

2003 No. 1368

COMPETITION

CONSUMER PROTECTION

**The Enterprise Act 2002 (Super-complaints to Regulators)
Order 2003**

<i>Made - - - - -</i>	<i>23rd May 2003</i>
<i>Laid before Parliament</i>	<i>27th May 2003</i>
<i>Coming into force - -</i>	<i>20th June 2003</i>

The Secretary of State in exercise of the powers conferred on her by section 205 of the Enterprise Act 2002(a), hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Enterprise Act 2002 (Super-complaints to regulators) Order 2003 and shall come into force on 20th June 2003.

Application of section 11 of the Enterprise Act 2002 to super-complaints to regulators other than the OFT

2. Section 11 of the Enterprise Act 2002 (Super-complaints to OFT), other than subsection (7)(a), shall apply to complaints made to a regulator specified in column (1) of the Schedule (“a specified regulator”) as it applies to complaints made to the OFT under that section, if the complaint to a specified regulator concerns a market in relation to which that regulator has functions pursuant to the relevant enactment specified in column (2) of the Schedule.

Brian Wilson,
Minister of State for Energy and Construction
Department of Trade and Industry

23rd May 2003

(a) 2002 c. 40.

SCHEDULE

Article 2

REGULATORS AND RELEVANT ENACTMENTS CONFERRING FUNCTIONS

<i>(1) Regulator</i>	<i>(2) Enactment</i>
The Director General of Telecommunications	Telecommunications Act 1984(a)
The Gas and Electricity Markets Authority	Gas Act 1986(b); Electricity Act 1989(c)
The Director General of Electricity Supply for Northern Ireland	Electricity (Northern Ireland) Order 1992(d)
The Director General of Gas for Northern Ireland	Gas (Northern Ireland) Order 1996(e)
The Director General of Water Services	Water Industry Act 1991(f)
The Rail Regulator	Railways Act 1993(g)
The Civil Aviation Authority	Transport Act 2000(h)

- (a) 1984 c. 12.
 (b) 1986 c. 44.
 (c) 1989 c. 29.
 (d) S.I. 1992/231 (N.I. 1).
 (e) S.I. 1996/275 (N.I. 2).
 (f) 1991 c. 56.
 (g) 1993 c. 43.
 (h) 2000 c. 38.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 11 of the Enterprise Act 2002 (EA 2002) enables consumer bodies designated by the Secretary of State to submit “super-complaints” where they consider that there is any market feature, or combination of features, such as the structure of a market or the conduct of those operating within it, that is or appears to be significantly harming the interests of consumers.

The OFT is obliged to publish a response to such a complaint within a maximum of 90 calendar days stating how it proposes to deal with the complaint and the reasons for its proposals. The Order extends the section 11 EA 2002 duties (other than the obligation to provide guidance in relation to the presentation of a reasoned case) to the regulators specified in the Order where the super-complaint is made by a designated consumer body to a regulator specified in the Order and concerns a market in relation to which that regulator has functions. The regulators specified are those regulators who have concurrent enforcement powers under the Competition Act 1998.

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