



Competition and Service (Utilities) Act 1992

1992 CHAPTER 43

PART I

STANDARDS OF PERFORMANCE AND SERVICE TO CUSTOMERS

Telecommunications

1 Standards of performance.

The following sections shall be inserted in the ^{M1}Telecommunications Act 1984, after section 27—

“ Standards of performance

27A Standards of performance in individual cases.

- (1) The Director may make regulations prescribing, for any designated operator, such standards of performance in connection with the provision of relevant services by that operator as, in his opinion, ought to be achieved in individual cases.
- (2) Regulations under subsection (1) above may only be made—
 - (a) with the consent of the Secretary of State;
 - (b) after consulting—
 - (i) the designated operator; and
 - (ii) persons or bodies appearing to the Director to be representative of persons likely to be affected by the regulations; and
 - (c) after arranging for such research as the Director considers appropriate with a view to discovering the views of a representative sample of persons likely to be so affected and considering the results.

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Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992, Part I. (See end of Document for details)

- (3) Regulations under this section may—
- (a) prescribe circumstances in which the designated operator is to inform persons of their rights under this section;
 - (b) prescribe such standards of performance in relation to any duty arising under paragraph (a) above as, in the Director’s opinion, ought to be achieved in all cases;
 - (c) prescribe circumstances in which the designated operator is to be exempted from any requirements of the regulations or this section.
- (4) If the designated operator fails to meet a prescribed standard, he shall make to any person who is affected by the failure such compensation as may be determined by or under the regulations.
- (5) The making of compensation under this section in respect of any failure to meet a prescribed standard shall not prejudice any other remedy which may be available in respect of the act or omission which constituted that failure.
- (6) Any dispute arising under this section or regulations made under this section—
- (a) may be referred to the Director by either party; and
 - (b) on such a reference, shall be determined by order made—
 - (i) by the Director; or
 - (ii) by such other person as may be prescribed.
- (7) Any person making an order under subsection (6) above shall include in the order his reasons for reaching his decision with respect to the dispute.
- (8) The practice and procedure to be followed in connection with any such determination shall be such as may be prescribed.
- (9) An order under subsection (6) above shall be final and shall be enforceable—
- (a) in England and Wales and in Northern Ireland, as if it were a judgment of a county court; and
 - (b) in Scotland, as if it were an extract registered decree arbitral bearing a warrant for execution issued by the sheriff.
- (10) In this section “prescribed” means prescribed by regulations under this section.

27B Overall standards of performance.

- (1) The Director may from time to time—
- (a) determine such standards of overall performance in connection with the provision of relevant services by the designated operator as, in his opinion, ought to be achieved by that operator; and
 - (b) arrange for the publication, in such form and in such manner as he considers appropriate, of the standards so determined.
- (2) The Director may only make a determination under subsection (1)(a) above after—
- (a) consulting the designated operator concerned and persons or bodies appearing to the Director to be representative of persons likely to be affected; and

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- (b) arranging for such research as the Director considers appropriate with a view to discovering the views of a representative sample of persons likely to be affected and considering the results.”

Commencement Information

- II** S. 1 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

Marginal Citations

- M1** 1984 c. 12.

2 Information with respect to levels of performance.

The following section shall be inserted in the ^{M2}Telecommunications Act 1984, after section 27B—

“27C Information with respect to levels of performance.

- (1) The Director shall from time to time collect information with respect to—
- (a) the compensation made by designated operators under section 27A above; and
 - (b) the levels of overall performance achieved by designated operators in connection with the provision of relevant services.
- (2) At such times as the Director may direct, each designated operator shall give the following information to the Director—
- (a) as respects each standard prescribed by regulations under section 27A above, the number of cases in which compensation was made and the aggregate amount or value of that compensation; and
 - (b) as respects each standard determined under section 27B above, such information with respect to the level of performance achieved by the operator as may be so specified.
- (3) A designated operator who, without reasonable excuse, fails to do anything required of him by subsection (2) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) The Director shall, at least once in every year, arrange for the publication, in such form and in such manner as he considers appropriate, of such of the information collected by or furnished to him under this section as it may appear to him expedient to give to users or potential users of any relevant services provided by designated operators.
- (5) In arranging for the publication of any such information the Director shall have regard to the need for excluding, so far as practicable—
- (a) any matter which relates to the affairs of an individual, where publication of that matter would or might, in the opinion of the Director, seriously and prejudicially affect the interests of that individual; and
 - (b) any matter which relates specifically to the affairs of a particular body of persons, whether corporate or unincorporate, where publication of

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that matter would or might, in the opinion of the Director, seriously and prejudicially affect the interests of that body.”

Commencement Information

I2 S. 2 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

Marginal Citations

M2 1984 c. 12.

3 Information to be given to customers about overall performance.

The following section shall be inserted in the ^{M3}Telecommunications Act 1984, after section 27C—

“27D Information to be given to customers about overall performance.

- (1) Each designated operator shall, in such form and manner and with such frequency as the Director may direct, take steps to inform those of his customers to whom he supplies relevant services of—
 - (a) the standards of overall performance determined under section 27B above which are applicable to that operator; and
 - (b) that operator’s level of performance as respects each of those standards.
- (2) In giving any such direction, the Director shall not specify a frequency of less than once in every period of twelve months.”

Commencement Information

I3 S. 3 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order, art. 3, Sch. Pt. I.

Marginal Citations

M3 1984 c. 12.

4 Procedures for dealing with complaints.

The following section shall be inserted in the ^{M4} Telecommunications Act 1984, after section 27D—

“27E Procedures for dealing with complaints.

- (1) Each designated operator shall establish a procedure for dealing with complaints made by his customers or potential customers in connection with the provision by the designated operator of relevant services.
- (2) No such procedure shall be established, and no modification of such a procedure shall be made, unless—

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- (a) the designated operator has consulted persons or bodies appearing to him to be representative of customers for whom he provides relevant services; and
 - (b) the proposed procedure or modification has been approved by the Director.
- (3) The designated operator shall—
- (a) publicise the procedure in such manner as may be approved by the Director; and
 - (b) send a description of the procedure, free of charge, to any person who asks for one.
- (4) The Director may give a direction to a designated operator requiring the operator to review his procedure or the manner in which it operates.
- (5) A direction under subsection (4) above—
- (a) may specify the manner in which the review is to be conducted; and
 - (b) shall require a written report of the review to be made to the Director.
- (6) Where the Director receives a report under subsection (5)(b) above, he may, after consulting the designated operator, direct him to make such modifications of—
- (a) the procedure; or
 - (b) the manner in which the procedure operates,
- as may be specified in the direction.
- (7) Subsection (2) above does not apply to any modification made in compliance with a direction under subsection (6) above.”

Commencement Information

I4 S. 4 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. 1.

Marginal Citations

M4 1984 c. 12.

5 Disputes about discrimination etc. in fixing charges.

- (1) The following section shall be inserted in the Telecommunications Act 1984, after section 27E—

“27F Disputes about discrimination etc. in fixing charges.

