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STATUTORY INSTRUMENTS

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**2011 No. 2704**

**The Electricity and Gas (Internal Markets) Regulations 2011**

**PART 2**

**Consumer protection**

**National Consumer Council to provide guidance to energy consumers**

- 3.**—(1) The Consumers, Estate Agents and Redress Act 2007<sup>(1)</sup> is amended as follows.  
(2) After section 19 insert—

**“19A Guidance for energy consumers**

- (1) The Council must prepare, and keep under review—
- (a) guidance for energy consumers (the “energy consumer guidance”), and
  - (b) a summary prepared in accordance with subsection (4) (the “concise guidance”).
- (2) The energy consumer guidance must address the matters included in any document published by the European Commission pursuant to Article 3(16) of the Electricity Directive or Article 3(12) of the Gas Directive.
- (3) The energy consumer guidance may include any other information relating to the rights of energy consumers which the Council thinks appropriate.
- (4) The concise guidance must—
- (a) summarise any information in the energy consumer guidance which in the Council’s view is particularly relevant to the interests of energy consumers, and
  - (b) state where a copy of the energy consumer guidance can be obtained.
- (5) In preparing and reviewing the energy consumer guidance and the concise guidance the Council must consult—
- (a) the Secretary of State,
  - (b) the Gas and Electricity Markets Authority, and
  - (c) any other person the Council considers appropriate.
- (6) The Council must publish the first version of the energy consumer guidance and the concise guidance on its website by 1 December 2011.
- (7) If, following a review, the Council considers it necessary to amend the energy consumer guidance or the concise guidance, the Council must, as soon as is reasonably practicable—
- (a) publish the amended version on its website, and
  - (b) inform any person it consulted in accordance with subsection (5) that it has done so.

(8) The Council may also make the first and any amended version of the energy consumer guidance and the concise guidance available in any other manner the Council thinks appropriate for the purpose of bringing that guidance to the attention of those likely to be interested.

(9) In this section—

“the Electricity Directive” means Directive [2009/72/EC](#) of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive [2003/54/EC](#)(**2**);

“energy consumer” means an individual who is—

- (a) a consumer in relation to gas supplied by an authorised supplier for consumption by the consumer’s own household;
- (b) a consumer in relation to electricity supplied by an authorised supplier for consumption by the consumer’s own household;

“the Gas Directive” means Directive [2009/73/EC](#) of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive [2003/55/EC](#)(**3**).”.

(3) In section 29(4) (exceptions to restriction on disclosure of information)—

(a) in paragraph (c) omit “or 24(8)”;

(b) after paragraph (c) insert—

“(ca) published or made available by the Council under any of subsections (6) to (8) of section 19A,

(cb) published by the Council under section 24(8).”.

(4) In section 65(2) (provisions extending to England and Wales and Scotland only), after paragraph (b) insert—

“(ba) section 19A (guidance for energy consumers);”.

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(2) OJ No L 211, 14.08.2009, p.55.

(3) OJ No L 211, 14.08.2009, p94.