



Consumers, Estate Agents and Redress Act 2007

2007 CHAPTER 17

PART 1

THE NATIONAL CONSUMER COUNCIL

Abolition of consumer bodies

30 Abolition of “Energywatch” and “Postwatch”

- (1) The Gas and Electricity Consumer Council is abolished.
- (2) The Consumer Council for Postal Services is abolished.
- (3) Subject to any modifications made by this Act—
 - (a) the functions of the Gas and Electricity Consumer Council under the Gas Act 1986 (c. 44), the Electricity Act 1989 (c. 29) and the Utilities Act 2000 (c. 27), and
 - (b) the functions of the Consumer Council for Postal Services under the Postal Services Act 2000 (c. 26),are transferred by this section to the Council.
- (4) Accordingly—
 - (a) in section 66 of the Gas Act 1986 (general interpretation), for the definition of “the Council” substitute—

“the Council” means the National Consumer Council;”
 - (b) in section 111(1) of the Electricity Act 1989 (general interpretation), for the definition of “the Council” substitute—

“the Council” means the National Consumer Council;”
 - (c) in section 125(1) of the Postal Services Act 2000 (interpretation), after the definition of “correspondent” insert—

Status: This is the original version (as it was originally enacted).

- ““the Council” means the National Consumer Council,” and
- (d) in section 106(1) of the Utilities Act 2000 (interpretation), for the definition of “Council” substitute—

““Council” means the National Consumer Council;”.

- (5) Schedule 3 contains transitional provisions.

31 Designation of the Consumer Council for Water for abolition

- (1) The Secretary of State may by order designate the Consumer Council for Water for abolition.
- (2) An order under this section must specify the earliest date on which a transfer order or an abolition order under section 32 may take effect in respect of the Consumer Council for Water.
- (3) Before making an order under this section the Secretary of State must consult—
- (a) the Consumer Council for Water,
 - (b) the Council, and
 - (c) such other persons as the Secretary of State considers appropriate.
- (4) An order under this section may only be made with the consent of the Welsh Ministers.

32 Transfer orders and abolition orders

- (1) Where the Consumer Council for Water is designated for abolition under section 31, the Secretary of State may make in respect of it—
- (a) one or more transfer orders;
 - (b) an abolition order.
- (2) A transfer order is an order which provides for the transfer to the Council of any function of the Consumer Council for Water.
- (3) An abolition order is an order which provides for the abolition of the Consumer Council for Water.
- (4) No provision of an order under this section may take effect before the date specified under section 31(2).
- (5) A transfer order or abolition order may be made only with the consent of the Welsh Ministers.

33 Supplementary provision about transfer and abolition orders

- (1) This section applies where the Consumer Council for Water has been designated for abolition under section 31.
- (2) In this section “payment conditions” means—
- (a) in the case of an appointment under Chapter 1 of Part 2 of the Water Industry Act 1991 (c. 56), conditions included in the appointment by virtue of section 11(1)(c) of that Act, and
 - (b) in the case of a water supply licence under Chapter 1A of that Part, conditions included in the licence by virtue of section 17G(1)(b) of that Act.

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- (3) The payment conditions of such an appointment or licence may (without prejudice to the generality of sections 11(1)(c) and 17G(1)(b) of that Act) require the payment by the company holding the appointment or licence of sums relating to any of the expenses mentioned in subsection (4).
- (4) Those expenses are—
- (a) the appropriate proportion of the expenses of the Council (other than those expenses within paragraph (b) and any expenses relating to the establishment of the Council);
 - (b) any expenses of the Council, the Secretary of State or the Consumer Council for Water which relate to a transfer scheme made in respect of the Consumer Council for Water under section 35(2)(a) or (7);
 - (c) the expenses of the Secretary of State which relate to the abolition of the Consumer Council for Water;
 - (d) the expenses of expanding an OFT scheme to enable it to cater for water consumers;
 - (e) the appropriate proportion of the expenses of the Office of Fair Trading on, or in connection with, the support of any OFT scheme.
- (5) The “appropriate proportion” of any relevant expenses means such proportion of the expenses as the Secretary of State considers is reasonable having regard to—
- (a) in the case of expenses within subsection (4)(a), the functions exercisable by the Council in relation to water consumers;
 - (b) in the case of expenses within subsection (4)(e), the functions under the OFT scheme which are exercisable in relation to water consumers.
- (6) The Authority may, in accordance with this section, modify any payment conditions where it considers it necessary or expedient to do so in consequence of, or of preparations for—
- (a) the abolition of the Consumer Council for Water, or
 - (b) a transfer order or abolition order under section 32.
- (7) The Authority may, in accordance with this section, make such incidental or consequential modifications of the other conditions which are included in—
- (a) an appointment under Chapter 1 of Part 2 of the Water Industry Act 1991 (c. 56), or
 - (b) a water supply licence under Chapter 1A of that Part,
- as it considers necessary or expedient in consequence of, or of preparations for, an event mentioned in subsection (6)(a) or (b).
- (8) Before modifying under subsection (6) or (7) the conditions included in an appointment or licence, the Authority must consult the company holding the appointment or licence.
- (9) The Secretary of State may, after consulting the Welsh Ministers, give directions to the Authority for the purpose of securing that sums relating to any of the expenses mentioned in subsection (4) are included in the sums payable by virtue of payment conditions; and the Authority must comply with any such direction.
- (10) In this section—
- “the Authority” means the Water Services Regulation Authority;

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“OFT scheme” means any public consumer advice scheme supported by the Office of Fair Trading;

“water consumers” means consumers in relation to services provided by a water undertaker, a sewerage undertaker or a licensed water supplier, in its capacity as such.