
STATUTORY INSTRUMENTS

1984 No. 1822 (N.I. 12)

NORTHERN IRELAND

**The General Consumer Council
(Northern Ireland) Order 1984**

Laid before Parliament in draft

Made

22nd November 1984

Coming into operation in accordance with Article 1(2)

ARRANGEMENT OF ORDER

Article

1. Title and commencement.
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5. Functions of the Council in relation to transport.
6. Functions of the Council in relation to the supply of electricity.
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SCHEDULES:

Schedule 1—The General Consumer Council for Northern Ireland.

Schedule 2—Amendments.

Schedule 3—Repeals.

At the Court at Buckingham Palace, the 22nd day of November 1984

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

1974 c. 28

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Title and commencement

1.—(1) This Order may be cited as the General Consumer Council (Northern Ireland) Order 1984.

(2) This Article, Articles 2 and 3 and Schedule 1 shall come into operation on the fourteenth day after the day on which this Order is made and the remaining provisions of this Order shall come into operation on 1st April 1985.

Interpretation

1954 c. 33 (N.I.)

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“the Council” means the General Consumer Council for Northern Ireland;

“the Department” means the Department of Economic Development.

Establishment of General Consumer Council for Northern Ireland

3.—(1) There shall be established a body to be called the General Consumer Council for Northern Ireland.

(2) Schedule 1 shall have effect in relation to the Council.

General functions of the Council

4.—(1) The functions of the Council shall be—

(a) to promote and safeguard the interests of consumers in Northern Ireland;

(b) without prejudice to the generality of sub-paragraph (a), to exercise such specific functions as are conferred on it by Articles 5, 6 and 7.

(2) Without prejudice to the generality of paragraph (1), in the exercise of its functions under this Order, the Council may—

(a) consider any complaint made to it relating to consumer affairs and, where it appears to the Council to be appropriate having regard to any other remedy which may be available to the complainant, investigate the complaint and take such further action in relation thereto as the Council may determine;

(b) carry out, or assist in the carrying out of, inquiries and research into matters relating to consumer affairs;

- (c) promote discussion of, and the dissemination of information relating to, consumer affairs;
- (d) report to a Northern Ireland department on any matter relating to consumer affairs which is referred to the Council by that department.

Functions of the Council in relation to transport

5.—(1) The Council shall consider and, where it appears to it to be desirable, make recommendations with respect to any matter affecting road or railway passenger transport services and facilities in Northern Ireland and services and facilities provided for passengers travelling to and from Northern Ireland.

(2) The Transport Users' Committee established under section 1 of the Transport Act (Northern Ireland) 1967 is hereby abolished and the Council shall exercise the functions heretofore exercisable by the Transport Users' Committee under sections 6(2) and (3), 59(1) and (2) and 60(2) of that Act.

1967 c. 37 (N.I.)

(3) In consequence of the provisions of this Article, the Transport Act (Northern Ireland) 1967 shall have effect subject to the amendments in Part I of Schedule 2.

Functions of the Council in relation to the supply of electricity

6.—(1) The Council shall consider and, where it appears to it to be desirable, make recommendations with respect to any matter affecting the generation, distribution or supply of electricity, including the variation of tariffs and the provision of new and improved services and facilities.

(2) The Electricity Consumers Council established under Article 13 of the Electricity Supply (Northern Ireland) Order 1972 is hereby abolished and the Council shall exercise the functions heretofore exercisable by the Electricity Consumers Council under Articles 26(1) and 27(2), (3), (4) and (5) of that Order.

1972 NI 9

(3) In consequence of the provisions of this Article, the Electricity Supply (Northern Ireland) Order 1972 shall have effect subject to the amendments in Part II of Schedule 2.

Functions of the Council in relation to agricultural marketing schemes

7.—(1) The Council shall consider and report to the Head of the Department of Agriculture on any complaints made to the Council as to the effect of any agricultural marketing scheme which is for the time being in force under Part II of the 1982 Order on consumers of the regulated product.

