



Gas Act 1986

1986 CHAPTER 44

PART I

GAS SUPPLY

Investigation of complaints etc.

31 Duty of Director to investigate certain matters

- (1) It shall be the duty of the Director to investigate any matter which appears to him to be an enforcement matter and which—
 - (a) is the subject of a representation (other than one appearing to the Director to be frivolous) made to the Director by or on behalf of a person appearing to the Director to have an interest in that matter; or
 - (b) is referred to him by the Council under subsection (2) below.
- (2) It shall be the duty of the Council to refer to the Director any matter which appears to the Council to be an enforcement matter and which is the subject of a representation (other than one appearing to the Council to be frivolous) made to the Council by or on behalf of a person appearing to the Council to have an interest in that matter.
- (3) In this section and section 32 below " enforcement matter " means any matter in respect of which any functions of the Director under section 28 above are or may be exercisable.

32 Duty of Council to investigate certain matters

- (1) It shall be the duty of the Council to investigate any matter which appears to it to be a matter to which subsection (2) below applies and which—
 - (a) is the subject of a representation (other than one appearing to the Council to be frivolous) made to the Council by or on behalf of a person appearing to the Council to have an interest in that matter; or
 - (b) is referred to it by the Director under subsection (3) below.

Status: This is the original version (as it was originally enacted).

- (2) This subsection applies to—
- (a) any matter (not being an enforcement matter or a matter relating only to contract customers) in respect of which any functions of the Director under this Part are or may be exercisable; and
 - (b) any matter (not being an enforcement matter or a matter relating to tariff customers) which relates to the supply of gas through pipes and in respect of which any functions of the Director General of Fair Trading under the Fair Trading Act 1973 or the Competition Act 1980 are or may be exercisable.
- (3) Subject to subsection (4) below, it shall be the duty of the Director to refer to the Council any matter which appears to the Director to be a matter falling within paragraph (a) of subsection (2) above and which is the subject of a representation (other than one appearing to the Director to be frivolous) made to the Director by or on behalf of a person appearing to the Director to have an interest in that matter.
- (4) Nothing in subsection (3) above shall require the Director to refer to the Council any matter in respect of which he is already considering exercising functions under this Part.
- (5) Where on an investigation under subsection (1) above any matter appears to the Council to be a matter falling within paragraph (a) of subsection (2) above in respect of which it would be appropriate for the Director to exercise any functions under this Part, the Council shall refer that matter to the Director with a view to his exercising those functions with respect to that matter.
- (6) Where on an investigation under subsection (1) above any matter appears to the Council to be a matter falling within paragraph (b) of subsection (2) above in respect of which it would be appropriate for the Director General of Fair Trading to exercise any functions under the Fair Trading Act 1973 or the Competition Act 1980, the Council shall refer the matter to that Director with a view to his exercising those functions with respect to that matter.
- (7) In this section " contract customer " means a person who is supplied with gas by a public gas supplier in pursuance of such an agreement as is mentioned in section 14(4) above.

33 Power of Council to investigate other matters

- (1) The Council shall have power to investigate any matter (not being a matter which it is its duty to investigate under section 32 above) which—
- (a) appears to it to be a matter to which subsection (2) below applies and not to be an enforcement matter within the meaning of that section ; and
 - (b) is the subject of a representation (other than one appearing to the Council to be frivolous) made to the Council by or on behalf of a person appearing to the Council to have an interest in that matter.
- (2) This subsection applies to—
- (a) any matter relating to the design, manufacture, importation or supply (whether by sale, hire or loan or otherwise) of gas fittings used or intended to be used by persons supplied with gas by public gas suppliers ;
 - (b) any matter relating to the installation, maintenance or inspection of gas fittings used or intended to be used by such persons; and

- (c) any other matter relating to, or to anything connected with, the use by such persons of gas supplied by such a supplier or the use of such fittings.
- (3) Where the Council has investigated any matter under this section, it may prepare a report on that matter and (subject to section 42 below) shall send a copy of any such report to such (if any) of the following persons as it thinks appropriate, that is to say—
- (a) any person to Whom the report refers or who (whether or not he has made a representation to the Council) appears to the Council to have an interest in the matter to which the report relates ;
 - (b) the Director General of Fair Trading or any person whose functions under any enactment appear to the Council to be exercisable in relation to that matter;
 - (c) any person who appears to the Council to be a person who ought to take account of the report in determining how to act in relation to that matter ;
- but nothing in this subsection shall require the Council to send any such copy to the Director.