

## SCHEDULES

### SCHEDULE 18

#### HEAT NETWORKS REGULATION

##### PART 11

#### CONSUMER PROTECTION

##### *Standards of performance*

- 58 (1) The regulations may prescribe such standards of performance in connection with the regulated activities of holders of heat network authorisations, so far as affecting—
- (a) heat network consumers supplied by the relevant heat networks to which their authorisations relate, or
  - (b) potential heat network consumers who would be supplied by those relevant heat networks,
- as in the Regulator’s opinion ought to be achieved as regards those persons.
- (2) The regulations may—
- (a) specify the circumstances in which the holders of heat network authorisations are to inform persons of rights conferred on them under regulations made by virtue of [this paragraph](#);
  - (b) provide for exemptions from standards of performance;
  - (c) require the holders of heat network authorisations to provide information about their compliance with standards of performance.
- (3) The regulations may provide—
- (a) for compensation to be made to persons affected by a failure to meet a standard of performance;
  - (b) for the determination of the amount of compensation.
- (4) The regulations may provide for the making of compensation under regulations made by virtue of [this paragraph](#) in respect of a failure to meet a standard of performance not to prejudice any other remedy which may be available in respect of the act or omission which constituted the failure.
- (5) Regulations made in relation to England and Wales and Scotland by virtue of [sub-paragraphs \(1\) to \(3\)](#), may provide for the Regulator to make provision by regulations about the matters referred to in those sub-paragraphs.
- (6) The regulations may require that regulations made by the Regulator by virtue of [sub-paragraph \(5\)](#) are made with the consent of the Secretary of State.
- (7) Regulations made by the Regulator by virtue of [sub-paragraph \(5\)](#) are to be made by statutory instrument.

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*Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Part 11. (See end of Document for details)*

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**Commencement Information**

**I1** Sch. 18 para. 58 in force at Royal Assent, see [s. 334\(2\)\(1\)](#)

- 59 (1) The regulations may provide for the Regulator, from time to time—
- (a) to determine such standards of overall performance in connection with regulated activities as, in the Regulator’s opinion, ought to be achieved by holders of heat network authorisations;
  - (b) to publish those standards.
- (2) The regulations may provide for the Regulator to determine different standards for different descriptions of holders of heat network authorisations.
- (3) The regulations may require holders of heat network authorisations to conduct their regulated activities in such a way as can reasonably be expected to lead to compliance with standards set under regulations made by virtue of [this paragraph](#).

**Commencement Information**

**I2** Sch. 18 para. 59 in force at Royal Assent, see [s. 334\(2\)\(1\)](#)

- 60 (1) The regulations may make provision about the steps to be taken in connection with prescribing or determining standards of performance under [paragraph 58](#) or [59](#).
- (2) The regulations may, in particular, make provision about—
- (a) conducting research;
  - (b) publishing information about proposals to prescribe or determine standards;
  - (c) considering representations about proposals;
  - (d) consulting such persons or descriptions of person as are specified in the regulations.

**Commencement Information**

**I3** Sch. 18 para. 60 in force at Royal Assent, see [s. 334\(2\)\(1\)](#)

**Commencement Information**

**I1** Sch. 18 para. 58 in force at Royal Assent, see [s. 334\(2\)\(1\)](#)

**I2** Sch. 18 para. 59 in force at Royal Assent, see [s. 334\(2\)\(1\)](#)

**I3** Sch. 18 para. 60 in force at Royal Assent, see [s. 334\(2\)\(1\)](#)

*Consumer advocacy bodies*

- 61 (1) The regulations may provide for Part 1 of the Consumers, Estate Agents and Redress Act 2007 (consumer advocacy bodies) to apply in relation to heat network consumers as it applies in relation to gas or electricity consumers, with such modifications as appear to the appropriate authority to be appropriate.
- (2) The regulations may provide for sections 24 and 25 of the Consumers, Estate Agents and Redress Act 2007 (provision of information to consumer advocacy bodies) to

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apply in relation to relevant persons as they apply to regulated providers within the meaning of section 25 of that Act, with such modifications as appear to the appropriate authority to be appropriate.

- (3) The regulations may also make provision extending to Northern Ireland or applying in relation to the General Consumer Council for Northern Ireland that corresponds to such provision in Part 1 of the Consumers, Estate Agents and Redress Act 2007 as does not extend to Northern Ireland or does not apply in relation to the General Consumer Council for Northern Ireland (as the case may be).
- (4) In this paragraph, “the appropriate authority” means—
- (a) in relation to England and Wales and Scotland, the Secretary of State;
  - (b) in relation to Northern Ireland, the Department.

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**Commencement Information**

**I4** Sch. 18 para. 61 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

*Complaints handling and redress schemes*

- 62 The regulations may provide for Part 2 of the Consumers, Estate Agents and Redress Act 2007 (complaints handling and redress schemes)—
- (a) to apply in relation to heat network consumers in England, Wales or Scotland as it applies in relation to gas or electricity consumers, with such modifications as appear to the Secretary of State to be appropriate;
  - (b) to apply in relation to relevant persons in England, Wales or Scotland as it applies in relation to regulated providers within the meaning of that Part, with such modifications as appear to the Secretary of State to be appropriate.

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**Commencement Information**

**I5** Sch. 18 para. 62 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

*Consumer complaints and dispute resolution arrangements: Northern Ireland*

- 63 (1) The regulations may, in relation to Northern Ireland, provide for consumer complaints legislation to apply in relation to a heat network consumer or potential heat network consumer as it applies in relation to a customer or potential customer of, or user of electricity or gas supplied by, an authorised supplier, with such modifications as appear to the Department to be appropriate.
- (2) In [this paragraph](#), “consumer complaints legislation” means Article 22 of the Energy (Northern Ireland) Order 2003 ([S.I. 2003/419 \(N.I. 6\)](#)) and such other provisions of that Order as relate to it.

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**Commencement Information**

**I6** Sch. 18 para. 63 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

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- 64 The regulations may, in relation to Northern Ireland, make provision about the resolution of disputes involving a heat network consumer or potential heat network consumer (including by providing for a scheme under which complaints may be made to, and investigated and determined by, an independent person or may be referred to arbitration).

**Commencement Information**

- I7** Sch. 18 para. 64 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

**Commencement Information**

- I6** Sch. 18 para. 63 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)  
**I7** Sch. 18 para. 64 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

*Documents for Citizens Advice, Consumer Scotland and the General Consumer Council for Northern Ireland*

- 65 The regulations may make provision requiring the Regulator, where the Regulator publishes a document of a description specified in the regulations, to send a copy of the document to—
- (a) Citizens Advice and Consumer Scotland, or
  - (b) the General Consumer Council for Northern Ireland (as the case may be).

**Commencement Information**

- I8** Sch. 18 para. 65 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Energy Act 2023, Part 11.