give a copy of each statement of accounts—
- (a) to the Secretary of State, and
 - (b) to the Comptroller and Auditor General,
- before the end of the month of August next following the financial year to which the statement relates.
- (4) The Comptroller and Auditor General must—
- (a) examine, certify and report on each statement of accounts which is received under sub-paragraph (3), and
 - (b) send a copy of the certified statement and the Comptroller and Auditor General’s report to the Secretary of State, who shall lay them before Parliament.