- (1) Any dispute, of a kind to which this section applies, between—
- (a) who is, or wishes to be, provided with any relevant service by a designated operator, and
 - (b) that designated operator,
- may be referred to the Director by either party.
- (2) This section applies to any dispute as to whether the designated operator—

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- (a) has exercised undue discrimination against the customer in respect of charges applied, or to be applied, in connection with the provision of the service in question;
 - (b) has shown undue preference to any other person in respect of such charges, to the detriment of the customer; or
 - (c) has applied, or proposes to apply, any charge in connection with the provision of the service in question to the customer which is neither specified in, nor determined in accordance with a method specified in, a notice required by a condition of a kind mentioned in section 8(1)(e) above.
- (3) Where a dispute is referred to him under this section, the Director, or an arbitrator (or in Scotland an arbiter) appointed by him, shall determine whether the customer's allegation is well founded and, if it is, make such order as he considers appropriate.
- (4) Any person making an order under subsection (3) above shall include in the order his reasons for reaching his decision with respect to the dispute.
- (5) No act or omission of a designated operator which is permitted by any condition—
- (a) relating to any of the matters referred to in section 8(1)(d) above, and
 - (b) included in the licence granted to him under section 7 above,
- shall be taken to constitute undue discrimination or undue preference for the purposes of this section.
- (6) The practice and procedure to be followed in connection with a reference under this section shall be determined by the Director.
- (7) An order under this section—
- (a) may include such incidental, supplemental and consequential provision (including provision requiring either party to pay a sum in respect of the costs or expenses incurred by the person making the order) as that person considers appropriate; and
 - (b) shall be final and—
 - (i) in England and Wales and in Northern Ireland enforceable, in so far as it includes such provision as to costs or expenses, as if it were a judgment of a county court; and
 - (ii) in Scotland, enforceable as if it were an extract registered decree arbitral bearing a warrant for execution issued by the sheriff.
- (8) In including in an order under this section any such provision as to costs or expenses, the person making the order shall have regard to the conduct and means of the parties and any other relevant circumstances.”
- (2) In section 53 of the Act of 1984 (power to require information), in the definition of “relevant purpose” in subsection (6), after “offence;” there shall be inserted—
- “ (aa) the determination of any dispute referred to the Director under section 27F above; ”.

Status: Point in time view as at 01/09/1992. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992, Part I. (See end of Document for details)

Commencement Information

- I5** S. 5 wholly in force at 1.9.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 4, Sch. Pt. II.

6 Billing disputes.

- (1) The following section shall be inserted in the ^{M5}Telecommunications Act 1984, after section 27F—

“27G Billing disputes.

- (1) The Secretary of State may by regulations make provision for billing disputes to be referred to the Director for determination in accordance with the regulations.
- (2) In this section “billing dispute” means a dispute between a designated operator and a customer concerning the amount of the charge which the operator is entitled to recover from the customer in connection with the provision of any relevant service.
- (3) Regulations under this section may only be made after consulting—
 - (a) the Director; and
 - (b) persons or bodies appearing to the Secretary of State to be representative of persons likely to be affected by the regulations.
- (4) Regulations under this section may provide that, where a billing dispute is referred to the Director, he may either—
 - (a) determine the dispute, or
 - (b) appoint an arbitrator (or in Scotland an arbiter) to determine it.
- (5) Any person determining any billing dispute in accordance with regulations under this section shall, in such manner as may be specified in the regulations, give his reasons for reaching his decision with respect to the dispute.
- (6) Regulations under this section may provide—
 - (a) that disputes may be referred to the Director under this section only by prescribed persons; and
 - (b) for any determination to be final and enforceable—
 - (i) in England and Wales and in Northern Ireland, as if it were a judgment of a county court; and
 - (ii) in Scotland, as if it were an extract registered decree arbitral bearing a warrant for execution issued by the sheriff.
- (7) Except in such circumstances (if any) as may be prescribed by regulations under this section—
 - (a) the Director or an arbitrator (or in Scotland an arbiter) 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; and
 - (b) neither party to any billing dispute which has been referred to the Director for determination in accordance with regulations under this

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section shall commence proceedings before any court in respect of that dispute pending its determination in accordance with the regulations.

(8) No designated operator may commence proceedings before any court in respect of any charge in connection with the provision by him of any relevant service unless, not less than 28 days before doing so, the customer concerned was informed by him, in such form and manner as may be prescribed by regulations under this section, of—

- (a) his intention to commence proceedings;
- (b) the customer's rights by virtue of this section; and
- (c) such other matters (if any) as may be so prescribed."

(2) In section 53 of the Act of 1984 (power to require information), in the definition of "relevant purpose" in subsection (6), after "section 27F above;" there shall be inserted—

"(ab) the determination of any dispute referred to the Director in accordance with regulations made under section 27G above;".

Commencement Information

I6 S. 6 partly in force; S. 6 not in force at Royal Assent see s. 56(2); S. 6(2) wholly in force and S. 6(1) in force for certain purposes at 1.7.1992 by Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

Marginal Citations

M5 1984 c. 12.

7 Deposits.

The following sections shall be inserted in the ^{M6}Telecommunications Act 1984, after section 27G—

"27H Deposits.

- (1) Each designated operator shall, with the agreement of the Director, settle criteria by reference to which the operator will determine—
 - (a) whether a customer is required to pay a deposit before being provided with any relevant service; and
 - (b) if so, the amount which he is required to pay.
- (2) The criteria may be varied by the designated operator with the consent of the Director.
- (3) Before settling, or varying, the criteria the designated operator shall consult persons or bodies appearing to him to be representative of persons likely to be affected.
- (4) Except in such circumstances as may be specified in the criteria, no person who is disabled (as defined by the criteria) shall be required to pay a deposit before being provided with any relevant service by the designated operator.
- (5) The designated operator shall—

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- (a) prepare a summary of the criteria, with the agreement of the Director;
 - (b) publicise it in such manner as may be approved by the Director; and
 - (c) send a copy of it, free of charge, to any person who asks for one.
- (6) The Director may, after consulting the designated operator, direct him to vary the criteria as specified in the direction.
- (7) Subsection (3) above does not apply to any variation made in compliance with a direction under subsection (6) above.

27I Complaints about deposits.

- (1) Any person who is aggrieved by—
- (a) the decision of a designated operator to require him to pay a deposit before he is provided with a relevant service, or
 - (b) by the amount which he is so required to pay,
- may refer the matter to the Director.
- (2) On any such reference the Director, or an arbitrator (or in Scotland an arbiter) appointed by him, shall consider whether the criteria settled under section 27H above—
- (a) have been applied correctly, or
 - (b) are inappropriate in the particular case.
- (3) If the Director or arbitrator (or arbiter) considers that the criteria have not been correctly applied, or that they are inappropriate in the particular case, he shall, unless the complaint has been withdrawn or it is otherwise inappropriate to proceed, determine—
- (a) whether the person concerned is to be required to pay a deposit, and
 - (b) if so, the amount which he is to be required to pay,
- and give the appropriate direction to the designated operator.
- (4) Any person giving a direction under subsection (3) above shall include in the direction his reasons for reaching his decision with respect to the complaint.
- (5) The practice and procedure to be followed in connection with a complaint under subsection (1) above shall be determined by the Director.
- (6) A direction under this section—
- (a) may include such incidental, supplemental and consequential provision (including provision requiring either party to pay a sum in respect of the costs or expenses incurred by the person giving the direction) as that person considers appropriate; and
 - (b) shall be final and—
 - (i) in England and Wales and in Northern Ireland enforceable, in so far as it includes such provision as to costs or expenses, as if it were a judgment of a county court; and
 - (ii) in Scotland, enforceable as if it were an extract registered decree arbitral bearing a warrant for execution issued by the sheriff.

