

CONSUMERS, ESTATE AGENTS AND REDRESS ACT 2007

EXPLANATORY NOTES

TERRITORIAL EXTENT AND TERRITORIAL APPLICATION

Northern Ireland

Part 1: the National Consumer Council

Powers of investigation

Section 11: General powers of investigation

53. *Section 6(9)* provides that the Council is not required to act for individual consumers (except in respect of disconnections – see section 13). The Council is able to investigate complaints made by vulnerable consumers (section 12). *Section 11* enables the Council to investigate a complaint by a consumer where the Council considers that the subject matter is of general relevance. Subsection (3) explains in what circumstances a complaint will be regarded as raising an issue of “general relevance”. This section also enables the Council to investigate any matter related to a problem which affects consumers generally or consumers of a particular description, whether or not a complaint is made.

Section 12: Investigation of complaints by vulnerable designated consumers

54. *Section 12* provides that the Council may investigate a complaint made by a vulnerable designated consumer against a supplier. “Designated consumer” is defined by section 4. Subsection (2) provides that a designated consumer is “vulnerable” if the Council is satisfied it is not reasonable to expect the consumer to pursue the complaint on his or her own behalf. This might apply to persons who are unable to pursue a complaint by reason of a mental or physical disability, a lack of basic skills (such as literacy) or their personal circumstances (such as a recent bereavement). If the Council thinks it is appropriate, in order to help resolve the complaint, it may provide advice to the individual or may make representations to the relevant supplier (subsection (4)).

Section 13: Investigation of complaints relating to disconnection of gas or electricity

55. *Section 13* provides that a gas consumer may complain to the Council where the consumer’s premises are disconnected or cut off by a gas transporter or gas supplier (or such action is threatened); where the gas transporter or supplier refuses to reconnect the consumer’s premises; or where there is a failure of a prepayment system. Similarly, an electricity consumer may complain to the Council where his premises are disconnected or threatened with disconnection by an electricity distributor, supplier or transmission licence holder; where the supplier etc refuses to reconnect the consumer’s premises; or where there is a failure of a prepayment system. The Council must investigate any complaint made by the consumer, and must, if it thinks it appropriate, provide advice

to the consumer or make representations to the supplier, distributor, transporter or transmission licence holder on behalf of the consumer.

56. The Council may refuse to investigate a complaint in certain circumstances (specified in *subsections (4) and (5)*).

Section 14: Reference of matters to the Gas and Electricity Markets Authority

57. *Section 14* requires the Council to refer a complaint which it has the power to investigate under section 11(1)(a) (complaints which raise general issues or affect consumers generally) or section 12 (vulnerable consumers) or the duty to investigate under section 13 (complaints about disconnections) to the Gas and Electricity Markets Authority if it considers that the Authority's enforcement powers may be exercisable in relation to the complaint. Having referred a complaint to the Authority, the Council is not obliged to investigate further until the Authority has had a reasonable opportunity to exercise its enforcement functions (*subsection (3)*). The Council is also obliged to inform a complainant if it considers that a complaint which has been referred to it relates to a matter which can be referred to the Gas and Electricity Markets Authority under the *Gas Act 1986 (c.44)* or the *Electricity Act 1989 (c.29)* (*subsection (4)*).

Section 15: Reference of matters to the Postal Services Commission

58. *Section 15* requires the Council to refer a complaint which it has the power to investigate under section 11(1)(a) (complaints which raise general issues or affect consumers generally) or section 12 (complaints by vulnerable consumers) to the Postal Services Commission in certain circumstances, including where the Council considers that the complaint relates to the contravention of a licence condition.

Section 16: Investigations relating to public post offices

59. *Section 16* enables the Council to investigate any matter relating to the number and location of public post offices in any part of the United Kingdom.