



Utilities Act 2000

2000 CHAPTER 27

PART III

FUNCTIONS OF THE COUNCIL

17 Preliminary

(1) In this Part—

“consumers” includes both existing consumers and future consumers;

“the interests of consumers” means the interests of consumers in relation to gas conveyed through pipes or electricity conveyed by distribution systems; and

“consumer matter” means any matter connected with the interests of consumers.

(2) In considering the interests of consumers the Council shall have regard to the interests of—

- (a) individuals who are disabled or chronically sick;
- (b) individuals of pensionable age;
- (c) individuals with low incomes; and
- (d) individuals residing in rural areas,

but that is not to be taken as implying that regard may not be had to the interests of other descriptions of consumer.

18 Acquisition and review of information

(1) The Council has the function of obtaining and keeping under review—

- (a) information about consumer matters, including matters affecting consumers in different areas of Great Britain; and
- (b) information about the views of consumers on such matters, including the views of consumers in different areas.

(2) As part of the arrangements it makes for carrying out that function, the Council—

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- (a) shall establish one or more committees of the Council for, or for areas within, Wales and Scotland; and
 - (b) may establish one or more committees of the Council for, or for areas within, England.
- (3) The purposes of a committee established under subsection (2) (in this Act referred to as a “regional committee”) shall be—
- (a) the provision of advice and information to the Council on consumer matters affecting the area for which the committee is established; and
 - (b) such other purposes as the Council may determine.
- (4) The Council shall maintain in each of England, Wales and Scotland at least one office at which consumers may apply for information.
- (5) After section 41H of the 1986 Act (which is inserted by section 88 below) there is inserted—

“41I Service by Authority of certain notices on Council

Where the Authority is required by any provision of this Part to publish a notice or any other document, the Authority shall send a copy of the document to the Council.”

- (6) Before section 57 of the 1989 Act (restriction on disclosure of information) there is inserted—

“56G Service by Authority of certain notices on Council

Where the Authority is required by any provision of this Part to publish a notice or any other document, the Authority shall send a copy of the document to the Council.”

- (7) Paragraphs 10 to 14 of Schedule 2 have effect in relation to regional committees.

19 Provision of advice and information to public authorities and other persons

- (1) The Council has the function of—
- (a) making proposals, or providing advice and information, about consumer matters (including matters affecting consumers in different areas), and
 - (b) representing the views of consumers on such matters (including the views of consumers in different areas),
- to public authorities, persons authorised by a licence or exemption under the 1986 Act or the 1989 Act and other persons whose activities may affect the interests of consumers.
- (2) Subject to subsection (5), information which relates to the affairs of any particular individual or body of persons (corporate or unincorporate) shall not be disclosed in the exercise of the Council’s function under this section unless one or more of paragraphs (a) to (c) of subsection (3) applies to the information.
- (3) Information relating to a particular individual or body may be disclosed if—
- (a) the individual or body has consented to the disclosure;
 - (b) it is information that is available to the public from some other source; or

- (c) it is not information the disclosure of which would or might, in the opinion of the Council, seriously and prejudicially affect the interests of the individual or body.
- (4) Before deciding to disclose any information relating to a particular individual or body in pursuance of subsection (3)(c), the Council shall—
 - (a) consult that individual or body; and
 - (b) have regard to any opinion expressed by the Authority as to the application of subsection (3)(c) to the information or as to the desirability or otherwise of its disclosure;and paragraph (b) applies whether the opinion is given in relation to the information itself or to information of a description which applies to that information.
- (5) Subsections (2) to (4) do not apply to a disclosure of information which is made to the Authority, the Secretary of State, the Competition Commission or any other public authority.
- (6) The disclosure by the Council of information in the exercise of its function under this section does not contravene section 105.