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- (7) In including in a direction under this section any such provision as to costs or expenses, the person giving the direction shall have regard to the conduct and means of the parties and any other relevant circumstances.”

Commencement Information

I7 S. 7 partly in force; s. 7 not in force at Royal Assent see s. 56(2); s. 7 in force for certain purposes at 1.7.1992 by Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I

Marginal Citations

M6 1984 c. 12.

8 Disconnections.

The following section shall be inserted in the ^{M7}Telecommunications Act 1984, after section 27I—

“27J Disconnections.

Where any person has failed to pay any charges in connection with the provision of any relevant service by a designated operator, no power of that designated operator to discontinue the provision of that service shall be exercised against him as respects any amount which is genuinely in dispute.”

Commencement Information

I8 S. 8 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

Marginal Citations

M7 1984 c. 12.

9 Enforcement of standards of performance, etc.

The following section shall be inserted in the Telecommunications Act 1984, after section 27J—

“27K Enforcement of standards of performance, etc.

- (1) Sections 16 to 18 above shall apply in relation to a designated operator as if it were a condition of the licence granted to him under section 7 above that he shall—
- (a) achieve the standards of overall performance determined in relation to him under section 27B above;
 - (b) take steps to inform those of his customers to whom he supplies relevant services about—
 - (i) those standards, and

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- (ii) the levels of performance which he has achieved as respects those standards,
in accordance with section 27D above;
 - (c) comply with—
 - (i) the requirements of section 27E above, and
 - (ii) any direction given by the Director under subsection (4) or (6) of that section;
 - (d) comply with any order made under section 27F(3) above;
 - (e) comply with any direction given by the Director under section 27H(6) above;
 - (f) comply with any direction given under section 27I(3) above; and
 - (g) comply with the requirements of section 27J above.
- (2) For the purposes of the application by this section of sections 16 to 18 above, any term of a licence granted under section 7 above which has or which might have the effect—
- (a) of excepting a designated operator from liability for a contravention of a condition of that licence, or
 - (b) otherwise restricting any such liability,
- shall not apply in relation to any contravention of the condition mentioned in subsection (1) above.”

Commencement Information

- 19** S. 9 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

10 Interpretation.

The following section shall be inserted in the ^{M8}Telecommunications Act 1984, after section 27K—

“27L Definitions for sections 27A to 27K.

- (1) For the purposes of sections 27A to 27K above—
- “designated operator” means any public telecommunications operator designated for the purposes of those sections by order made by the Secretary of State; and
 - “relevant services” means—
 - (a) any voice telephony service, telephone rental service, directory service, directory information service or facsimile transmission service provided for occupiers of residential or single line premises; and
 - (b) any public call box service.
- (2) The Secretary of State shall not exercise his power under subsection (1) above to designate a telecommunications operator unless he is satisfied that the operator provides at least 25 per cent. of the voice telephony services supplied within the area in relation to which he is a public telecommunications operator.

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(3) For the purposes of this section—

“public call box service” means a service which is provided by a designated operator and which consists of the provision of telecommunication apparatus which—

- (a) is owned and operated by the designated operator;
- (b) gives access to a voice telephony service; and
- (c) is intended for use by members of the public generally;

“directory service” means a service which consists of the preparation and provision of a list (which may be made available in separate parts and through different media) of customers of a designated operator which is not arranged by reference to a description of the trades, professions or businesses carried on by those customers;

“directory information service” has the same meaning as in section 4(3) above;

“facsimile transmission service” means a telecommunication service for the transmission of electronic signals by a designated operator, over exchange lines provided by him, for the purposes of making a facsimile of a document;

“hard wired telephone” means a telephone of a kind which can only be connected to a public telecommunication system by means other than—

- (a) the insertion of a plug into a socket; or
- (b) wireless telegraphy;

“single line premises” means premises which are not residential premises but which are served by a single exchange line provided by the designated operator;

“telephone rental service” means a service consisting in the hiring out of any hard wired telephone which is capable of emitting or receiving signals which have been, or are to be, conveyed by means of a public telecommunication system run by a designated operator;

“voice telephony service” means a telecommunication service for the conveyance of speech over exchange lines provided by the designated operator.”

Commencement Information

I10 S. 10 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I

Marginal Citations

M8 1984 c. 12.

Gas supply

11 Standards of performance.

The following sections shall be inserted in the ^{M9}Gas Act 1986, after section 33—

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Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992, Part I. (See end of Document for details)

“ Standards of performance

33A Standards of performance in individual cases.

- (1) The Director may make regulations prescribing such standards of performance in connection with the provision of gas supply services by public gas suppliers to tariff customers as, in his opinion, ought to be achieved in individual cases.
- (2) Regulations under subsection (1) above may only be made—
 - (a) with the consent of the Secretary of State;
 - (b) after consulting—
 - (i) the public gas suppliers; and
 - (ii) persons or bodies appearing to the Director to be representative of persons likely to be affected by the regulations; and
 - (c) after arranging for such research as the Director considers appropriate with a view to discovering the views of a representative sample of persons likely to be so affected and considering the results.
- (3) Regulations under this section may—
 - (a) prescribe circumstances in which public gas suppliers are to inform tariff customers of their rights under this section;
 - (b) prescribe such standards of performance in relation to any duty arising under paragraph (a) above as, in the Director’s opinion, ought to be achieved in all cases;
 - (c) prescribe circumstances in which public gas suppliers are to be exempted from any requirements of the regulations or this section; and
 - (d) make different provision with respect to different public gas suppliers.
- (4) If a public gas supplier fails to meet a prescribed standard, he shall make to any tariff customer who is affected by the failure such compensation as may be determined by or under the regulations.
- (5) The making of compensation under this section in respect of any failure to meet a prescribed standard shall not prejudice any other remedy which may be available in respect of the act or omission which constituted that failure.
- (6) Any dispute arising under this section or regulations made under this section—
 - (a) may be referred to the Director by either party or, with the agreement of either party, by the Council; and
 - (b) on such a reference, shall be determined by order made—
 - (i) by the Director; or
 - (ii) by such other person as may be prescribed.
- (7) Any person making an order under subsection (6) above shall include in the order his reasons for reaching his decision with respect to the dispute.
- (8) The practice and procedure to be followed in connection with any such determination shall be such as may be prescribed.
- (9) An order under subsection (6) above shall be final and shall be enforceable—
 - (a) in England and Wales, as if it were a judgment of a county court; and

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- (b) in Scotland, as if it were an extract registered decree arbitral bearing a warrant for execution issued by the sheriff.
- (10) In this section “prescribed” means prescribed by regulations under this section.
- (11) The power of the Director under this section to make regulations shall be exercisable by statutory instrument.

33B Overall standards of performance.

- (1) The Director may from time to time—
 - (a) determine such standards of overall performance in connection with the provision of gas supply services by public gas suppliers as, in his opinion, ought to be achieved by them; and
 - (b) arrange for the publication, in such form and in such manner as he considers appropriate, of the standards so determined.
- (2) The Director may only make a determination under subsection (1)(a) above after—
 - (a) consulting the public gas suppliers and persons or bodies appearing to the Director to be representative of persons likely to be affected; and
 - (b) arranging for such research as the Director considers appropriate with a view to discovering the views of a representative sample of persons likely to be affected and considering the results.
- (3) Different standards may be determined for different public gas suppliers.
- (4) It shall be the duty of every public gas supplier to conduct his business in such a way as can reasonably be expected to lead to his achieving the standards set under this section.”

