



Utilities Act 2000

2000 CHAPTER 27

PART III

FUNCTIONS OF THE COUNCIL

22 Complaints

- (1) For section 32 of the 1986 Act (duty of Council to investigate certain matters) there is substituted—

“32 Consumer complaints

- (1) This section applies to a complaint which any customer or potential customer of, or user of gas supplied by, an authorised supplier (“the complainant”) has in his capacity as such against—
- the supplier, in respect of any matter connected with the services provided by him in the course of carrying on regulated activities; or
 - any other person authorised by a licence or exemption, in respect of any matter affecting those services which is connected with the carrying on by that other person of regulated activities.
- (2) Where a complaint to which this section applies (other than one appearing to it to be frivolous or vexatious) is referred to the Council by or on behalf of the complainant, the Council shall (subject to subsection (5)) investigate the complaint for the purpose of determining whether it is appropriate to take any action under subsection (6).
- (3) Where it appears to the Council that the complaint relates to a matter in respect of which any enforcement function is or may be exercisable the Council shall (unless it considers that the Authority already has notice of that matter) inform the Authority of the matter.
- (4) Where it appears to the Council that the complaint relates to a matter which constitutes a dispute of a kind which can be referred to the Authority under

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any provision of this Act, the Council shall inform the complainant that he may have the right to refer the dispute to the Authority.

- (5) The Council is not required by this section—
- (a) to investigate a complaint, until the complainant has taken such steps as appear to the Council to be reasonable for him to take for the purpose of giving the person against whom the complaint is made a reasonable opportunity to deal with the complaint;
 - (b) to investigate any matter to which subsection (3) applies, until the Authority has had a reasonable opportunity to exercise any enforcement function in respect of that matter; and
 - (c) to investigate any matter constituting a dispute which has been referred to the Authority under any provision of this Act.
- (6) Where it appears to the Council to be appropriate to do so with a view to assisting in reaching a satisfactory resolution of a complaint referred to it under this section, the Council shall make representations on behalf of the complainant to the person against whom the complaint is made about anything to which the complaint relates.
- (7) After investigating a complaint the Council may make a report to the Authority; and such a report may include information about—
- (a) any representations made by the Council under subsection (6); and
 - (b) the response of the person against whom the complaint is made to the complaint or any such representations.
- (8) No report under subsection (7), or information about a complaint referred to the Council under this section from which the complainant may be identified, shall be published or disclosed by the Council or the Authority in the exercise of any power under the Utilities Act 2000 or this Act, without the consent of the complainant.
- (9) Where a representation made to the Authority about any matter (other than one appearing to it to be frivolous or vexatious) appears to the Authority—
- (a) to be about a matter which is or amounts to a complaint to which this section applies; and
 - (b) to have been made by or on behalf of the complainant,
- the Authority shall refer the complaint to the Council.
- (10) In this section—
- “enforcement function” means a function under section 28 or 30A;
 and
- “regulated activities” means activities which are authorised or regulated by a licence or exemption.”
- (2) For section 46 of the 1989 Act (duty of consumers' committees to investigate certain matters) there is substituted—

“46 Consumer complaints

- (1) This section applies to a complaint which any customer or potential customer of, or user of electricity supplied by, an authorised supplier (“the complainant”) has in his capacity as such against—

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- (a) the supplier, in respect of any matter connected with the services provided by him in the course of carrying on regulated activities; or
 - (b) any other person authorised by a licence or exemption, in respect of any matter affecting those services which is connected with the carrying on by that other person of regulated activities.
- (2) Where a complaint to which this section applies (other than one appearing to it to be frivolous or vexatious) is referred to the Council by or on behalf of the complainant, the Council shall (subject to subsection (5)) investigate the complaint for the purpose of determining whether it is appropriate to take any action under subsection (6).
- (3) Where it appears to the Council that the complaint relates to a matter in respect of which any enforcement function is or may be exercisable the Council shall (unless it considers that the Authority already has notice of that matter) inform the Authority of the matter.
- (4) Where it appears to the Council that the complaint relates to a matter which constitutes a dispute of a kind which can be referred to the Authority under any provision of this Act, the Council shall inform the complainant that he may have the right to refer the dispute to the Authority.
- (5) The Council is not required by this section—
 - (a) to investigate a complaint, until the complainant has taken such steps as appear to the Council to be reasonable for him to take for the purpose of giving the person against whom the complaint is made a reasonable opportunity to deal with the complaint;
 - (b) to investigate any matter to which subsection (3) applies, until the Authority has had a reasonable opportunity to exercise any enforcement function in respect of that matter; and
 - (c) to investigate any matter constituting a dispute which has been referred to the Authority under any provision of this Act.
- (6) Where it appears to the Council to be appropriate to do so with a view to assisting in reaching a satisfactory resolution of a complaint referred to it under this section, the Council shall make representations on behalf of the complainant to the person against whom the complaint is made about anything to which the complaint relates.
- (7) After investigating a complaint the Council may make a report to the Authority; and such a report may include information about—
 - (a) any representations made by the Council under subsection (6); and
 - (b) the response of the person against whom the complaint is made to the complaint or any such representations.
- (8) No report under subsection (7), or information about a complaint referred to the Council under this section from which the complainant may be identified, shall be published or disclosed by the Council or the Authority in the exercise of any power under the Utilities Act 2000 or this Act, without the consent of the complainant.
- (9) Where a representation made to the Authority about any matter (other than one appearing to it to be frivolous or vexatious) appears to the Authority—

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- (a) to be about a matter which is or amounts to a complaint to which this section applies; and
 - (b) to have been made by or on behalf of the complainant,
- the Authority shall refer the complaint to the Council.

(10) In this section—

“enforcement function” means a function under section 25 or 27A;
and

“regulated activities” means activities which are authorised or regulated by a licence or exemption.”

- (3) Sections 31 and 32A of the 1986 Act and section 45 of the 1989 Act shall cease to have effect.