20 Provision of information to consumers

- (1) The Council has the function of providing information about consumer matters, in such form as appears to the Council to be most useful to the recipients, to consumers of electricity or gas supplied by persons authorised to do so by a licence or exemption.
- (2) That function may be exercised by—
 - (a) publishing information in any manner the Council thinks appropriate for the purpose of bringing it to the attention of those likely to be interested; or
 - (b) furnishing information to any consumer (whether in response to a request or otherwise).
- (3) Information may only be disclosed in the exercise of that function if it is information that is available to the public from some other source.
- (4) The disclosure by the Council of information in the exercise of that function does not contravene section 105.
- (5) After section 33D of the 1986 Act there is inserted—

“33DA Publication of statistical information about standards of performance

- (1) It shall be the duty of the Council to publish, in such form and manner and with such frequency as it thinks appropriate, such statistical information as it considers appropriate in relation to—
 - (a) the levels of performance achieved by gas suppliers and gas transporters in respect of—
 - (i) standards of performance prescribed or determined under sections 33A, 33AA, 33B and 33BA; and
 - (ii) energy efficiency obligations imposed by order under section 33BC; and

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- (b) complaints made by consumers about any matter relating to the activities of such suppliers or transporters and the handling of such complaints.
- (2) In subsection (1)(b) “complaints” includes complaints made directly to gas suppliers and gas transporters (or anyone carrying on activities on their behalf) and complaints to the Authority or the Council.”
- (6) After section 42A of the 1989 Act there is inserted—

“42AA Publication of statistical information about standards of performance

- (1) It shall be the duty of the Council to publish, in such form and manner and with such frequency as it thinks appropriate, such statistical information as it considers appropriate relating to—
 - (a) the levels of performance achieved by electricity suppliers and electricity distributors in respect of—
 - (i) standards of performance prescribed or determined under sections 39, 39A, 40 and 40A; and
 - (ii) energy efficiency obligations imposed by order under section 41A; and
 - (b) complaints made by consumers about any matter relating to the activities of such suppliers or distributors and the handling of such complaints.
- (2) In subsection (1)(b) “complaints” includes complaints made directly to electricity suppliers and electricity distributors (or anyone carrying on activities on their behalf) and complaints to the Authority or the Council.”
- (7) In consequence of this section, section 33C(4) and (5) of the 1986 Act and section 42(4) and (5) of the 1989 Act shall cease to have effect.

21 Power to publish advice and information about consumer matters

- (1) If it appears to the Council that the publication of any advice and information about consumer matters (including information about the views of consumers on such matters) would promote the interests of consumers, the Council may publish that advice or information in such manner as it thinks fit.
- (2) Information which relates to the affairs of any particular individual or body of persons (corporate or unincorporate) shall not be published under this section unless one or more of paragraphs (a) to (c) of subsection (3) applies to the information.
- (3) Information relating to a particular individual or body may be published if—
 - (a) that individual or body has consented to the publication;
 - (b) it is information that is available to the public from some other source; or
 - (c) it is not information the publication of which would or might, in the opinion of the Council, seriously and prejudicially affect the interests of that individual or body.
- (4) Before deciding to publish any information relating to a particular individual or body in pursuance of subsection (3)(c), the Council shall—

- (a) consult that individual or body; and
 - 2(b) have regard to any opinion expressed by the Authority as to the application of subsection (3)(c) to the information or as to the desirability or otherwise of its publication; and paragraph (b) applies whether the opinion is given in relation to the information itself or to information of a description which applies to that information.
- (5) The publication by the Council of information under this section does not contravene section 105.

22 Complaints

- (1) For section 32 of the 1986 Act (duty of Council to investigate certain matters) there is substituted—

“32 Consumer complaints

- (1) This section applies to a complaint which any customer or potential customer of, or user of gas supplied by, an authorised supplier (“the complainant”) has in his capacity as such against—
- (a) the supplier, in respect of any matter connected with the services provided by him in the course of carrying on regulated activities; or
 - (b) any other person authorised by a licence or exemption, in respect of any matter affecting those services which is connected with the carrying on by that other person of regulated activities.
- (2) Where a complaint to which this section applies (other than one appearing to it to be frivolous or vexatious) is referred to the Council by or on behalf of the complainant, the Council shall (subject to subsection (5)) investigate the complaint for the purpose of determining whether it is appropriate to take any action under subsection (6).
- (3) Where it appears to the Council that the complaint relates to a matter in respect of which any enforcement function is or may be exercisable the Council shall (unless it considers that the Authority already has notice of that matter) inform the Authority of the matter.
- (4) Where it appears to the Council that the complaint relates to a matter which constitutes a dispute of a kind which can be referred to the Authority under any provision of this Act, the Council shall inform the complainant that he may have the right to refer the dispute to the Authority.
- (5) The Council is not required by this section—
- (a) to investigate a complaint, until the complainant has taken such steps as appear to the Council to be reasonable for him to take for the purpose of giving the person against whom the complaint is made a reasonable opportunity to deal with the complaint;
 - (b) to investigate any matter to which subsection (3) applies, until the Authority has had a reasonable opportunity to exercise any enforcement function in respect of that matter; and
 - (c) to investigate any matter constituting a dispute which has been referred to the Authority under any provision of this Act.