Commencement Information

I11 S. 11 wholly in force at 1.7.1992 see s. 56(2) and Competition and Services (Utilities) Act 1992 (Commencement No.1) Order 1992, art. 3, Sch. Pt. I.

Marginal Citations

M9 1986 c. 44.

12 Information with respect to levels of performance.

The following section shall be inserted in the ^{M10}Gas Act 1986, after section 33B—

“33C Information with respect to levels of performance.

- (1) The Director shall from time to time collect information with respect to—
 - (a) the compensation made by public gas suppliers under section 33A above;
 - (b) the levels of overall performance achieved by public gas suppliers in connection with the provision of gas supply services; and
 - (c) the levels of performance achieved by public gas suppliers in connection with the promotion of the efficient use of gas by consumers.

Status: Point in time view as at 01/09/1992. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992, Part I. (See end of Document for details)

- (2) At such times as the Director may direct, each public gas supplier shall give the following information to the Director—
 - (a) as respects each standard prescribed by regulations under section 33A above, the number of cases in which compensation was made and the aggregate amount or value of that compensation; and
 - (b) as respects each standard determined under section 15B or 33B above, such information with respect to the level of performance achieved by the supplier as may be so specified.
- (3) A public gas supplier who without reasonable excuse fails to do anything required of him by subsection (2) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) The Director shall, at least once in every year, arrange for the publication, in such form and in such manner as he considers appropriate, of such of the information collected by or given to him under this section as appears to him expedient to give to customers, or potential customers, of public gas suppliers.
- (5) In arranging for the publication of any such information, the Director shall have regard to the need for excluding, so far as practicable—
 - (a) any matter which relates to the affairs of an individual, where publication of that matter would or might, in the opinion of the Director, seriously and prejudicially affect the interests of that individual; and
 - (b) any matter which relates specifically to the affairs of a particular body of persons, whether corporate or unincorporate, where publication of that matter would or might, in the opinion of the Director, seriously and prejudicially affect the interests of that body.”

Commencement Information

I12 S. 12 wholly in force at 1.7.1992 see s. 56(2) and Competition and Services (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

Marginal Citations

M10 1986 c. 44.

13 Information to be given to customers about overall performance.

The following section shall be inserted in the ^{M11}Gas Act 1986, after section 33C—

“33D Information to be given to customers about overall performance.

- (1) Each public gas supplier shall, in such form and manner and with such frequency as the Director may direct, take steps to inform his customers of—
 - (a) the standards of overall performance determined under section 33B above which are applicable to that supplier; and
 - (b) that supplier’s level of performance as respects each of those standards.
- (2) In giving any such direction, the Director shall not specify a frequency of less than once in every period of twelve months.”

Status: Point in time view as at 01/09/1992. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992, Part I. (See end of Document for details)

Commencement Information

I13 S. 13 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

Marginal Citations

M11 1986 c. 44.

14 Procedures for dealing with complaints.

The following section shall be inserted in the Gas Act 1986, after section 33D—

“33E Procedures for dealing with complaints.

- (1) Each public gas supplier shall establish a procedure for dealing with complaints made by his tariff customers or potential tariff customers in connection with the provision of gas supply services.
- (2) No such procedure shall be established, and no modification of such a procedure shall be made, unless—
 - (a) the public gas supplier has consulted the Council; and
 - (b) the proposed procedure or modification has been approved by the Director.
- (3) The public gas supplier shall—
 - (a) publicise the procedure in such manner as may be approved by the Director; and
 - (b) send a description of the procedure, free of charge, to any person who asks for one.
- (4) The Director may give a direction to a public gas supplier requiring the supplier to review his procedure or the manner in which it operates.
- (5) A direction under subsection (4) above—
 - (a) may specify the manner in which the review is to be conducted; and
 - (b) shall require a written report of the review to be made to the Director.
- (6) Where the Director receives a report under subsection (5)(b) above, he may, after consulting the public gas supplier, direct him to make such modifications of—
 - (a) the procedure; or
 - (b) the manner in which the procedure operates,
 as may be specified in the direction.
- (7) Subsection (2) above does not apply to any modification made in compliance with a direction under subsection (6) above.”

Commencement Information

I14 S. 14 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

Status: Point in time view as at 01/09/1992. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992, Part 1. (See end of Document for details)

15 Promotion of efficient use of gas.

The following section shall be inserted in the ^{M12} Gas Act 1986 after section 15A (which is inserted by section 17)—

“15B Promotion of efficient use of gas.

- (1) The Director may, after consulting the public gas suppliers and persons or bodies appearing to him to be representative of persons likely to be affected, from time to time—
 - (a) determine such standards of performance in connection with the promotion of the efficient use of gas by consumers as, in his opinion, ought to be achieved by public gas suppliers; and
 - (b) arrange for the publication, in such form and in such manner as he considers appropriate, of the standards so determined.
- (2) Different standards may be determined for different public gas suppliers.
- (3) Each public gas supplier shall, in such form and manner and with such frequency as the Director may direct, take steps to inform his customers of—
 - (a) the standards determined under this section which are applicable to that supplier; and
 - (b) that supplier’s level of performance as respects those standards.”

Modifications etc. (not altering text)

C1 S. 15 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. 1.

Marginal Citations

M12 1986 c. 44.

16 Determination of disputes.

The following section shall be inserted in the Gas Act 1986, after section 14—

“14A Determination of disputes.

- (1) Any dispute arising under section 9(1)(b), 10, 11 or 14 above, or any provision of paragraphs 1 to 4 of Schedule 5 to this Act (“the relevant provisions”), between a public gas supplier and a person who is, or wishes to become, a tariff customer of that supplier—
 - (a) may be referred to the Director by either party, or with the agreement of either party, by the Council; and
 - (b) on such a reference, shall be determined by order made either by the Director, or if he thinks fit by an arbitrator (or in Scotland arbiter), appointed by him.
- (2) Any person making an order under subsection (1) above shall include in the order his reasons for reaching his decision with respect to the dispute.

Status: Point in time view as at 01/09/1992. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992, Part I. (See end of Document for details)

- (3) The practice and procedure to be followed in connection with any such determination shall be such as the Director may consider appropriate.
- (4) Where any dispute between a public gas supplier and a person requiring a supply of gas falls to be determined under this section, the Director may give directions as to the circumstances in which, and the terms on which, the supplier is to give or (as the case may be) to continue to give the supply pending the determination of the dispute.
- (5) Where any dispute arising under section 11(1) above falls to be determined under this section, the Director may give directions as to the security (if any) to be given pending the determination of the dispute.
- (6) Any direction under subsection (4) or (5) above may be expressed to apply either in relation to a particular case or in relation to a class of case.
- (7) An order under this section—
 - (a) may include such incidental, supplemental and consequential provision (including provision requiring either party to pay a sum in respect of the costs or expenses incurred by the person making the order) as that person considers appropriate; and
 - (b) shall be final and—
 - (i) in England and Wales enforceable, in so far as it includes such provision as to costs or expenses, as if it were a judgment of a county court; and
 - (ii) in Scotland, enforceable as if it were an extract registered decree arbitral bearing a warrant for execution issued by the sheriff.
- (8) In including in an order under this section any such provision as to costs or expenses, the person making the order shall have regard to the conduct and means of the parties and any other relevant circumstances.”