(2) The Council shall consider and, where it appears to it to be desirable, report to the Head of the Department of Agriculture on the effect of any such scheme on consumers of the regulated product.

(3) The Council may be brought into consultation under Article 24(1) of the 1982 Order by the Milk Marketing Board for Northern Ireland.

(4) The Milk Marketing Board for Northern Ireland shall, before exercising any powers conferred on it by a scheme under Part II of the 1982 Order for regulating in any respect the price at which or the terms on which the regulated product, or any description or quantity thereof, may be sold by a registered producer, give to the Council a written notice that it is considering whether, and if so how, to exercise those powers and shall give to the Council an opportunity of making representations in the matter and consider any representations made in the matter by the Council.

(5) In this Article—

“the 1982 Order” means the Agricultural Marketing (Northern Ireland) Order 1982;

“consumers of the regulated product” means persons who purchase that product, or goods produced wholly or partly therefrom, for their own consumption or use and does not include persons who purchase that product, or such goods as aforesaid, for the purpose of any trade or industry carried on by them;

and expressions used in this Article and in Part II of the 1982 Order have the same meaning in this Article as in that Part.

(6) In consequence of the provisions of this Article, the 1982 Order shall have effect subject to the amendments in Part III of Schedule 2.

Repeals

8. The statutory provisions set out in Schedule 3 are hereby repealed to the extent specified in the third column of that Schedule.

G. I. de Deny,
Clerk of the Privy Council.

SCHEDULES

SCHEDULE 1

Article 3(2).

THE GENERAL CONSUMER COUNCIL FOR NORTHERN IRELAND

Incorporation and status

1.—(1) The Council shall be a body corporate with perpetual succession to which, subject to the provisions of this Schedule, section 19 of the Interpretation Act (Northern Ireland) 1954 shall apply. 1954 c. 33 (N.I.)

(2) The Council shall not be regarded as the servant or agent of the Crown or as enjoying any status, privilege or immunity of the Crown and the Council's property shall not be regarded as property of, or property held on behalf of, the Crown.

Appointment and tenure of office of members

2.—(1) The Council shall be appointed by the Head of the Department and shall consist of—

- (a) a chairman;
- (b) a deputy chairman; and
- (c) not more than sixteen other members.

(2) Before making any appointment under sub-paragraph (1)(c) the Head of the Department shall consult with such bodies as he considers appropriate.

(3) The Department may by order subject to negative resolution amend sub-paragraph (1)(c) so as to substitute for the number of other members there mentioned such other number as is specified in the order.

3.—(1) Subject to sub-paragraphs (2) to (6), a member of the Council shall hold and vacate office in accordance with the terms of his appointment.

(2) A member may resign his office by giving to the Head of the Department a signed notice in writing to that effect.

(3) The Head of the Department may by notice in writing remove a member from office.

(4) A member who ceases to hold office shall be eligible for re-appointment to the Council.

(5) Where a member becomes or ceases to be the chairman or deputy chairman the Head of the Department may vary the terms of the instrument appointing him a member.

(6) If the chairman or deputy chairman ceases to be a member he shall cease to be chairman or deputy chairman as the case may be.

4. The Department may appoint a person in relation to the Council and any group established by the Council under paragraph 10 and a person so appointed shall be entitled to receive notice of, and to attend and speak at, meetings of the Council and of such groups, but shall not be entitled to vote at any such meeting.

Remuneration and allowances of members

5. The Council may pay—

- (a) to the chairman and deputy chairman of the Council such remuneration, allowances and expenses; and

(b) to the other members of the Council and the members of groups appointed under paragraph 10(4) such allowances and expenses, as the Department may, with the consent of the Department of Finance and Personnel, determine.

Disqualification for the Assembly

1975 c. 25

6. In Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 there shall be inserted at the appropriate place in alphabetical order—

“Chairman and deputy chairman of the General Consumer Council for Northern Ireland”.