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- (6) Where it appears to the Council to be appropriate to do so with a view to assisting in reaching a satisfactory resolution of a complaint referred to it under this section, the Council shall make representations on behalf of the complainant to the person against whom the complaint is made about anything to which the complaint relates.
- (7) After investigating a complaint the Council may make a report to the Authority; and such a report may include information about—
 - (a) any representations made by the Council under subsection (6); and
 - (b) the response of the person against whom the complaint is made to the complaint or any such representations.
- (8) No report under subsection (7), or information about a complaint referred to the Council under this section from which the complainant may be identified, shall be published or disclosed by the Council or the Authority in the exercise of any power under the Utilities Act 2000 or this Act, without the consent of the complainant.
- (9) Where a representation made to the Authority about any matter (other than one appearing to it to be frivolous or vexatious) appears to the Authority—
 - (a) to be about a matter which is or amounts to a complaint to which this section applies; and
 - (b) to have been made by or on behalf of the complainant, the Authority shall refer the complaint to the Council.
- (10) In this section—
 - “enforcement function” means a function under section 28 or 30A; and
 - “regulated activities” means activities which are authorised or regulated by a licence or exemption.”
- (2) For section 46 of the 1989 Act (duty of consumers' committees to investigate certain matters) there is substituted—

“46 Consumer complaints

- (1) This section applies to a complaint which any customer or potential customer of, or user of electricity supplied by, an authorised supplier (“the complainant”) has in his capacity as such against—
 - (a) the supplier, in respect of any matter connected with the services provided by him in the course of carrying on regulated activities; or
 - (b) any other person authorised by a licence or exemption, in respect of any matter affecting those services which is connected with the carrying on by that other person of regulated activities.
- (2) Where a complaint to which this section applies (other than one appearing to it to be frivolous or vexatious) is referred to the Council by or on behalf of the complainant, the Council shall (subject to subsection (5)) investigate the complaint for the purpose of determining whether it is appropriate to take any action under subsection (6).
- (3) Where it appears to the Council that the complaint relates to a matter in respect of which any enforcement function is or may be exercisable the Council shall

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(unless it considers that the Authority already has notice of that matter) inform the Authority of the matter.

- (4) Where it appears to the Council that the complaint relates to a matter which constitutes a dispute of a kind which can be referred to the Authority under any provision of this Act, the Council shall inform the complainant that he may have the right to refer the dispute to the Authority.
 - (5) The Council is not required by this section—
 - (a) to investigate a complaint, until the complainant has taken such steps as appear to the Council to be reasonable for him to take for the purpose of giving the person against whom the complaint is made a reasonable opportunity to deal with the complaint;
 - (b) to investigate any matter to which subsection (3) applies, until the Authority has had a reasonable opportunity to exercise any enforcement function in respect of that matter; and
 - (c) to investigate any matter constituting a dispute which has been referred to the Authority under any provision of this Act.
 - (6) Where it appears to the Council to be appropriate to do so with a view to assisting in reaching a satisfactory resolution of a complaint referred to it under this section, the Council shall make representations on behalf of the complainant to the person against whom the complaint is made about anything to which the complaint relates.
 - (7) After investigating a complaint the Council may make a report to the Authority; and such a report may include information about—
 - (a) any representations made by the Council under subsection (6); and
 - (b) the response of the person against whom the complaint is made to the complaint or any such representations.
 - (8) No report under subsection (7), or information about a complaint referred to the Council under this section from which the complainant may be identified, shall be published or disclosed by the Council or the Authority in the exercise of any power under the Utilities Act 2000 or this Act, without the consent of the complainant.
 - (9) Where a representation made to the Authority about any matter (other than one appearing to it to be frivolous or vexatious) appears to the Authority—
 - (a) to be about a matter which is or amounts to a complaint to which this section applies; and
 - (b) to have been made by or on behalf of the complainant,the Authority shall refer the complaint to the Council.
 - (10) In this section—

“enforcement function” means a function under section 25 or 27A;
and
“regulated activities” means activities which are authorised or regulated by a licence or exemption.”
- (3) Sections 31 and 32A of the 1986 Act and section 45 of the 1989 Act shall cease to have effect.

