
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 electricity

- 29.**—(1) The Electricity Act 1989^{M1} is amended as follows.
- (2) In each of the following, for “Article 23” substitute “ Article 37 ”
- (a) the italic heading preceding section 44B (meaning of “Article 37 dispute”); and
 - (b) the title of section 44B.
- (3) In section 44B—
- (a) for subsection (1) substitute—
 - “(1) For the purposes of sections 44C and 44D a dispute is an “Article 37 dispute” if—
 - (a) it arises from a written complaint—
 - (i) made against the holder of a transmission licence,
 - (ii) made against the holder of a distribution licence,
 - (iii) made against the holder of an interconnector licence,
 - (iv) made against a distribution exemption holder, or
 - (v) made by a person falling within paragraph (a) of subsection (1A) 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 Electricity Directive; and
 - (c) it is a dispute between the complainant and the person complained against.
 - (1A) For the purposes of subsection (1)(a)(v)—
 - (a) a person falls within this paragraph if the person is certified on the ground mentioned in section 10E(5) in respect of a transmission system or electricity interconnector;
 - (b) a person falls within this paragraph if the person is designated under section 10H(3) in respect of the transmission system or electricity interconnector mentioned in paragraph (a).”;
- (b) in subsection (2)—
 - (i) for “(1)(b)” substitute “ (1)(a) ”, and

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- (ii) in paragraph (a)(i) for “the licence” substitute “ a licence ”;
- (c) for subsection (3) substitute—
 - “(3) In this section, “household customer” means a customer who purchases electricity for consumption by the customer's own household.”.
- (4) In section 44C (determination of disputes)—
 - (a) in subsections (1), (2) and (3), for “Article 23” substitute “ Article 37 ”; and
 - (b) for subsection (8) substitute—
 - “(8) Sections 25 to 28 have effect in relation to a person against whom a complaint is made as mentioned in section 44B(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 25(8)) included references to that duty or requirement;
 - (b) if the complaint is made against the person as mentioned in sub-paragraph (v) of section 44B(1)(a), also as if references in those sections to a regulated person included references to that person.”.
- (5) In section 44D (time limit for determinations)—
 - (a) in subsections (1) and (6)(a), for “Article 23” substitute “ Article 37 ”;
 - (b) in subsection (2) omit “and (5)”; and
 - (c) omit subsections (4) and (5).

Marginal Citations

M1 1989 c. 29. Sections 44B to 44D, and the italic heading preceding section 44B, were inserted by *S.I.* 2009/1349, **regulation 3**.

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