Commencement Information

I15 S. 16 wholly in force at 1.9.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 4, Sch. Pt. II.

PROSPECTIVE

17 Billing disputes.

The following section shall be inserted in the ^{M13}Gas Act 1986, after section 15—

“15A Billing disputes.

- (1) The Secretary of State may by regulations make provision for billing disputes to be referred to the Director for determination in accordance with the regulations.

Status: Point in time view as at 01/09/1992. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992, Part I. (See end of Document for details)

- (2) In this section “billing dispute” means a dispute between a public gas supplier and a tariff customer of his concerning the amount of the charge which the supplier is entitled to recover from the customer in connection with the provision of gas supply services.
- (3) Regulations under this section may only be made after consulting—
 - (a) the Director; and
 - (b) persons or bodies appearing to the Secretary of State to be representative of persons likely to be affected by the regulations.
- (4) Regulations under this section may provide that, where a billing dispute is referred to the Director, he may either—
 - (a) determine the dispute, or
 - (b) appoint an arbitrator (or in Scotland an arbiter) to determine it.
- (5) Any person determining any billing dispute in accordance with regulations under this section shall, in such manner as may be specified in the regulations, give his reasons for reaching his decision with respect to the dispute.
- (6) Regulations under this section may provide—
 - (a) that disputes may be referred to the Director under this section only by prescribed persons; and
 - (b) for any determination to be final and enforceable—
 - (i) in England and Wales, as if it were a judgment of a county court; and
 - (ii) in Scotland, as if it were an extract registered decree arbitral bearing a warrant for execution issued by the sheriff.
- (7) Except in such circumstances (if any) as may be prescribed—
 - (a) the Director or an arbitrator (or in Scotland an arbiter) 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; and
 - (b) neither party to any billing dispute which has been referred to the Director for determination in accordance with regulations under this section shall commence proceedings before any court in respect of that dispute pending its determination in accordance with the regulations.
- (8) No public gas supplier may 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 tariff customer concerned was informed by him, in such form and manner as may be prescribed, of—
 - (a) his intention to commence proceedings;
 - (b) the customer’s rights by virtue of this section; and
 - (c) such other matters (if any) as may be prescribed.
- (9) The powers of the Director under section 38 below shall also be exercisable for any purpose connected with the determination of any dispute referred to him in accordance with regulations made under this section.”

Status: Point in time view as at 01/09/1992. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992, Part I. (See end of Document for details)

Marginal Citations

M13 1986 c. 44.

18 Preliminary investigation of disputes by Gas Consumers' Council

The following section shall be inserted in the ^{M14}Gas Act 1986, after section 32—

“32A Preliminary investigation by Council of certain disputes.

- (1) This section applies where—
- (a) representations are made to the Council by or on behalf of a person who appears to the Council to have an interest in the matter to which the representations relate; and
 - (b) that matter appears to the Council to constitute a dispute of a kind which may be referred to the Director under section 14A above or 33A below, or under regulations made under section 15A above.
- (2) It shall be the duty of the Council—
- (a) to inform the person by or on whose behalf the representations are made that he may have the right to refer his dispute to the Director; and
 - (b) to make such investigations with respect to the matter to which the representations relate as may be specified in a direction given by the Director.
- (3) Any such direction may be given so as to apply generally or to a specified class of matter or particular matter and may, in particular, specify in relation to any investigation which the Council is required to make under this section—
- (a) the practice and procedure which it is to follow in conducting its investigation; and
 - (b) the information which it is to give to the Director with respect to the matter investigated.”

Commencement Information

I16 S. 18 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

Marginal Citations

M14 1986 c.44.

19 Disconnections.

The following sub-paragraph shall be inserted in paragraph 7 of Schedule 5 to the Gas Act 1986 (public gas supply code: recovery of charges from tariff customers), after sub-paragraph (5)—

- “(5A) The powers conferred by sub-paragraph (5) above shall not be exercisable as respects any amount which is genuinely in dispute.”

Status: Point in time view as at 01/09/1992. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992, Part I. (See end of Document for details)

Commencement Information

I17 S. 19 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

Electricity supply

20 Research concerning views of customers.

(1) In section 39(1) of the ^{M15}Electricity Act 1989 (electricity supply: performance in individual cases) there shall be inserted, after paragraph (b),

“; and

(c) after arranging for such research as the Director considers appropriate with a view to discovering the views of a representative sample of persons likely to be affected and considering the results.”.

(2) In section 40 of the Act of 1989 (electricity supply: overall performance), the words from “after” to “affected” shall be omitted from subsection (1) and the following subsection shall be inserted after that subsection—

“(1A) The Director may only make a determination under subsection (1)(a) above after—

(a) consultation with public electricity suppliers and with persons or bodies appearing to him to be representative of persons likely to be affected; and

(b) arranging for such research as the Director considers appropriate with a view to discovering the views of a representative sample of persons likely to be affected and considering the results.”

Commencement Information

I18 S. 20 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I

Marginal Citations

M15 1989 c. 29.

21 Information to be given to customers about overall performance.

The following section shall be inserted in the ^{M16}Electricity Act 1989, after section 42—

“42A Information to be given to customers about overall performance.

(1) Each public electricity supplier shall, in such form and manner and with such frequency as the Director may direct, take steps to inform his customers of—

(a) the standards of overall performance determined under section 40 above which are applicable to that supplier; and

Status: Point in time view as at 01/09/1992. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992, Part I. (See end of Document for details)

(b) that supplier’s level of performance as respects each of those standards.

(2) In giving any such direction, the Director shall not specify a frequency of less than once in every period of twelve months.”

Commencement Information

I19 S. 21 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I

Marginal Citations

M16 1989 c. 29.

22 Procedures for dealing with complaints.

The following section shall be inserted in the Electricity Act 1989, after section 42A—

“42B Procedures for dealing with complaints.

- (1) Each public electricity supplier shall establish a procedure for dealing with complaints made by his customers or potential customers in connection with the provision of electricity supply services.
- (2) No such procedure shall be established, and no modification of such a procedure shall be made, unless—
 - (a) the supplier has consulted the consumers’ committee to which he has been allocated; and
 - (b) the proposed procedure or modification has been approved by the Director.
- (3) The supplier shall—
 - (a) publicise the procedure in such manner as may be approved by the Director; and
 - (b) send a description of the procedure, free of charge, to any person who asks for one.
- (4) The Director may give a direction to any public electricity supplier requiring the supplier to review his procedure or the manner in which it operates.
- (5) A direction under subsection (4) above—
 - (a) may specify the manner in which the review is to be conducted; and
 - (b) shall require a written report of the review to be made to the Director.
- (6) Where the Director receives a report under subsection (5)(b) above, he may, after consulting the supplier, direct him to make such modifications of—
 - (a) the procedure; or
 - (b) the manner in which the procedure operates,
 as may be specified in the direction.
- (7) Subsection (2) above does not apply to any modification made in compliance with a direction under subsection (6) above.”

Status: Point in time view as at 01/09/1992. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992, Part I. (See end of Document for details)

Commencement Information

I20 S. 22 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

PROSPECTIVE

23 Billing disputes.

The following section shall be inserted in the ^{M17}Electricity Act 1989, after section 44—

“44A Billing disputes.