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

23 Investigations

(1) For section 33 of the 1986 Act there is substituted—

“33 Power of Council to investigate other matters

- (1) The Council may investigate any matter (not being a matter which it is its duty to investigate under this Part) which appears to it to be a matter relating to the interests of consumers in relation to gas conveyed through pipes.
- (2) The power to undertake an investigation under this section includes, without prejudice to the generality of subsection (1), power to investigate any matter relating to or to anything connected with gas fittings (or their use) or the use of gas supplied by authorised suppliers.
- (3) In subsection (2), “gas fittings” means gas fittings used or intended to be used by persons supplied with gas by authorised suppliers.
- (4) Where the Council has investigated a matter under this section it may make a report on that matter to the Authority, the Secretary of State, the Director General of Fair Trading or any other public authority whose functions appear to the Council to be exercisable in relation to that matter.
- (5) Subject to subsection (6), the Council may—
 - (a) send a report on any matter investigated under this section to any person who appears to the Council to have an interest in that matter; and
 - (b) publish any such report in such manner as the Council thinks appropriate.
- (6) Information which relates to the affairs of any particular individual or body of persons (corporate or unincorporate)—
 - (a) shall not be included in a report which is to be sent to any person under subsection (5)(a), unless one or more of paragraphs (a) to (c) of subsection (7) applies; and
 - (b) shall be excluded from any such report which is to be published under subsection (5)(b), unless one or more of paragraphs (a) to (c) of subsection (8) applies.
- (7) Information relating to a particular individual or body may be included in a report to be sent under subsection (5)(a) if—
 - (a) that individual or body has consented to the disclosure;
 - (b) it is information that is available to the public from some other source; or
 - (c) it is not information the disclosure of which would or might, in the opinion of the Council, seriously and prejudicially affect the interests of that individual or body.
- (8) Information relating to a particular individual or body may be included in a report to be published under subsection (5)(b) if—
 - (a) that individual or body has consented to the publication;
 - (b) it is information that is available to the public from some other source; or

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- (c) it is not information the publication of which would or might, in the opinion of the Council, seriously and prejudicially affect the interests of that individual or body.
- (9) Before deciding to include in such a report any information relating to a particular individual or body in pursuance of subsection (7)(c) or (8)(c), the Council shall—
- (a) consult that individual or body; and
 - (b) have regard to any opinion expressed by the Authority as to the application of subsection (7)(c) or (8)(c) to the information or as to the desirability or otherwise of its inclusion in the report;
- and paragraph (b) applies whether the opinion is given in relation to the information itself or to information of a description which applies to that information.”
- (2) After section 46 of the 1989 Act there is inserted—

“46A Power of Council to investigate other matters

- (1) The Council may investigate any matter (not being a matter which it is its duty to investigate under this Part) which appears to it to be a matter relating to the interests of consumers in relation to electricity conveyed by distribution systems.
- (2) Where the Council has investigated a matter under this section it may make a report on that matter to the Authority, the Secretary of State, the Director General of Fair Trading or any other public authority whose functions appear to the Council to be exercisable in relation to that matter.
- (3) Subject to subsection (4), the Council may—
 - (a) send a report on any matter investigated under this section to any person who appears to the Council to have an interest in that matter; and
 - (b) publish any such report in such manner as the Council thinks appropriate.
- (4) Information which relates to the affairs of any particular individual or body of persons (corporate or unincorporate)—
 - (a) shall not be included in a report which is to be sent to any person under subsection (3)(a), unless one or more of paragraphs (a) to (c) of subsection (5) applies; and
 - (b) shall be excluded from any such report which is to be published under subsection (3)(b), unless one or more of paragraphs (a) to (c) of subsection (6) applies.
- (5) Information relating to a particular individual or body may be included in a report to be sent under subsection (3)(a) if—
 - (a) that individual or body has consented to the disclosure;
 - (b) it is information that is available to the public from some other source; or
 - (c) it is not information the disclosure of which would or might, in the opinion of the Council, seriously and prejudicially affect the interests of that individual or body.

