



Competition and Service (Utilities) Act 1992

1992 CHAPTER 43

PART I

STANDARDS OF PERFORMANCE AND SERVICE TO CUSTOMERS

Telecommunications

^{F1} Standards of performance.

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Textual Amendments

- F1** Ss. 1-10 repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 19(1)** Note 1 5 (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Schs. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

^{F12} Information with respect to levels of performance.

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Textual Amendments

- F1** Ss. 1-10 repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 19(1)** Note 1 5 (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Schs. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

Status: This version of this part contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992, Part I. (See end of Document for details)

F13 Information to be given to customers about overall performance.

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Textual Amendments
F1 Ss. 1-10 repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 19(1)** Note 1 5 (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Schs. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

F14 Procedures for dealing with complaints.

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Textual Amendments
F1 Ss. 1-10 repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 19(1)** Note 1 5 (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Schs. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

F15 Disputes about discrimination etc. in fixing charges.

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Textual Amendments
F1 Ss. 1-10 repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 19(1)** Note 1 5 (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Schs. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

F16 Billing disputes.

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Textual Amendments
F1 Ss. 1-10 repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 19(1)** Note 1 5 (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Schs. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

F17 Deposits.

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Status: This version of this part contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992, Part I. (See end of Document for details)

Textual Amendments

F1 Ss. 1-10 repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 19(1)** Note 1 5 (with **Sch. 18**); S.I. 2003/1900, arts. 1(2), 2(1), Schs. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

F18 Disconnections.

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Textual Amendments

F1 Ss. 1-10 repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 19(1)** Note 1 5 (with **Sch. 18**); S.I. 2003/1900, arts. 1(2), 2(1), Schs. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

F19 Enforcement of standards of performance, etc.

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Textual Amendments

F1 Ss. 1-10 repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 19(1)** Note 1 5 (with **Sch. 18**); S.I. 2003/1900, arts. 1(2), 2(1), Schs. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

F110 Interpretation.

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Textual Amendments

F1 Ss. 1-10 repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 19(1)** Note 1 5 (with **Sch. 18**); S.I. 2003/1900, arts. 1(2), 2(1), Schs. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

Gas supply

11 Standards of performance.

The following sections shall be inserted in the ^{M1}Gas Act 1986, after section 33—

Status: This version of this part contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the
Competition and Service (Utilities) Act 1992, Part I. (See end of Document for details)

“ Standards of performance

33A Standards of performance in individual cases.

- (1) The Director may make regulations prescribing such standards of performance in connection with the provision of gas supply services by public gas suppliers to tariff customers as, in his opinion, ought to be achieved in individual cases.
- (2) Regulations under subsection (1) above may only be made—
 - (a) with the consent of the Secretary of State;
 - (b) after consulting—
 - (i) the public gas suppliers; and
 - (ii) persons or bodies appearing to the Director to be representative of persons likely to be affected by the regulations; and
 - (c) after arranging for such research as the Director considers appropriate with a view to discovering the views of a representative sample of persons likely to be so affected and considering the results.
- (3) Regulations under this section may—
 - (a) prescribe circumstances in which public gas suppliers are to inform tariff customers of their rights under this section;
 - (b) prescribe such standards of performance in relation to any duty arising under paragraph (a) above as, in the Director’s opinion, ought to be achieved in all cases;
 - (c) prescribe circumstances in which public gas suppliers are to be exempted from any requirements of the regulations or this section; and
 - (d) make different provision with respect to different public gas suppliers.
- (4) If a public gas supplier fails to meet a prescribed standard, he shall make to any tariff customer who is affected by the failure such compensation as may be determined by or under the regulations.
- (5) The making of compensation under this section in respect of any failure to meet a prescribed standard shall not prejudice any other remedy which may be available in respect of the act or omission which constituted that failure.
- (6) Any dispute arising under this section or regulations made under this section—
 - (a) may be referred to the Director by either party or, with the agreement of either party, by the Council; and
 - (b) on such a reference, shall be determined by order made—
 - (i) by the Director; or
 - (ii) by such other person as may be prescribed.
- (7) Any person making an order under subsection (6) above shall include in the order his reasons for reaching his decision with respect to the dispute.
- (8) The practice and procedure to be followed in connection with any such determination shall be such as may be prescribed.
- (9) An order under subsection (6) above shall be final and shall be enforceable—
 - (a) in England and Wales, as if it were a judgment of a county court; and

Status: This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992, Part I. (See end of Document for details)

- (b) in Scotland, as if it were an extract registered decree arbitral bearing a warrant for execution issued by the sheriff.
- (10) In this section “prescribed” means prescribed by regulations under this section.
- (11) The power of the Director under this section to make regulations shall be exercisable by statutory instrument.

33B Overall standards of performance.

