
STATUTORY INSTRUMENTS

2008 No. 1898

**The Gas and Electricity (Consumer Complaints
Handling Standards) Regulations 2008**

PART 1

General

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Gas and Electricity (Consumer Complaints Handling Standards) Regulations 2008 and shall come into force on 1 October 2008.

(2) These Regulations do not apply to Northern Ireland.

Interpretation

2.—(1) In these Regulations

“the Act” means the Consumers, Estate Agents and Redress Act 2007;

“the Authority” means the Gas and Electricity Markets Authority established by section 1 of the Utilities Act 2000(1);

“complaint” means any expression of dissatisfaction made to an organisation, related to any one or more of its products, its services or the manner in which it has dealt with any such expression of dissatisfaction, where a response is either provided by or on behalf of that organisation at the point at which contact is made or a response is explicitly or implicitly required or expected to be provided thereafter;

“complainant” means a person making a consumer complaint;

“complaints handling procedure” means a procedure which complies with Regulation 3 and which sets out how a consumer complaint can be made to, and will be handled and progressed by, each regulated provider;

“consumer complaint” means a complaint, other than a network outage report, which is made against a regulated provider either (a) by a person in that person’s capacity as a relevant consumer in relation to that regulated provider; or (b) by a person acting on behalf of such a relevant consumer;

“consumer complaints report” means the report which is to be prepared and published in accordance with Regulation 11;

“Consumer Direct” means the body of that name which is funded by the Office of Fair Trading to provide a consumer advice helpline;

“the Council” means the National Consumer Council established by section 1 of the Act;

“domestic consumer” means a person supplied or requiring to be supplied with gas or electricity at domestic premises (but excluding such person insofar as he is supplied or requires to be supplied with gas or electricity at premises other than domestic premises);

“domestic premises” means premises at which a supply of gas or electricity is taken or to be taken wholly or mainly for domestic purposes;

“existing consumer complaint” means a consumer complaint which has been received by a regulated provider and whose details have been or should have been recorded by that regulated provider in accordance with Regulation 4(1);

“micro business consumer” means any person, other than a domestic consumer, who a regulated provider knows or, acting reasonably, considers falls within the description of consumers who are covered by a Section 47 Order;

“network outage” means an interruption to a relevant consumer’s supply of gas or electricity;

“network outage report” means a complaint or other contact made by a relevant consumer or a person acting on behalf of a relevant consumer to a regulated provider where that complaint or contact consists wholly or primarily in the reporting to that regulated provider of the existence of a network outage;

“Office of Fair Trading” means the body of that name which is established by section 1 of the Enterprise Act 2002(2);

“qualifying redress scheme” means a redress scheme which is approved by the Authority in accordance with section 49 of the Act or which is administered and designated in accordance with section 47(1)(b) of the Act;

“regulated provider” means any one or more of the following as the context requires:

- (a) a person holding a licence under section 7A(1) of the Gas Act 1986(3);
- (b) a person holding a licence under section 7(2) of the Gas Act 1986(4);
- (c) a person holding a licence under section 6(1)(d) of the Electricity Act 1989(5);
- (d) a person holding a licence under section 6(1)(c) of the Electricity Act 1989;

“relevant consumer” means any one or more of the following as the context requires:

- (a) a person who is a domestic consumer or a micro business consumer in relation to gas supplied by a regulated provider;
- (b) a person who is a domestic consumer or a micro business consumer in relation to electricity supplied by a regulated provider;
- (c) a person who is a domestic consumer or a micro business consumer in relation to services provided by a regulated provider;

“resolved complaint” means a consumer complaint in respect of which there remains no outstanding action to be taken by the regulated provider and which has been resolved to the satisfaction of the relevant consumer who made that consumer complaint or on whose behalf that consumer complaint was made;

“section 12 and 13 complaint” means a complaint to which any one or more of section 12(3), section 12(4), section 13(2) or section 13(3) of the Act applies or apply;

“Section 47 Order” means an Order which has been made by the Secretary of State in accordance with section 47 of the Act and which is in effect;

(2) 2002 c.40

(3) 1986 c.44: section 7A(1) was inserted by the Gas Act 1995 (c.45), section 5

(4) Section 7 was substituted by the Gas Act 1995 (c.45), section 5, and amended by the Utilities Act 2000 (c.27), section 76(3) and Schedule 6, paragraph 4

(5) 1989 c.29: section 6 was substituted by the Utilities Act 2000 (c.27), section 30

“specified time period” means the time period specified in a qualifying redress scheme as the maximum time period that a regulated provider has to resolve a consumer complaint before the relevant consumer who made that consumer complaint, or on whose behalf that consumer complaint was made, becomes entitled to refer that consumer complaint to a qualifying redress scheme;

“vulnerable consumer” means a person who is vulnerable for the purposes of section 12(2) of the Act; and

“working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday within the meaning of the Banking and Financial Dealings Act 1971⁽⁶⁾;