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- (6) Information relating to a particular individual or body may be included in a report to be published under subsection (3)(b) if—
- (a) that individual or body has consented to the publication;
 - (b) it is information that is available to the public from some other source; or
 - (c) it is not information the publication of which would or might, in the opinion of the Council, seriously and prejudicially affect the interests of that individual or body.
- (7) Before deciding to include in such a report any information relating to a particular individual or body in pursuance of subsection (5)(c) or (6)(c), the Council shall—
- (a) consult that individual or body; and
 - (b) have regard to any opinion expressed by the Authority as to the application of subsection (5)(c) or (6)(c) to the information or as to the desirability or otherwise of its inclusion in the report;
- and paragraph (b) applies whether the opinion is given in relation to the information itself or to information of a description which applies to that information.”

24 Provision of information to Council

- (1) The Council may direct—
 - (a) the Authority; or
 - (b) the holder of a gas licence or an electricity licence,
 to supply to it, in such form as it may reasonably specify, such information specified or described in the direction as it may require for the purpose of exercising its functions.
- (2) A person to whom a direction under this section is given shall comply with it as soon as is reasonably practicable.
- (3) Before giving a direction under this section and in specifying the form in which any information is to be supplied, the Council shall have regard to the desirability of minimising the costs, or any other detriment, to the Authority or licence holder.
- (4) If the Authority fails to comply with a direction under this section it shall, if so required by the Council, give notice to the Council of the reasons for its failure.

25 Publication of notice of reasons

- (1) Subject to the following provisions of this section, the Council may publish a notice given to it under section 24(4).
- (2) Information which relates to the affairs of any particular individual or body of persons (corporate or unincorporate) shall be excluded from any notice published under subsection (1) unless one or more of paragraphs (a) to (c) of subsection (3) applies to the information.
- (3) Information relating to a particular individual or body may be published if—
 - (a) that individual or body has consented to the publication;
 - (b) it is information that is available to the public from some other source; or

- (c) it is not information the publication of which would or might, in the opinion of the Council, seriously and prejudicially affect the interests of that individual or body.
- (4) Before deciding to publish any information relating to a particular individual or body in pursuance of subsection (3)(c), the Council shall—
 - (a) consult that individual or body; and
 - (b) have regard to any opinion expressed by the Authority as to the application of subsection (3)(c) to the information or as to the desirability or otherwise of its publication;and paragraph (b) applies whether the opinion is given in relation to the information itself or to information of a description which applies to that information.
- (5) The publication by the Council of information under this section does not contravene section 105.

26 Provision of information by Council to Authority

- (1) The Authority may direct the Council to supply to it, in such form as it may reasonably specify, such information specified or described in the direction as it may require for the purpose of exercising its functions.
- (2) The Council shall comply with a direction under this section as soon as is reasonably practicable.
- (3) Where the Council refuses to supply any information under subsection (1), it must give notice to the Authority of its reason for the refusal and the Authority may publish that notice in such manner as it considers appropriate.
- (4) In publishing any notice under this section the Authority shall have regard to the need for excluding, so far as that is practicable, any matter which relates to the affairs of a particular individual or body of persons (corporate or unincorporate), where publication of that matter would or might, in the opinion of the Authority, seriously and prejudicially affect the interests of that person or body.

27 Sections 24 to 26: supplementary

- (1) The Secretary of State may make regulations prescribing—
 - (a) descriptions of information which the Authority, a licence holder or the Council may refuse to supply under section 24 or 26; or
 - (b) circumstances in which the Authority, a licence holder or the Council may refuse to comply with a direction under section 24 or 26.
- (2) The Council may, if no person is prescribed for the purpose under subsection (3), refer a failure by a licence holder to comply with a direction under section 24 to the Authority.
- (3) The Secretary of State may make regulations for the purpose of enabling a failure to comply with a direction under section 24 or 26 to be referred by the person who gave the direction to such person (other than the Authority) as may be prescribed by the regulations.
- (4) A person to whom such a failure is referred (whether under subsection (2) or regulations under subsection (3)) shall—

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- (a) consider any representations made by either party;
 - (b) determine whether the person failing to comply with the direction is entitled to refuse to do so and, if not, order him to comply with the direction; and
 - (c) give notice of his determination and any order under paragraph (b), with reasons, to both parties.
- (5) A notice under subsection (4) may be published by either party to the reference; and subsections (2) to (5) of section 25 apply to the publication of such a notice as they apply to the publication of a notice under section 24(4).
- (6) Section 60 of the 1989 Act (powers to make regulations) applies to regulations under this section as if they were made under Part I of that Act.
- (7) The power of the Secretary of State to make regulations under this section is exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.