

2008 No. 2268

CONSUMER PROTECTION

ELECTRICITY

GAS

**The Gas and Electricity Regulated Providers (Redress Scheme)
Order 2008**

<i>Made</i> - - - -	<i>16th August 2008</i>
<i>Laid before Parliament</i>	<i>27th August 2008</i>
<i>Coming into force</i> - -	<i>1st October 2008</i>

The Secretary of State makes the following Order in exercise of the power conferred by section 47(1) to (3) of the Consumers, Estate Agents and Redress Act 2007^(a).

In accordance with section 47(4) of that Act, he has consulted the Gas and Electricity Markets Authority^(b) and other persons appearing to him to be representative of persons who have an interest in the Order.

In accordance with section 47(7) of that Act he is satisfied that there will be at least one qualifying redress scheme in place on the date this Order comes into force which regulated providers will be eligible to join and membership of which will satisfy the requirement imposed by this Order.

Citation, Commencement and Extent

1.—(1) This Order may be cited as the Gas and Electricity Regulated Providers (Redress Scheme) Order 2008 and shall come into force on 1st October 2008.

(2) This Order shall not extend to Northern Ireland.

Interpretation

2.—(1) In this Order—

“consumer complaint” means a complaint of either or both of the following kinds which is made against a regulated provider by or on behalf of a person in that person’s capacity as a relevant consumer in relation to the supply by that regulated provider of gas or electricity as the case may be—

(a) 2007 c.17.

(b) The Gas and Electricity Markets Authority was established under section 1(1) of, and Schedule 1 to, the Utilities Act 2000 (c.27).

(a) a complaint relating to the difficulty experienced by a relevant consumer in making a complaint; and

(b) a complaint that has not been resolved to the satisfaction of a relevant consumer,

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

“qualifying redress scheme” means a redress scheme which is approved by the Gas and Electricity Markets Authority in accordance with section 49 of the Consumers, Estate Agents and Redress Act 2007 or which is administered and designated in accordance with section 47(1)(b) of that Act;

“regulated provider” means any one or more of the following—

(a) a person holding a licence under section 7A(1) of the Gas Act 1986(a);

(b) a person holding a licence under section 7(2) of the Gas Act 1986;

(c) a person holding a licence under section 6(1)(d) of the Electricity Act 1989(b); and

(d) a person holding a licence under section 6(1)(c) of the Electricity Act 1989,

who supplies gas or electricity or gas transmission or electricity distribution services to a relevant consumer; and

“relevant consumer” means a consumer who is—

(a) a natural person supplied or requiring to be supplied with gas or electricity at domestic premises (but excluding such person insofar as they are supplied or require to be supplied with gas or electricity at premises other than domestic premises); or

(b) a person supplied or requiring to be supplied with gas or electricity at premises other than domestic premises, with—

(i) an annual consumption of—

(aa) electricity of not more than 55,000 kWh; or

(bb) gas of not more than 200,000 kWh; or

(ii) (aa) fewer than 10 employees (or their full time equivalent); and

(bb) an annual turnover or annual balance sheet total not exceeding Euros 2 million.

(2) For the purposes of this Order, where a person who is a relevant consumer under paragraph (b)(i) of the definition of “relevant consumer” receives gas and electricity supplied by the same regulated provider, the relevant consumer’s annual consumption of gas and electricity shall be treated separately for the purpose of determining their capacity as a relevant consumer to make a consumer complaint in respect of gas or electricity supply as the case may be.

Obligation to join a redress scheme

3. A regulated provider must be a member of a qualifying redress scheme in relation to consumer complaints about the licensed supply of gas or electricity or licensed gas transmission or electricity distribution services.

16th August 2008

Malcolm Wicks
Minister of State for Energy
Department for Business, Enterprise & Regulatory Reform

(a) 1986 c.44: section 7A(1) was inserted by section 6 of the Gas Act 1995 (c.45). Section 7 was substituted by section 5 of the Gas Act 1995, and amended by section 76(2) of, and paragraphs 2 and 4 of Schedule 6 to, the Utilities Act 2000 (c.28).
(b) 1989 c.29: section 6 was substituted by section 30 of the Utilities Act 2000.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order requires certain licensed suppliers of gas and electricity and licensed gas transporters and electricity distributors under the Gas Act 1986 and Electricity Act 1989 respectively (“regulated providers”) to join a qualifying redress scheme in respect of certain kinds of consumer complaint.

The requirement arises in respect of regulated providers who provide services to relevant consumers. Relevant consumers are domestic consumers and micro-enterprise consumers. Consumer complaints can only be made by a person in that person’s capacity as a relevant consumer in relation to the regulated provider.

Section 52 of the Consumers, Estate Agents and Redress Act 2007 provides for enforcement of the requirement to join a redress scheme.

An Impact Assessment of the effect that this Order will have on the costs to business and the voluntary sector is available from Consumer and Competition Policy Directorate, Department for Business, Enterprise and Regulatory Reform, 1 Victoria Street, London SW11 0ET or on the BERR website (www.berr.gov.uk). It is also annexed to the Explanatory Memorandum which is available alongside the Order on the OPSI website. A copy of the Impact Assessment has also been placed in the libraries of both Houses of Parliament.

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£3.00

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E2973 8/2008 182973T 19585