Staff

7.—(1) The Council may employ such officers and servants on such terms and conditions as the Council may, with the approval of the Department and the Department of Finance and Personnel, determine.

(2) The Council may, in accordance with arrangements determined by the Department with the approval of the Department of Finance and Personnel, make provision for the payment on death or retirement of pensions, gratuities or other like benefits to or in respect of officers and servants of the Council.

Proceedings

8.—(1) Subject to the provisions of this Schedule, the arrangements relating to meetings of the Council shall be such as the Council may determine.

(2) The quorum of the Council shall be determined by the Council at a meeting of not less than eight members of the Council, including the chairman or deputy chairman.

9. The validity of any proceedings of the Council shall not be affected by any vacancy among the members or by any defect in the appointment of a member.

Appointment and functions of groups

10.—(1) The Council shall establish—

- (a) a group in connection with the exercise of its functions in relation to transport;
- (b) a group in connection with the exercise of its functions in relation to food;
- (c) a group in connection with the exercise of its functions in relation to the supply of electricity; and
- (d) a group in connection with the exercise of its functions in relation to the supply of energy (other than electricity).

(2) The Council may establish, in connection with the exercise of any of its other functions, such other groups as appear to it to be appropriate.

(3) Subject to sub-paragraphs (4) and (5), the composition of any group established under sub-paragraph (1) or (2) shall be determined by the Council.

(4) Persons who are not members of the Council may be appointed to a group established under sub-paragraph (1) or (2) but—

- (a) the number of persons appointed under this sub-paragraph shall be less than the number of members of the Council appointed to the group;
- (b) persons appointed under this sub-paragraph shall not be entitled to vote at any meeting of the group; and
- (c) a person appointed under this sub-paragraph shall not act as chairman of the group.

(5) At least two members of the Council shall be members both of the group referred to in sub-paragraph (1)(c) and of the group referred to in sub-paragraph (1)(d).

(6) Subject to sub-paragraph (7), the Council may delegate to a group established under sub-paragraph (1) or (2) any of the functions of the Council and may authorise a group to perform any such functions on behalf of, and in the name of, the Council.

(7) The functions of any group established under sub-paragraph (1) or (2) shall be exercised and the proceedings of the group regulated in accordance with, and subject to, any directions given by the Council.

(8) The Department may, after consultation with the Council, by order subject to negative resolution amend or repeal any of the foregoing provisions of this paragraph to such extent as appears to the Department to be necessary or desirable so as to reduce the number of groups which the Council is required to establish under sub-paragraph (1).

Financial provision

11. The Department may pay such sums to the Council in respect of its expenses as the Department may, with the consent of the Department of Finance and Personnel, determine.

Reports and accounts

12.—(1) The Council shall prepare in respect of the period ending on 31st March 1986 and each subsequent financial year a report on the activities of the Council during that period or year and shall send such report to the Head of the Department.

(2) The Council shall provide the Department with such returns or information relating to the affairs of the Council as the Department may from time to time require.

(3) The Council shall keep proper accounts and shall prepare in respect of the period ending on 31st March 1986 and each subsequent financial year a statement of accounts in such form as the Department may, with the consent of the Department of Finance and Personnel, determine.

(4) The accounts of the Council shall be audited by auditors appointed by the Council with the approval of the Department and shall be vouched to the satisfaction of such auditors.

(5) The Council shall, at such time in each year as the Department may direct, send a copy of the statement of accounts certified by the auditors to the Head of the Department and to the Comptroller and Auditor General for Northern Ireland.

(6) The Comptroller and Auditor General shall examine a copy of each statement of accounts and shall make a report thereon and shall send copies of that report to the Head of the Department and to the Council.

- (7) The Head of the Department shall lay before the Assembly—
- (a) a copy of each report sent to him under sub-paragraph (1);
 - (b) a copy of each statement of accounts sent to him under sub-paragraph (5);
 - (c) a copy of each report of the Comptroller and Auditor General sent to him under sub-paragraph (6).

