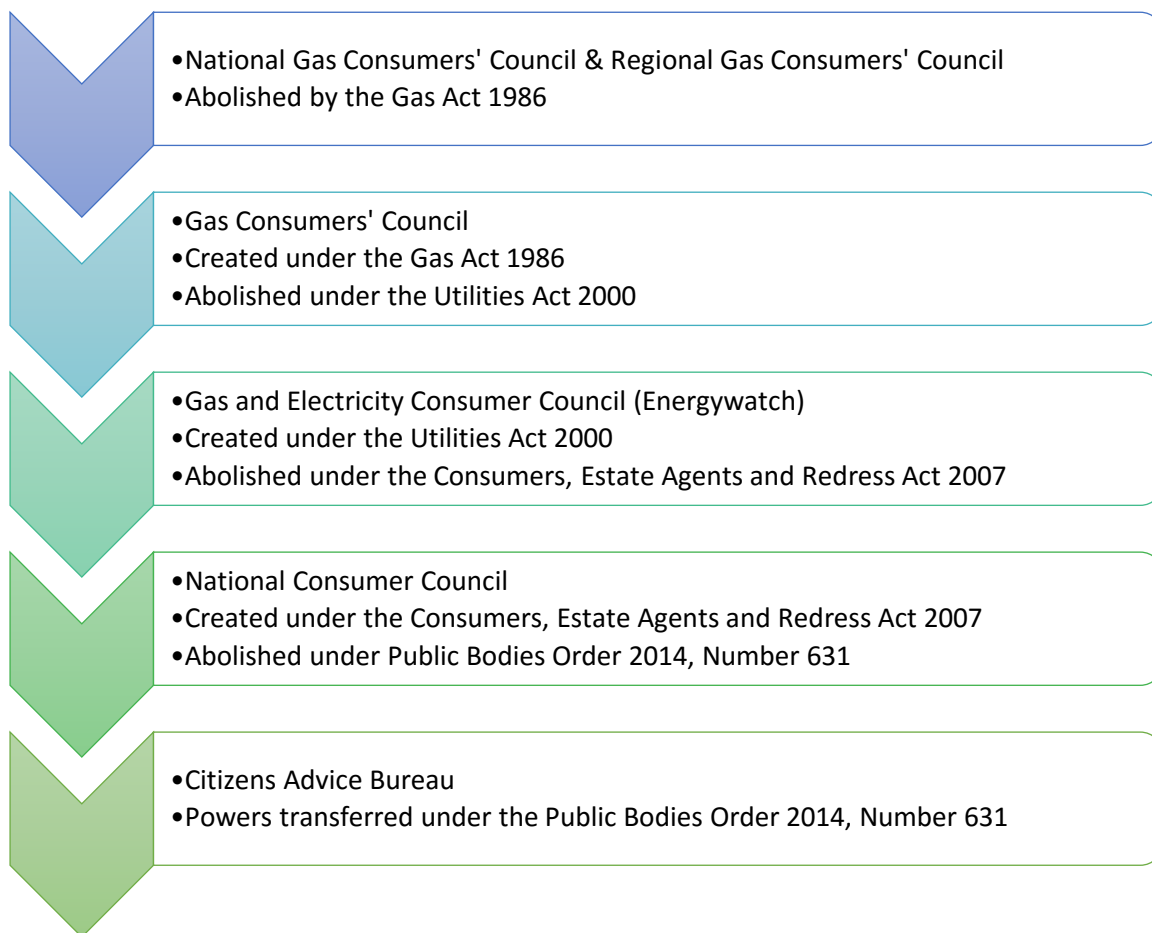


## The Transfer of Powers Regarding Investigation and Issue Resolution for Domestic Consumers

Since 1986, the powers of investigation and consumer issue resolution have been passed down through different government bodies, ultimately coming to rest with the Citizens Advice Bureau (CAB) in 2014. In order to fulfil its duties, the CAB requires access to domestic gas data in order to thoroughly investigate and resolve consumer issues. As the diagram below illustrates, the transfer of powers over the years gives them the right to request this data.



### References for the Transfer of Powers

#### Gas Act 1986:

Part I – Gas Supply:

2.-(1) There shall be a body corporate to be known as the **Gas Consumers' Council** (in this Part referred to as "the Council" for the purpose of performing the functions assigned to it by this Part.

