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STATUTORY INSTRUMENTS

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**1996 No. 275**

**The Gas (Northern Ireland) Order 1996**

**PART II**

**GAS SUPPLY AND ASSOCIATED ACTIVITIES**

*Other functions of Director*

**[<sup>F1</sup>Dispute resolution**

[<sup>F2</sup>27A.—(1) Any person may make a complaint under this Article (hereinafter referred to as “a complaint”) if—

[<sup>F3</sup>(a) the subject matter of the complaint constitutes a dispute between the complainant and—

- (i) the holder of a licence under Article 8(1)(a);
- (ii) the holder of a licence under Article 8(1)(b);
- (iii) the holder of a licence under Article 8(1)(d);
- (iv) the holder of an exemption from Article 6(1)(a);
- (v) the holder of an exemption from Article 6(1)(b); or
- (vi) the holder of an exemption from Article 6(1)(d);]

(b) it is wholly or mainly a complaint against that holder regarding an obligation [<sup>F4</sup>which satisfies the requirement in paragraph (1A)]; and

(c) the subject matter of the complaint is not capable of being determined pursuant to any other Article of this Order or any condition of the licence held by the holder.]

[  
<sup>F5</sup>(1A) The requirement in this paragraph is that either—

- (a) the obligation is an obligation imposed on the holder before IP completion day pursuant to the Directive, including such an obligation as modified on or after IP completion day, or
- (b) both the following apply—
  - (i) the obligation was imposed on the holder on or after IP completion day, and
  - (ii) the obligation is such that, if it had been imposed immediately before IP completion day, it would have been an obligation imposed pursuant to the Directive;

and in this paragraph “the holder” means the holder mentioned in paragraph (1)(a).]

(2) A complaint shall be made in writing to the Authority and shall be accompanied by such information as is necessary or expedient to allow the Authority to make a determination in relation to the complaint.

(3) The Authority shall establish and publish such procedures as it thinks appropriate for the determination by it of a complaint.

**Changes to legislation:** *The Gas (Northern Ireland) Order 1996, Section 27A is up to date with all changes known to be in force on or before 16 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) The procedures established under paragraph (3) shall provide for the determination of the complaint to be notified to the complainant within the requisite period or such longer period as the Authority may agree with the complainant.

(5) For the purposes of paragraph (4) the requisite period in any case means—

- (a) the period of two months from the date when the complaint was received by the Authority; or
- (b) where the information sent to the Authority under paragraph (2) was in its opinion insufficient to enable it to make a determination, the period of four months from the date the complaint was received by the Authority.

(6) For the purposes of this Article “determination” in relation to any complaint about a licence holder means a determination pursuant to any power or duty which is conferred or imposed on the Authority in relation to gas under this Order or the Energy (Northern Ireland) Order 2003 and which is relevant to the subject matter of the complaint.

[<sup>F6</sup>(7) Where the Authority makes a determination in pursuance of this Article it may include in the determination an order requiring any party to the dispute to pay such sum in respect of the cost or expenses incurred by the Authority as it considers appropriate and this order shall be final and shall be enforceable as if it were a judgment of the county court.

(8) In making an order under paragraph (7) the Authority shall have regard to the conduct and means of the parties and other relevant circumstances.

(9) In this Article a reference to the holder of a particular exemption means a person who carries on an activity under the authority of that exemption.]]

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| <b>F1</b> | Art. 27A inserted (1.10.2006) by <a href="#">Gas Order 1996 (Amendment) Regulations (Northern Ireland) 2006 (S.R. 2006/358)</a> , <b>reg. 9</b>  |
| <b>F2</b> | Art. 27A(1) substituted (15.4.2011) by <a href="#">Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011 (S.R. 2011/155)</a> , <b>reg. 70</b>   |
| <b>F3</b> | Art. 27A(1)(a) substituted (12.4.2013) by <a href="#">Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2013 (S.R. 2013/92)</a> , <b>reg. 28(1)</b>  |
| <b>F4</b> | Words in art. 27A(1)(b) substituted (31.12.2020) by <a href="#">The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/530)</a> , regs. 1(1), <b>122(2)</b> ; 2020 c. 1, Sch. 5 para. 1(1)                                    |
| <b>F5</b> | Art. 27A(1A) inserted (31.12.2020) by <a href="#">The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/530)</a> , regs. 1(1), <b>122(3)</b> (as amended by S.I. 2020/1016, regs. 1(2), 3(39)); 2020 c. 1, Sch. 5 para. 1(1) |
| <b>F6</b> | Art. 27A(7)(8)(9) inserted (12.4.2013) by <a href="#">Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2013 (S.R. 2013/92)</a> , <b>reg. 28(2)</b>  |

**Changes to legislation:**

The Gas (Northern Ireland) Order 1996, Section 27A is up to date with all changes known to be in force on or before 16 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- Instrument am. (pt.prosp.) by [1998 c. 41 s.66\(5\)Sch.10 Pt.III para.8](#)
- Instrument amended by [1998 c. 41 s.66\(5\)Sch.10 Pt.V para.18](#)
- Instrument rev. in pt. (prosp.) by [1998 c. 41 ss.66\(5\),74\(3\), Sch.10, Pt.V, para.18, Sch.14, Pt.II](#)

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 18(1A)(aa) inserted by S.I. 2019/93, Sch. 1 para. 7(2)(b) (as substituted) by [S.I. 2019/1245 reg. 24](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)