

ENERGY ACT 2013

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 6: Consumer Protection and Miscellaneous

Chapter 1: Consumer Protection

Consumer redress orders

Schedule 14, Part 1 – Gas Consumers

New section 30M: Appeals against consumer redress orders

605. *Subsection (1)* enables a regulated person in respect of whom a consumer redress order is made to appeal against it if the person is aggrieved by the making of the order or aggrieved by any requirement imposed by the order. An appeal is made to a court and must by virtue of *subsection (2)* be made within 42 days from the date upon which a regulated person is served a consumer redress order.
606. *Subsection (3)* confers powers on a court hearing an appeal to quash the consumer redress order or for it to vary any provision in the order in such manner as the court thinks fit. *Subsection (4)* limits a court's power under *subsection (3)* to circumstances where the court is satisfied that one or more of the specified grounds apply. The grounds are that the making of the order was not within the power of the Authority under section 30G, that any of the procedural requirements under section 30G(4) and 30I have not been complied with and that has resulted in substantial prejudice being caused to the interests of the regulated person, or that it was unreasonable of the Authority to require something to be done.
607. Where an appeal is lodged under this section, *subsection (5)* suspends the need to comply with a consumer redress order until the application to appeal has been determined.
608. *Subsections (6)* and *(7)* enable a court to award an amount of interest to be paid on the amount of compensation which it determines is appropriate. The amount of interest that should be paid and the date from which it should be paid can be whatever the court considers is just and equitable.
609. *Subsection (8)* prevents the validity of a consumer redress order being challenged except in accordance with this section.