Documents

13.—(1) The application of the seal of the Council to any document shall be attested by the signatures of—

- (a) the chairman or deputy chairman of the Council or some other member of the Council authorised by the Council to act for that purpose; and
- (b) a member of the staff of the Council authorised by the Council to act for that purpose.

(2) Any contract or instrument which, if entered into or executed by an individual, would not require to be under seal may be entered into or executed on behalf of the Council by the chairman or by any person generally or specially authorised by the Council to act for that purpose.

(3) Any document purporting to be such a contract or instrument as is referred to in sub-paragraph (2) shall be deemed to be such contract or instrument until the contrary is proved.

Land

14. The Council shall not acquire or dispose of any estate in land except with the consent of the Department and of the Department of Finance and Personnel.

SCHEDULE 2

Articles 5(3), 6(3)
and 7(6).

AMENDMENTS

PART I

The Transport Act (Northern Ireland) 1967 (c. 37)

Part I shall cease to have effect.

In sections 6(2) and (3), 59(1) and (2) and 60(2) for the words "the Committee" wherever they occur there shall be substituted the words "the Council".

In section 81 for the definition of "the Committee" there shall be substituted the following definition—

"the Council" means the General Consumer Council for Northern Ireland;"

PART II

The Electricity Supply (Northern Ireland) Order 1972 (NI 9)

In Article 2(2) for the definition of "the Council" there shall be substituted the following definition—

"the Council" means the General Consumer Council for Northern Ireland;"

Articles 13 to 16 shall cease to have effect.

In paragraph 1(1) of Schedule 1 for head (b) there shall be substituted the following head—

"(b) one member of the General Consumer Council for Northern Ireland appointed by the Head of the Department after consultation with that Council;"

Schedule 2 shall cease to have effect.

PART III

The Agricultural Marketing (Northern Ireland) Order 1982 (NI 12)

For Article 21(1) there shall be substituted the following paragraph—

"(1) The Head of the Department may, if he thinks fit, appoint a committee of investigation to consider, and report to the Department on—

(a) a report made by the General Consumer Council for Northern Ireland under Article 7 of the General Consumer Council (Northern Ireland) Order 1984;

(b) any complaint made to the Department as to the operation of any scheme which, in the opinion of the Head of the Department, could not be considered by that Council under that Article."

In Article 22(2) for the word "complaint" where it twice occurs there shall be substituted the word "matter".

In Article 29(2) for the words "this Part on any board or committee of investigation" there shall be substituted the words "this Part or Article 7 of the General Consumer Council (Northern Ireland) Order 1984 on any board or committee of investigation or on the General Consumer Council for Northern Ireland".

In Article 29(3)(d) at the end there shall be added the words "or by the General Consumer Council (Northern Ireland) Order 1984".

Article 8.

SCHEDULE 3

REPEALS

Chapter or Number	Short Title	Extent of Repeal
1967 c. 37 (N.I.).	The Transport Act (Northern Ireland) 1967.	Part I.
1971 c. 15 (N.I.).	The Aerodromes Act (Northern Ireland) 1971.	Section 17.
1972 NI 9.	The Electricity Supply (Northern Ireland) Order 1972.	Articles 13 to 16. Schedule 2.
1975 c. 25.	The Northern Ireland Assembly Disqualification Act 1975.	In Part III of Schedule 1 the entry relating to the chairman of the Electricity Consumers Council.
1977 NI 10.	The Transport (Northern Ireland) Order 1977.	Article 7.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order provides for the establishment of the General Consumer Council for Northern Ireland whose general function will be to promote and safeguard the interests of consumers in Northern Ireland. The Council will exercise functions formerly exercisable by the Transport Users' Committee and the Electricity Consumers Council which are both abolished. In addition the Order confers on the Council certain functions in relation to the effect on consumers of the operation of agricultural marketing schemes under Part II of the Agricultural Marketing (Northern Ireland) Order 1982.

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