



# Electricity Act 1989

## 1989 CHAPTER 29

### PART I

#### ELECTRICITY SUPPLY

*[<sup>F1</sup><sup>F1</sup>Section 44B disputes]*

#### **[<sup>F1</sup>44B Meaning of “[<sup>F2</sup>section 44B] dispute”**

[<sup>F3</sup>(1) For the purposes of sections 44C and 44D a dispute is [<sup>F4</sup>a “section 44B dispute”] if—

- (a) it arises from a written complaint—
  - (i) made against the holder of a transmission licence,
  - (ii) made against the holder of a distribution licence,
  - (iii) made against the holder of an interconnector licence,
  - (iv) made against a distribution exemption holder, or
  - (v) made by a person falling within paragraph (a) of subsection (1A) against a person falling within paragraph (b) of that subsection;
- (b) it is wholly or mainly a dispute regarding an obligation of the person complained against [<sup>F5</sup>which falls within subsection (2A)]; and
- (c) it is a dispute between the complainant and the person complained against.

(1A) For the purposes of subsection (1)(a)(v)—

- (a) a person falls within this paragraph if the person is certified on the ground mentioned in section 10E(5) in respect of a transmission system or electricity interconnector;
- (b) a person falls within this paragraph if the person is designated under section 10H(3) in respect of the transmission system or electricity interconnector mentioned in paragraph (a).]

(2) The reference in subsection [<sup>F6</sup>(1)(a)] to a complaint does not include a reference to—

- (a) a complaint about a modification (or failure to make a modification) of—

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- (i) a term or condition of [<sup>F7</sup>a licence] held by the person complained against, or
- (ii) an obligation or right contained in any code or other document and having effect by virtue of such a term or condition; or
- (b) a complaint made by a person as a household customer or potential household customer.
- [ An obligation of the person complained against falls within this subsection if it is—
- <sup>F8</sup>(2A) (a) an obligation under a relevant condition or relevant requirement in relation to that person imposed before IP completion day for the purpose of implementing the Electricity Directive, including such an obligation as modified on or after IP completion day, or
- (b) an obligation under a relevant condition or relevant requirement in relation to that person imposed on or after IP completion day which, if it had been imposed immediately before IP completion day, would have been an obligation imposed for the purpose of implementing the Electricity Directive.]
- [<sup>F9</sup>(3) In this section, “household customer” means a customer who purchases electricity for consumption by the customer’s own household.]]

#### Textual Amendments

- F1** Ss. 44B-44D and cross-heading inserted (E.W.S.) (29.6.2009) by [The Gas and Electricity \(Dispute Resolution\) Regulations 2009 \(S.I. 2009/1349\)](#), regs. 1(1), **3**
- F2** Words in s. 44B title substituted (31.12.2020) by [The Electricity and Gas etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/530\)](#), regs. 1(1), **56(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** S. 44B(1)(1A) substituted for s. 44B(1) (10.11.2011) by [The Electricity and Gas \(Internal Markets\) Regulations 2011 \(S.I. 2011/2704\)](#), regs. 1(1), **29(3)(a)**
- F4** Words in s. 44B(1) substituted (31.12.2020) by [The Electricity and Gas etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/530\)](#), regs. 1(1), **56(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in s. 44B(1)(b) substituted (31.12.2020) by [The Electricity and Gas etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/530\)](#), regs. 1(1), **56(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in s. 44B(2) substituted (10.11.2011) by [The Electricity and Gas \(Internal Markets\) Regulations 2011 \(S.I. 2011/2704\)](#), regs. 1(1), **29(3)(b)(i)**
- F7** Words in s. 44B(2)(a)(i) substituted (10.11.2011) by [The Electricity and Gas \(Internal Markets\) Regulations 2011 \(S.I. 2011/2704\)](#), regs. 1(1), **29(3)(b)(ii)**
- F8** S. 44B(2A) inserted (31.12.2020) by [The Electricity and Gas etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/530\)](#), regs. 1(1), **56(4)** (as amended (31.12.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(23)**); 2020 c. 1, Sch. 5 para. 1(1)
- F9** S. 44B(3) substituted (10.11.2011) by [The Electricity and Gas \(Internal Markets\) Regulations 2011 \(S.I. 2011/2704\)](#), regs. 1(1), **29(3)(c)**

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