



Consumers, Estate Agents and Redress Act 2007

2007 CHAPTER 17

PART 1

THE NATIONAL CONSUMER COUNCIL

Powers of investigation

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

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- 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).
- (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—

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“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;

“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.