- (1) The Secretary of State may by regulations make provision for billing disputes to be referred to the Director for determination in accordance with the regulations.
- (2) In this section “billing dispute” means a dispute between a public electricity supplier and a tariff 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) Regulations under this section may only be made after consulting—
 - (a) the Director; and
 - (b) persons or bodies appearing to the Secretary of State to be representative of persons likely to be affected by the regulations.
- (4) Regulations under this section may provide that, where a billing dispute is referred to the Director, he may either—
 - (a) determine the dispute, or
 - (b) appoint an arbitrator (or in Scotland an arbiter) to determine it.
- (5) Any person determining any billing dispute in accordance with regulations under this section shall, in such manner as may be specified in the regulations, give his reasons for reaching his decision with respect to the dispute.
- (6) Regulations under this section may provide—
 - (a) that disputes may be referred to the Director under this section only by prescribed persons; and
 - (b) for any determination to be final and enforceable—
 - (i) in England and Wales, as if it were a judgment of a county court; and
 - (ii) in Scotland, as if it were an extract registered decree arbitral bearing a warrant for execution issued by the sheriff.
- (7) Except in such circumstances (if any) as may be prescribed—
 - (a) the Director or an arbitrator (or in Scotland an arbiter) 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; and

Status: Point in time view as at 01/09/1992. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992, Part I. (See end of Document for details)

(b) neither party to any billing dispute which has been referred to the Director for determination in accordance with regulations under this section shall commence proceedings before any court in respect of that dispute pending its determination in accordance with the regulations.

(8) No public electricity supplier may 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 tariff customer concerned was informed by him, in such form and manner as may be prescribed, of—

- (a) his intention to commence proceedings;
- (b) the customer's rights by virtue of this section; and
- (c) such other matters (if any) as may be prescribed.

(9) The powers of the Director under section 28 above shall also be exercisable for any purpose connected with the determination of any dispute referred to him in accordance with regulations made under this section.”

Marginal Citations

M17 1989 c. 29.

24 Compliance with standards of overall performance.

In section 40 of the ^{M18}Electricity Act 1989 (electricity supply: overall performance), the following subsection shall be added at the end—

“(3) It shall be the duty of every public electricity supplier to conduct his business in such a way as can reasonably be expected to lead to his achieving the standards set under this section.”

Commencement Information

I21 S. 24 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I

Marginal Citations

M18 1989 c. 29.

25 Determination of disputes by Director: interim directions.

(1) The power of the Director General of Electricity Supply, under section 23(2) of the ^{M19}Electricity Act 1989, to require a public electricity supplier to continue a supply of electricity pending the Director's determination of a dispute shall be extended to enable the Director to require the giving of a supply of electricity pending such a determination.

(2) Accordingly, in section 23(2) of that Act, the words “to continue” shall be omitted, in both places where they occur.

Status: Point in time view as at 01/09/1992. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992, Part I. (See end of Document for details)

Commencement Information

I22 S. 25 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

Marginal Citations

M19 1989 c. 29.

Water supply

26 Research concerning views of customers.

- (1) Section 39 of the ^{M20}Water Industry Act 1991 (procedure for making regulations under section 38 relating to standards of performance in the supply of water) shall be amended as follows.
- (2) In subsection (1)(d), for “both” there shall be substituted “ the summary mentioned in subsection (2)(bb) below, ”.
- (3) The following subsection shall be inserted after subsection (1)—

“(1A) Before making an application to the Secretary of State under this section the Director shall arrange for such research as he considers appropriate with a view to discovering the views of a representative sample of persons likely to be affected and consider the results.”
- (4) In subsection (2), the following paragraph shall be inserted after “apply” in paragraph (b)—

“(bb) is accompanied by a written summary of the results of the research carried out in accordance with subsection (1A) above;”.

Commencement Information

I23 S. 26 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

Marginal Citations

M20 1991 c. 56.

^{F1}27 Information with respect to levels of performance.

The following section shall be inserted in the Water Industry Act 1991, after section 38—

“38A Information with respect to levels of performance.

- (1) The Director shall from time to time collect information with respect to—
 - (a) the compensation paid by water undertakers under regulations under section 38(2) above; and
 - (b) the levels of overall performance achieved by water undertakers in connection with the provision of water supplies.

Status: Point in time view as at 01/09/1992. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992, Part I. (See end of Document for details)

- (2) At such times as the Director may direct, each water undertaker shall give the following information to the Director—
 - (a) as respects each standard prescribed by regulations under section 38(2) above, the number of cases in which compensation was paid and the aggregate amount or value of that compensation; and
 - (b) as respects each standard established by regulations under section 38(1) (b) above, such information with respect to the level of performance achieved by the undertaker as may be so specified.
- (3) A water undertaker who without reasonable excuse fails to do anything required of him by subsection (2) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) The Director shall, at least once in every year, arrange for the publication, in such form and in such manner as he considers appropriate, of such of the information collected by or given to him under this section as it may appear to him expedient to give to customers or potential customers of water undertakers.
- (5) In arranging for the publication of any such information the Director shall have regard to the need for excluding, so far as practicable—
 - (a) any matter which relates to the affairs of an individual, where publication of that matter would or might, in the opinion of the Director, seriously and prejudicially affect the interests of that individual; and
 - (b) any matter which relates specifically to the affairs of a particular body of persons, whether corporate or unincorporate, where publication of that matter would or might, in the opinion of the Director, seriously and prejudicially affect the interests of that body.”

Textual Amendments

F1 S. 27 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

28 Information to be given to customers about overall performance.

The following section shall be inserted in the ^{M21}Water Industry Act 1991, after section 39—

“39A Information to be given to customers about overall performance.

- (1) Each water undertaker shall, in such form and manner and with such frequency as the Director may direct, take steps to inform its customers of—
 - (a) the standards of overall performance established under section 38(1) (b) above which are applicable to that undertaker; and
 - (b) that undertaker’s level of performance as respects each of those standards.
- (2) In giving any such direction, the Director shall not specify a frequency of less than once in every period of twelve months.
- (3) The duty of a water undertaker to comply with this section shall be enforceable by the Director under section 18 above.”

Status: Point in time view as at 01/09/1992. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992, Part I. (See end of Document for details)

Commencement Information

I24 S. 28 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

Marginal Citations

M21 1991 c. 56.

29 Procedures for dealing with complaints.

The following section shall be inserted in the Water Industry Act 1991, after section 86—

“ Complaints

86A Procedure for dealing with complaints.

- (1) Each water undertaker shall establish a procedure for dealing with complaints made by its customers or potential customers in connection with the supply of water.
- (2) No such procedure shall be established, and no modification of such a procedure shall be made, unless—
 - (a) the water undertaker has consulted the customer service committee to which it has been allocated; and
 - (b) the proposed procedure or modification has been approved by the Director.
- (3) The water undertaker shall—
 - (a) publicise the procedure in such manner as may be approved by the Director; and
 - (b) send a description of the procedure, free of charge, to any person who asks for one.
- (4) The Director may give a direction to a water undertaker requiring the undertaker to review its procedure or the manner in which the procedure operates.
- (5) A direction under subsection (4) above—
 - (a) may specify the manner in which the review is to be conducted; and
 - (b) shall require a written report of the review to be made to the Director.
- (6) Where the Director receives a report under subsection (5)(b) above, he may, after consulting the water undertaker, direct the undertaker to make such modifications of—
 - (a) the procedure; or
 - (b) the manner in which the procedure operates,as may be specified in the direction.
- (7) Subsection (2) above does not apply to any modification made in compliance with a direction under subsection (6) above.

