
STATUTORY RULES OF NORTHERN IRELAND

2013 No. 92

**The Gas and Electricity (Internal Markets)
Regulations (Northern Ireland) 2013**

PART IV

MISCELLANEOUS ELECTRICITY AND GAS AMENDMENTS

Billing disputes: electricity

31.—(1) Article 6 of the Competition and Service (Electricity) (Northern Ireland) Order 1992⁽¹⁾ is repealed.

(2) Regulation 7 of the Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011⁽²⁾ is revoked.

(3) After Article 47 of the Electricity (Northern Ireland) Order 1992⁽³⁾ insert—

“Billing disputes

47A.—(1) A billing dispute—

- (a) may be referred by the customer who is party to the dispute to the Authority for determination in accordance with this Article; and
- (b) on such a reference, shall be determined by order made by the Authority or, if the Authority thinks fit, an arbitrator appointed by the Authority.

(2) In this Article “billing dispute” means a dispute between an electricity supplier and a customer concerning the amount of the charge which the supplier is entitled to recover from the customer in connection with the provision of electricity supply services.

(3) The practice and procedure to be followed in connection with the determination of billing disputes shall be such as the Authority thinks appropriate and shall be published by the Authority.

(4) Except with the consent of the Authority, no billing dispute may be referred for determination under this Article—

- (a) unless the matter in dispute has first been referred to the General Consumer Council pursuant to Article 22 of the Energy (Northern Ireland) Order 2003⁽⁴⁾ and the matter has not been resolved to the satisfaction of the customer within 3 months of the matter being referred to the General Consumer Council;
- (b) after the end of the period of 12 months after the end of the period in respect of which the charge which is the subject of the dispute applies.

(1) S.I. 1992/1720 (N.I. 13)

(2) S.R. 2011 No. 155

(3) S.I. 1992/231 (N.I. 1)

(4) S.I. 2003/419 (N.I. 6)

(5) Where a billing dispute is referred to the Authority, an order under this Article shall be made and notified to the parties to the dispute within the requisite period or such longer period as the Authority may agree with the person referring the dispute.

(6) For the purposes of paragraph (5), the requisite period in any case means—

- (a) the period of 2 months from the date when the dispute was referred to the Authority; or
- (b) where the information given to the Authority in relation to the dispute was in its opinion insufficient to enable it to make a determination, the period of 4 months from the date the dispute was referred to the Authority.

(7) A person making an order under this Article shall include in the order his reasons for making his decision with respect to the dispute.

(8) An order under this Article—

- (a) may include provision requiring either party to the dispute to pay a sum in respect of the costs and expenses of the person making the order; and
- (b) shall be final and enforceable as if it were a judgment of the county court.

(9) In including in an order under this Article any such provision as to costs or expenses as is mentioned in paragraph 8(a), the person making the order shall have regard to the conduct and means of the parties and any other relevant circumstances.

(10) The Authority or an arbitrator appointed by it shall not determine any billing dispute which is the subject of proceedings before, or with respect to which judgment has been given by, any court.

(11) Neither party to any billing dispute which has been referred to the Authority for determination in accordance with this Article shall commence proceedings before any court in respect of that dispute pending the determination of the dispute in accordance with this Article.

(12) An electricity supplier may not commence proceedings before any court in respect of any charge in connection with the provision by him of electricity supply services unless, not less than 28 days before doing so, the customer concerned was informed by him, in such form and manner (if any) as may be required by any condition of the electricity supplier's licence of—

- (a) his intention to commence proceedings; and
- (b) the customer's rights by virtue of this Article.

(13) The powers of the Authority under Article 31 shall also be exercisable for any purpose connected with the determination of any billing dispute referred to him in accordance with this Article as they are exercisable for a purpose mentioned in paragraph (1) of that Article.”.

Billing disputes: gas

32.—(1) Regulation 8 of the Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011⁽⁵⁾ is revoked.

(2) After Article 24A of the Gas (Northern Ireland) Order 1996⁽⁶⁾ insert—

“Billing disputes

24B.—(1) A billing dispute—

⁽⁵⁾ S.R. 2011 No. 155

⁽⁶⁾ S.I. 1996/275 (N.I. 2) Art 24A inserted by S.R. 2009/412

- (a) may be referred by the customer who is party to the dispute to the Authority for determination in accordance with this Article; and
 - (b) on such a reference, shall be determined by order made by the Authority or, if the Authority thinks fit, an arbitrator appointed by the Authority.
- (2) In this Article “billing dispute” means a dispute between the gas supplier and a customer concerning the amount of the charge which the supplier is entitled to recover from a customer in connection with the provision of gas supply services.
- (3) The practice and procedure to be followed in connection with the determination of billing disputes shall be such as the Authority thinks appropriate and shall be published by the Authority.
- (4) Except with the consent of the Authority, no billing dispute may be referred for determination under this Article—
- (a) unless the matter in dispute has first been referred to the General Consumer Council pursuant to Article 22 of the Energy (Northern Ireland) Order 2003(7) and the matter has not been resolved to the satisfaction of the customer within 3 months of the matter being referred to the General Consumer Council;
 - (b) after the end of the period of 12 months after the end of the period in respect of which the charge which is the subject of the dispute applies.
- (5) Where a billing dispute is referred to the Authority, an order under this Article shall be made and notified to the parties to the dispute within the requisite period or such longer periods as the Authority may agree with the person referring the dispute.
- (6) For the purposes of paragraph (5), the requisite period in any case means—
- (a) the period of 2 months from the date when the dispute was referred to the Authority; or
 - (b) where the information given to the Authority in relation to the dispute was in its opinion insufficient to enable a determination to be made, the period of 4 months from the date the dispute was referred to the Authority.
- (7) A person making an order under this Article shall include in the order his reasons for reaching the decision with respect to the dispute.
- (8) An order under this Article—
- (a) may include provision requiring either party to the dispute to pay a sum in respect of the costs and expenses of the person making the order; and
 - (b) shall be final and enforceable as if it were a judgment of the county court.
- (9) In including in an order under this Article any such provision as to costs or expenses as is mentioned in paragraph (8)(a), the person making the order shall have regard to the conduct and means of the parties and any other relevant circumstances.
- (10) The Authority or the arbitrator appointed by him shall not determine any billing dispute which is the subject of proceedings before, or with respect to which judgment has been given by, any court.
- (11) Neither party to any billing dispute which has been referred to the Authority for determination in accordance with this Article shall commence proceedings before any court in respect of that dispute pending the determination of the dispute in accordance with this Article.
- (12) A gas supplier may not commence proceedings before any court in respect of any charge in connection with the provision by him of gas supply services unless, not less than 28

days before doing so, the customer concerned was informed by him, in such form and manner (if any) as may be required by any conditions of the gas supplier's licence, of—

- (a) his intention to commence proceedings; and
- (b) the customer's rights by virtue of this Article.

(13) The powers of the Authority under Article 30 shall also be exercisable for any purpose connected with the determination of any billing dispute referred to him in accordance with this Article as they are exercisable for a purpose mentioned in paragraph (1) of that Article.”.

Time limit for modifying licences

33. In each of Regulations 91 and 92 of the Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011⁽⁸⁾, paragraph (7) shall be amended by substituting the words “30th April 2014” for “the end of the period of 12 months beginning with the day on which this regulation comes into operation” and paragraph (8) is revoked.

Application of prohibition on unlicensed distribution

34. Regulation 31 of the Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011 shall be amended by substituting “32” for “31”.