Investigatory Powers – Part I, Investigation of Complaints, etc.

33.-(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.

38.-(1) Where it appears to the Director that a public gas supplier may be contravening, or may have contravened, any relevant condition or requirement, the Director may, for any purpose connected with the exercise of his functions under section 28 or 31 above in relation to that matter, by notice signed by him-

(a) require any person to produce, at a time and place specified in the notice, to the Director or to any person appointed by him for the purpose, any documents which are specified or described in the notice and are in that person's custody or under his control; or

(b) require any person carrying on any business to furnish to the Director such information as may be specified or described in the notice, and specify the time, the manner and the form in which any such information is to be furnished ;

**Summary – This section establishes the Gas Consumers’ Council and defines its powers relating to investigations and complaints in regard to gas fittings to be used by domestic customers who are supplied by gas suppliers.**

### Utilities Act 2000:

Part I – New Regulatory Arrangements:

2.—(1) There shall be a body corporate to be known as the **Gas and Electricity Consumer Council** (in this Act referred to as “the Council” for the purpose of carrying out the functions of the Council under this Act.

(2) The Council shall not be regarded as a servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.

(3) The **Gas Consumers’ Council** established under section 2 of the Gas Act 1986 (in this Act referred to as “the 1986 Act”) and the consumers’ committees established under section 2 of the Electricity Act 1989 (in this Act referred to as “the 1989 Act”) are abolished.

Part III, Functions of the Council:

24.—(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.

105.—(1) Information which—

(a) has been obtained under or by virtue of the provisions of this Act, Part I of the 1986 Act or Part I of the 1989 Act; and

(b) relates to the affairs of any individual or to any particular business, shall not be disclosed during the lifetime of the individual or so long as the business continues to be carried on, except as provided below.

(2) Subsection (1) does not apply to a disclosure made with the consent of the individual or the person for the time being carrying on the business.

(3) Subsection (1) does not apply to a disclosure if—

(a) it is made for the purpose of facilitating the performance of any functions of the Secretary of State, the Authority, the Council or the Competition Commission under the 1986 Act, the 1989 Act or this Act

**Summary – This sections abolishes the Gas Consumers’ Council and establishes the Gas and Electricity Consumer Council, as well as defining the functions of the GECC in regards to what it can direct and what information it may obtain.**

### Consumers, Estate Agents and Redress Act 2007:

Part 1 Establishment of the National Consumer Council and its territorial committees:

(1) There is to be a body corporate called the **National Consumer Council** or, in Welsh, Cyngor Defnyddwyr Cenedlaethol (“the 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.

**Summary – This section abolishes the Gas and Electricity Consumer Council and transfers its powers to the National Consumer Council.**

### Public Bodies Order 2014 (No 631 - Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc.):

Abolition of the National Consumer Council

2. **The National Consumer Council** is abolished.

Explanatory Note:

This instrument abolishes the National Consumer Council and transfers relevant functions to the **National Association of Citizens Advice Bureaux** (“Citizens Advice”) and the Scottish Association of

Citizens Advice Bureaux (“Citizens Advice Scotland”). Functions of the National Consumer Council relating to consumer matters in Northern Ireland for postal services, are transferred to the General Consumer Council for Northern Ireland (“GCCNI”). The abolition and the transfer of functions is to take place on 1st April 2014. The instrument also transfers certain functions which relate to a consumer advice scheme from the Office of Fair Trading (“OFT”) to Citizens Advice and Citizens Advice Scotland. This transfer also takes effect on 1st April 2014.

Article 2 abolishes the National Consumer Council.

Article 3(1) introduces Schedule 1 to the Order. This has effect to transfer relevant functions of the National Consumer Council to Citizens Advice, Citizens Advice Scotland and GCCNI (known together as the “consumer advocacy bodies”).

**Summary – This section abolishes the National Consumer Council and transfers all of its powers to the Citizens Advice Bureau (CAB). It also includes the transfer of certain functions of the Office of Fair Trading (OFT) to the CAB.**

## **Conclusion**

As detailed above, the Citizens Advice Bureau has the power to investigate and resolve domestic consumer matters and to request information which would aid them in those duties. Based on this, we believe that the CAB should continue to receive access to the Data Enquiry System (DES), and that the Local Security Officer (LSO) functions should be carried out by Xoserve so that they are not self-managing.