Status: Point in time view as at 01/09/1992. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992, Part I. (See end of Document for details)

- (8) The duty of a water undertaker to comply with subsection (1) above and with any direction given to it under subsection (4) or (6) above shall be enforceable by the Director under section 18 above.
- (9) Where the Director is considering whether to exercise his powers under subsection (4) or (6) above in relation to a water undertaker, it shall be the duty of that undertaker to give him such information as he may reasonably require for the purpose of assisting him in coming to a decision.
- (10) Section 202 below shall have effect, with the necessary modifications, in relation to information which the Director requires for that purpose as it has effect in relation to information which the Secretary of State requires for purposes mentioned in subsection (1) of that section.”

Commencement Information

I25 S. 29 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

Sewerage services

30 Research concerning views of customers.

- (1) Section 96 of the ^{M22}Water Industry Act 1991 (procedure for regulations under section 95 relating to standards of performance in the provision of sewerage services) shall be amended as follows.
- (2) In subsection (1)(d), for “both” there shall be substituted “ the summary mentioned in subsection (2)(bb) below, ”.
- (3) The following subsection shall be inserted after subsection (1)—
- “(1A) Before making an application to the Secretary of State under this section the Director shall arrange for such research as he considers appropriate with a view to discovering the views of a representative sample of persons likely to be affected and consider the results.”
- (4) In subsection (2), the following paragraph shall be inserted after “apply” in paragraph (b)—
- “(bb) is accompanied by a written summary of the results of the research carried out in accordance with subsection (1A) above;”.

Commencement Information

I26 S. 30 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

Marginal Citations

M22 1991 c. 56.

Status: Point in time view as at 01/09/1992. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992, Part I. (See end of Document for details)

31 Information with respect to levels of performance.

The following section shall be inserted in the Water Industry Act 1991, after section 95—

“95A Information with respect to levels of performance.

- (1) The Director shall from time to time collect information with respect to—
 - (a) the compensation paid by sewerage undertakers under regulations under section 95(2) above; and
 - (b) the levels of overall performance achieved by sewerage undertakers in connection with the provision of sewerage services.
- (2) At such times as the Director may direct, each sewerage undertaker shall give the following information to the Director—
 - (a) as respects each standard prescribed by regulations under section 95(2) above, the number of cases in which compensation was paid and the aggregate amount or value of that compensation; and
 - (b) as respects each standard established by regulations under section 95(1) (b) above, such information with respect to the level of performance achieved by the undertaker as may be so specified.
- (3) A sewerage undertaker who without reasonable excuse fails to do anything required of him by subsection (2) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) The Director shall, at least once in every year, arrange for the publication, in such form and in such manner as he considers appropriate, of such of the information collected by or given to him under this section as it may appear to him expedient to give to customers or potential customers of sewerage undertakers.
- (5) In arranging for the publication of any such information the Director shall have regard to the need for excluding, so far as practicable—
 - (a) any matter which relates to the affairs of an individual, where publication of that matter would or might, in the opinion of the Director, seriously and prejudicially affect the interests of that individual; and
 - (b) any matter which relates specifically to the affairs of a particular body of persons, whether corporate or unincorporate, where publication of that matter would or might, in the opinion of the Director, seriously and prejudicially affect the interests of that body.”

Commencement Information

I27 S. 31 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

32 Information to be given to customers about overall performance.

The following section shall be inserted in the ^{M23}Water Industry Act 1991, after section 96—

Status: Point in time view as at 01/09/1992. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992, Part I. (See end of Document for details)

“96A Information to be given to customers about overall performance.

- (1) Each sewerage undertaker shall, in such form and manner and with such frequency as the Director may direct, take steps to inform its customers of—
 - (a) the standards of overall performance established under section 95(1)
 - (b) above which are applicable to that undertaker; and
 - (b) that undertaker’s level of performance as respects each of those standards.
- (2) In giving any such direction, the Director shall not specify a frequency of less than once in every period of twelve months.
- (3) The duty of a sewerage undertaker to comply with this section shall be enforceable by the Director under section 18 above.”

Commencement Information

I28 S. 32 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I

Marginal Citations

M23 1991 c. 56.

33 Procedures for dealing with complaints.

The following section shall be inserted in the Water Industry Act 1991, after section 116—

“ Complaints

116A Procedures for dealing with complaints.

- (1) Each sewerage undertaker shall establish a procedure for dealing with complaints made by its customers or potential customers in connection with the provision of sewerage services.
- (2) No such procedure shall be established, and no modification of such a procedure shall be made, unless—
 - (a) the sewerage undertaker has consulted the customer service committee to which it has been allocated; and
 - (b) the proposed procedure or modification has been approved by the Director.
- (3) The sewerage undertaker shall—
 - (a) publicise the procedure in such manner as may be approved by the Director; and
 - (b) send a description of the procedure, free of charge, to any person who asks for one.

Status: Point in time view as at 01/09/1992. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992, Part I. (See end of Document for details)

- (4) The Director may give a direction to a sewerage undertaker requiring the undertaker to review its procedure or the manner in which the procedure operates.
- (5) A direction under subsection (4) above—
 - (a) may specify the manner in which the review is to be conducted; and
 - (b) shall require a written report of the review to be made to the Director.
- (6) Where the Director receives a report under subsection (5)(b) above, he may, after consulting the sewerage undertaker, direct the undertaker to make such modifications of—
 - (a) the procedure; or
 - (b) the manner in which the procedure operates,as may be specified in the direction.
- (7) Subsection (2) above does not apply to any modification made in compliance with a direction under subsection (6) above.
- (8) The duty of a sewerage undertaker to comply with subsection (1) above and with any direction given to it under subsection (4) or (6) above shall be enforceable by the Director under section 18 above.
- (9) Where the Director is considering whether to exercise his powers under subsection (4) or (6) above in relation to a sewerage undertaker, it shall be the duty of that undertaker to give him such information as he may reasonably require for the purpose of assisting him in coming to a decision.
- (10) Section 202 below shall have effect, with the necessary modifications, in relation to information which the Director requires for that purpose as it has effect in relation to information which the Secretary of State requires for purposes mentioned in subsection (1) of that section.”

Commencement Information

I29 S. 33 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

Water supply and sewerage services

34 Determination of disputes by the Director.

The following section shall be inserted after section 30 of the ^{M24}Water Industry Act 1991—

“30A Determination of disputes by the Director.

- (1) In this section “relevant dispute” means a dispute which, by virtue of any provision of this Act, may be referred to the Director for determination under this section.
- (2) The practice and procedure to be followed in connection with the reference to the Director of any relevant dispute shall be such as he considers appropriate.

Status: Point in time view as at 01/09/1992. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992, Part I. (See end of Document for details)

- (3) Where the Director determines any dispute under this section he shall give his reasons for reaching his decision with respect to the dispute.
- (4) On making a determination under this section the Director may include such incidental, supplemental and consequential provision (including provision requiring either party to pay a sum in respect of the costs or expenses incurred by the Director) as he considers appropriate.
- (5) A determination under this section—
 - (a) shall be final; and
 - (b) shall be enforceable as if it were a judgment of a county court, in so far as it includes such provision as to costs or expenses as is mentioned in subsection (4) above.
- (6) The Director shall not determine any relevant dispute which is the subject of proceedings before, or with respect to which judgment has been given by, any court.
- (7) In including in any determination under this section any provision as to costs or expenses, the Director shall have regard to the conduct and means of the parties and any other relevant circumstances.”

