



Water Industry Act 1991

1991 CHAPTER 56

PART II

APPOINTMENT AND REGULATION OF UNDERTAKERS

CHAPTER III

PROTECTION OF CUSTOMERS ETC.

General provisions

27 General duty of Director to keep matters under review

- (1) It shall be the duty of the Director, so far as it appears to him practicable from time to time to do so, to keep under review the carrying on both in England and Wales and elsewhere of activities connected with the matters in relation to which water undertakers or sewerage undertakers carry out functions.
- (2) It shall also be the duty of the Director, so far as it appears to him practicable from time to time to do so, to collect information with respect to—
 - (a) the carrying out by companies appointed under Chapter I of this Part of the functions of relevant undertakers; or
 - (b) any such company,with a view to his becoming aware of, and ascertaining the circumstances relating to, matters with respect to which any power or duty is conferred or imposed on him by or under any enactment.
- (3) The Secretary of State may give general directions indicating—
 - (a) considerations to which the Director should have particular regard in determining the order of priority in which matters are to be brought under review in performing his duty under subsection (1) or (2) above; and

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(b) considerations to which, in cases where it appears to the Director that any of his powers under Parts II to V and VII of this Act are exercisable, he should have particular regard in determining whether to exercise those powers; and it shall be the duty of the Director to comply with any such directions.

- (4) It shall be the duty of the Director, where either he considers it expedient or he is requested by the Secretary of State or the Director General of Fair Trading to do so, to give information, advice and assistance to the Secretary of State or that Director with respect to any matter relating to—
- (a) the functions of either description of relevant undertaker; or
 - (b) the carrying out of any such functions by a company holding an appointment under Chapter I of this Part.

28 Customer service committees

- (1) Every company holding an appointment under Chapter I of this Part shall be allocated by the Director to a committee established and maintained by him for the purpose, in relation to such companies as may be allocated to it, of carrying out—
- (a) the functions assigned by this Act to such a committee; and
 - (b) such other functions as the committees maintained under this section may be required to carry out by the Director.
- (2) The committees maintained under this section shall be known as customer service committees.
- (3) There shall not at any time be more than ten customer service committees, but it shall be the duty of the Director so to exercise his powers under this section to establish and maintain customer service committees and to allocate companies to those committees as to secure that at all times—
- (a) such customer service committees are maintained; and
 - (b) such allocations under subsection (1) above are in force,
- as he considers appropriate for ensuring that the interests of the customers and potential customers of the companies for the time being holding appointments under Chapter I of this Part are effectively represented.
- (4) A customer service committee shall consist of—
- (a) a chairman appointed by the Director after consultation with the Secretary of State; and
 - (b) such number (not less than ten nor more than twenty) of other members appointed by the Director as the Director may determine.
- (5) In appointing persons to be members of a customer service committee the Director shall have regard to—
- (a) the desirability of the persons appointed being persons who have experience of, and have shown capacity in, some matter relevant to—
 - (i) the functions of a water undertaker or sewerage undertaker; or
 - (ii) the carrying out of those functions in relation to any area by a company which the Director has allocated, or is proposing to allocate, to that committee;
 and
 - (b) the desirability of—

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- (i) the committee including one or more persons with experience of work among, and the special needs of, disabled persons; and
 - (ii) persons appointed by virtue of this paragraph including disabled persons.
- (6) An appointment of a person to hold office as the chairman of a customer service committee shall be for a term not exceeding four years.
- (7) Subject to subsection (6) above, the chairman and other members of a customer service committee shall hold and vacate office in accordance with the terms of their appointments and, notwithstanding that subsection, shall on ceasing to hold office be eligible for re-appointment.
- (8) The provisions of Schedule 4 to this Act shall have effect with respect to customer service committees.

29 Duties of customer service committees

- (1) It shall be the duty of a customer service committee—
- (a) to keep under review all matters appearing to the committee to affect the interests of the persons who are customers or potential customers of the companies allocated to the committee;
 - (b) to consult each company so allocated about such of those matters as appear to affect the interests of the customers or potential customers of that company; and
 - (c) to make to a company so allocated all such representations about any such matter as the committee considers appropriate.
- (2) Subject to subsection (3) below, it shall be the duty of a customer service committee to investigate any complaint which—
- (a) is made to the committee by any person who is a customer or potential customer of a company allocated to the committee or is referred to the committee by the Director under section 30 below;
 - (b) does not appear to the committee to be vexatious or frivolous; and
 - (c) relates to the carrying out by that company of any of the functions of a relevant undertaker.
- (3) It shall be the duty of a customer service committee to refer to the Director every complaint which is made to the committee by any person in relation to a company allocated to the committee and consists in or amounts to—
- (a) an assertion that the company is contravening or has contravened any condition of the company's appointment under Chapter I of this Part or any statutory or other requirement enforceable under section 18 above; or
 - (b) a complaint which the Director would be required to investigate under section 181 below.
- (4) It shall be the duty of a customer service committee, where the committee considers it appropriate to do so in connection with any such complaint as is mentioned in subsection (2) above, to make representations on behalf of the complainant to the company in question about any matter—
- (a) to which the complaint relates; or
 - (b) which appears to the committee to be relevant to the subject-matter of the complaint;

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and it shall be the duty of a customer service committee to refer to the Director or, as the case may be, back to the Director any such complaint as is so mentioned which the committee is unable to resolve.

- (5) The only remedy for a breach by a customer service committee of a duty imposed on it by this section shall be the making of such a complaint to the Director as the Director is required to consider under section 30(3)(c) below.
- (6) It shall be the duty of the Director to make such arrangements as he considers appropriate for facilitating the provision by one customer service committee to another of any such information as that other committee may require for any purpose relating to the carrying out of its functions.

30 Duties of Director with respect to complaints

- (1) Where a complaint is made to the Director by a customer or potential customer of a company allocated to a customer service committee and the complaint does not consist in or amount to—
 - (a) an assertion that the company is contravening or has contravened any condition of the company’s appointment under Chapter I of this Part or any statutory or other requirement enforceable under section 18 above; or
 - (b) a complaint which the Director is required to investigate under section 181 below,

it shall be the duty of the Director to consider whether the complaint should be referred to that committee, instead of being dealt with by the Director himself.

- (2) Where a complaint which does consist in or amount to such an assertion as is mentioned in subsection (2)(a) above—
 - (a) is made to the Director by a customer or potential customer of any company allocated to a customer service committee; or
 - (b) is referred to him by such a committee,

it shall be the duty of the Director to consider whether the complaint should be referred by him to the Secretary of State.

- (3) It shall be the duty of the Director to consider the following complaints, that is to say—
 - (a) any complaint to which the duty imposed by subsection (2) above applies and which is not referred by the Director to the Secretary of State;
 - (b) any complaint which is referred to the Director under section 29(4) above; and
 - (c) any complaint made to the Director by a customer or potential customer of a company allocated to a customer service committee that the committee has failed to perform any duty imposed on it by section 29(1) to (4) above.

- (4) It shall be the duty of the Director to take such steps in consequence of his consideration of any matter in pursuance of this section (including, in a case falling within subsection (3)(b) or (c) above, any step which could have been taken by the committee itself) as he considers appropriate.