
STATUTORY INSTRUMENTS

2011 No. 2704

The Electricity and Gas (Internal Markets) Regulations 2011

PART 7

Regulatory authority

Dispute resolution

Authority's dispute resolution functions in relation to gas

28.—(1) The Gas Act 1986^{M1} is amended as follows.

(2) In each of the following, for “Article 25” substitute “ Article 41 ”

- (a) the italic heading preceding section 27B (meaning of “Article 25 dispute”); and
- (b) the title of section 27B.

(3) In section 27B—

- (a) for subsection (1) substitute—

“(1) For the purposes of sections 27C and 27D, a dispute is an “Article 41 dispute” if—

- (a) it arises from a written complaint—

- (i) made against a gas transporter,
- (ii) made against the holder of a licence under section 7ZA,
- (iii) made against the owner of an LNG import or export facility,
- (iv) made against the owner of a storage facility,
- (v) made against a person carrying out an activity described in section 5(1)(a) or (aa) who has been granted an exemption under section 6A(1), or
- (vi) made by a person falling within paragraph (a) of subsection (1B) against a person falling within paragraph (b) of that subsection;

- (b) it is wholly or mainly a dispute regarding an obligation of the person complained against under any relevant condition or relevant requirement in relation to that person imposed for the purpose of implementing the Gas Directive; and

- (c) it is a dispute between the complainant and the person complained against.

(1A) Until section 75 of the Utilities Act 2000 comes into force the reference in subsection (1)(a)(v) above to a person who has been granted an exemption under section 6A(1) includes a person to whom one or more of the exceptions to section 5(1) contained in Schedule 2A applies.

(1B) For the purposes of subsection (1)(a)(vi)—

- (a) a person falls within this paragraph if the person is certified on the ground mentioned in section 8G(5) in respect of a pipe-line system or gas interconnector;

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- (b) a person falls within this paragraph if the person is designated under section 8J(3) in respect of the pipe-line system or gas interconnector mentioned in paragraph (a).”;
- (b) in subsection (2), for “(1)(b)” substitute “ (1)(a) ”;
- (c) in subsection (3)—
 - (i) omit the definitions of “2003 Directive”, “LNG import facility” and “owner”, and
 - (ii) for the definition of “household customer” substitute—

““household customer” means a customer who purchases gas for consumption by the customer's own household;”.
- (4) In section 27C (determination of disputes)—
 - (a) in subsections (1), (2) and (3), for “Article 25” substitute “ Article 41 ”;
 - (b) for subsection (8), substitute—

“(8) Sections 28 to 30F and 38 have effect in relation to a person against whom a complaint is made as mentioned in section 27B(1)(a), and on whom a duty or other requirement is imposed by an order under this section—

 - (a) as if references in those sections to a relevant requirement (other than the reference in section 28(8)) included references to that duty or requirement; and
 - (b) if the complaint is made against the person as mentioned in sub-paragraph (vi) of section 27B(1)(a), also as if references in those sections to a regulated person included references to that person.”;
 - (c) omit subsection (9).
- (5) In section 27D (time limit for determinations), in subsections (1) and (4)(a), for “Article 25” substitute “ Article 41 ”.

Marginal Citations

M1 1986 c. 44. Sections 27B to 27D, and the italic heading preceding section 27B, were inserted by regulation 3 of [S.I. 2009/1349](#).

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