Commencement Information

I30 S. 34 wholly in force at 1.9.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 4, Sch. Pt. II.

Marginal Citations

M24 1991 c. 56.

35 Reference of certain disputes to the Director.

- (1) The ^{M25}Water Industry Act 1991 shall be amended as follows.
- (2) In section 45 (duty to make connections with mains), the following subsection shall be inserted after subsection (6)—

“(6A) Any dispute between a water undertaker and any other person as to whether the expenses were incurred reasonably may be referred to the Director for determination under section 30A above by either party to the dispute.”
- (3) In section 46 (duty to carry out ancillary works for the purpose of making domestic connection), in subsection (7), for “(6)” there shall be substituted “ (6A) ”.
- (4) In section 49 (supplemental provisions with respect to metering conditions), the following shall be substituted for subsection (3)—

“(3) Any dispute between a water undertaker and any other person as to the terms of any condition imposed under section 47 above for the purposes of metering shall be referred—

 - (a) to the arbitration of a single arbitrator appointed by agreement between the undertaker and that person; or

Status: Point in time view as at 01/09/1992. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992, Part I. (See end of Document for details)

- (b) if no agreement is reached, for determination by the Director under section 30A above.”
- (5) In section 53 (conditions of compliance with domestic supply duty), the following subsection shall be inserted after subsection (2)—
- “(2A) Any dispute between a water undertaker and any other person as to whether any requirement of a kind mentioned in subsection (2)(a) or (b) above has been complied with may be referred to the Director for determination under section 30A above by either party to the dispute.”
- (6) In section 64 (supply by means of separate service pipes), the following subsection shall be inserted after subsection (2)—
- “(2A) Any dispute between a water undertaker and any other person as to whether any condition of a kind mentioned in subsection (2) above has been complied with may be referred to the Director for determination under section 30A above by either party to the dispute.”
- (7) In section 105 (appeals with respect to adoption of sewers etc.), for “Secretary of State”, wherever it appears, there shall be substituted “ Director ”.
- (8) In section 106 (right to communicate with public sewers)—
- (a) in subsection (6), for “a magistrates’ court” there shall be substituted “ the Director under section 30A above ”;
- (b) subsection (7) shall cease to have effect; and
- (c) in subsection (8)(b), for “a magistrates’ court” there shall be substituted “ the Director ”.
- (9) In section 107 (right of sewerage undertaker to undertake the making of communications with public sewers), in subsection (1)(b), for “a magistrates’ court” there shall be substituted “ the Director ” and after subsection (4) there shall be inserted the following subsection—
- “(4A) Any dispute between a sewerage undertaker and any other person as to—
- (a) whether the undertaker’s estimate of the cost of works given under subsection (3)(b)(i) above is reasonable,
- (b) whether any requirement of security for the payment of the cost of works was reasonably made by the undertaker, or
- (c) whether any excess is repayable, or any expenses are recoverable, by the undertaker under subsection (4) above, or the amount of any such excess or expenses,
- may be referred to the Director for determination under section 30A above by either party to the dispute.”
- (10) In section 112 (requirement that proposed drain or sewer be constructed so as to form part of general system), in subsections (2) and (3), for “Secretary of State” there shall be substituted “ Director ”.
- (11) In section 113 (power to alter drainage system of premises)—
- (a) in subsection (4), for “appeal to a magistrates’ court” there shall be substituted “ refer the matter to the Director for determination under section 30A above ”; and
- (b) subsection (5) shall cease to have effect.

Status: Point in time view as at 01/09/1992. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992, Part I. (See end of Document for details)

(12) In section 116 (power to close or restrict use of public sewer), the following subsection shall be inserted after subsection (3)—

“(4) Any dispute arising under subsection (3)(a) above between a sewerage undertaker and any other person as to the effectiveness of any sewer provided by the undertaker for that person’s use may be referred to the Director for determination under section 30A above by either party to the dispute.”

Commencement Information

I31 S. 35 wholly in force at 1.9.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 4, Sch. Pt. II.

Marginal Citations

M25 1991 c. 56.

PROSPECTIVE

36 Billing disputes.

The following section shall be inserted in the ^{M26}Water Industry Act 1991, after section 150—

“150A Billing disputes.

- (1) The Secretary of State may by regulations make provision for billing disputes to be referred to the Director for determination in accordance with the regulations.
- (2) In this section “billing dispute” means a dispute between a relevant undertaker and a customer concerning the amount of the charge which the undertaker is entitled to recover from the customer in connection with—
 - (a) the supply of water for domestic purposes, in the case of a water undertaker; and
 - (b) the provision of sewerage services other than by the carrying out of trade effluent functions, in the case of a sewerage undertaker.
- (3) Regulations under this section may only be made after consulting—
 - (a) the Director; and
 - (b) persons or bodies appearing to the Secretary of State to be representative of persons likely to be affected by the regulations.
- (4) Regulations under this section may provide that, where a billing dispute is referred to the Director, he may either—
 - (a) determine the dispute, or
 - (b) appoint an arbitrator to determine it.
- (5) Any person determining any billing dispute in accordance with regulations under this section shall, in such manner as may be specified in the regulations, give his reasons for reaching his decision with respect to the dispute.

Status: Point in time view as at 01/09/1992. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992, Part I. (See end of Document for details)

- (6) Regulations under this section may provide—
- (a) that disputes may be referred to the Director under this section only by prescribed persons; and
 - (b) for any determination to be final and enforceable as if it were a judgment of a county court.
- (7) Except in such circumstances (if any) as may be prescribed—
- (a) the Director or an 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; and
 - (b) neither party to any billing dispute which has been referred to the Director for determination in accordance with regulations under this section shall commence proceedings before any court in respect of that dispute pending its determination in accordance with the regulations.
- (8) No relevant undertaker may commence proceedings before any court in respect of any charge in connection with the supply of water for domestic purposes or (as the case may be) the provision of sewerage services other than by the carrying out of trade effluent functions unless, not less than 28 days before doing so, the customer concerned was informed by it, in such form and manner as may be prescribed, of—
- (a) its intention to commence proceedings;
 - (b) the customer’s rights by virtue of this section; and
 - (c) such other matters (if any) as may be prescribed.
- (9) Where a dispute is referred to the Director in accordance with regulations made under this section, it shall be the duty of the undertaker concerned to give him such information as he may reasonably require for the purpose of assisting him in determining the dispute.
- (10) Section 202 below shall have effect, with the necessary modifications, in relation to information which the Director requires for that purpose as it has effect in relation to information which the Secretary of State requires for purposes mentioned in subsection (1) of that section.
- (11) For the purposes of this section—
- “charge” means any charge fixed by a scheme made under section 143 above;
 - “customer” means any person to whom the relevant undertaker provides services;
- and references to a sewerage undertaker’s trade effluent functions are references to its functions under Chapter III of Part IV of this Act.”

Marginal Citations

M26 1991 c. 56.

Status:

Point in time view as at 01/09/1992. This version of this part contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992, Part I.