- (1) The Director may from time to time—
- (a) determine such standards of overall performance in connection with the provision of gas supply services by public gas suppliers as, in his opinion, ought to be achieved by them; and
 - (b) arrange for the publication, in such form and in such manner as he considers appropriate, of the standards so determined.
- (2) The Director may only make a determination under subsection (1)(a) above after—
- (a) consulting the public gas suppliers and persons or bodies appearing to the Director to be representative of persons likely to be affected; and
 - (b) arranging for such research as the Director considers appropriate with a view to discovering the views of a representative sample of persons likely to be affected and considering the results.
- (3) Different standards may be determined for different public gas suppliers.
- (4) It shall be the duty of every public gas supplier to conduct his business in such a way as can reasonably be expected to lead to his achieving the standards set under this section.”

Commencement Information

- II** S. 11 wholly in force at 1.7.1992 see s. 56(2) and Competition and Services (Utilities) Act 1992 (Commencement No.1) Order 1992, art. 3, Sch. Pt. I.

Marginal Citations

- M1** 1986 c. 44.

12 Information with respect to levels of performance.

The following section shall be inserted in the ^{M2}Gas Act 1986, after section 33B—

“33C Information with respect to levels of performance.

- (1) The Director shall from time to time collect information with respect to—
- (a) the compensation made by public gas suppliers under section 33A above;
 - (b) the levels of overall performance achieved by public gas suppliers in connection with the provision of gas supply services; and
 - (c) the levels of performance achieved by public gas suppliers in connection with the promotion of the efficient use of gas by consumers.

Status: This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992, Part I. (See end of Document for details)

- (2) At such times as the Director may direct, each public gas supplier shall give the following information to the Director—
 - (a) as respects each standard prescribed by regulations under section 33A above, the number of cases in which compensation was made and the aggregate amount or value of that compensation; and
 - (b) as respects each standard determined under section 15B or 33B above, such information with respect to the level of performance achieved by the supplier as may be so specified.
- (3) A public gas supplier who without reasonable excuse fails to do anything required of him by subsection (2) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) The Director shall, at least once in every year, arrange for the publication, in such form and in such manner as he considers appropriate, of such of the information collected by or given to him under this section as appears to him expedient to give to customers, or potential customers, of public gas suppliers.
- (5) In arranging for the publication of any such information, the Director shall have regard to the need for excluding, so far as practicable—
 - (a) any matter which relates to the affairs of an individual, where publication of that matter would or might, in the opinion of the Director, seriously and prejudicially affect the interests of that individual; and
 - (b) any matter which relates specifically to the affairs of a particular body of persons, whether corporate or unincorporate, where publication of that matter would or might, in the opinion of the Director, seriously and prejudicially affect the interests of that body.”

Commencement Information

I2 S. 12 wholly in force at 1.7.1992 see s. 56(2) and Competition and Services (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

Marginal Citations

M2 1986 c. 44.

13 Information to be given to customers about overall performance.

The following section shall be inserted in the ^{M3}Gas Act 1986, after section 33C—

“33D Information to be given to customers about overall performance.

- (1) Each public gas supplier shall, in such form and manner and with such frequency as the Director may direct, take steps to inform his customers of—
 - (a) the standards of overall performance determined under section 33B above which are applicable to that supplier; and
 - (b) that supplier’s level of performance as respects each of those standards.
- (2) In giving any such direction, the Director shall not specify a frequency of less than once in every period of twelve months.”

Status: This version of this part contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992, Part I. (See end of Document for details)

Commencement Information

I3 S. 13 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

Marginal Citations

M3 1986 c. 44.

F²14

Textual Amendments

F2 S. 14 repealed (1.10.2001) by 2000 c. 27, s. 108, **Sch. 8**; S.I. 2001/3266, art. 2, **Sch.** (subject to transitional provisions in arts. 3-20)

F³15

Textual Amendments

F3 S. 15 repealed (1.3.1996) by 1995 c. 45, s. 17(5), **Sch. 6**; S.I. 1996/218, art. 2

F⁴16

Textual Amendments

F4 S. 16 repealed (1.3.1996) by 1995 c. 45, s. 17(5), **Sch. 6**; S.I. 1996/218, art. 2

PROSPECTIVE

17 Billing disputes.

The following section shall be inserted in the ^{M4}Gas Act 1986, after section 15—

“15A Billing disputes.

- (1) The Secretary of State may by regulations make provision for billing disputes to be referred to the Director for determination in accordance with the regulations.
- (2) In this section “billing dispute” means a dispute between a public gas supplier and a tariff customer of his concerning the amount of the charge which the supplier is entitled to recover from the customer in connection with the provision of gas supply services.
- (3) Regulations under this section may only be made after consulting—

Status: This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992, Part I. (See end of Document for details)

- (a) the Director; and
 - (b) persons or bodies appearing to the Secretary of State to be representative of persons likely to be affected by the regulations.
- (4) Regulations under this section may provide that, where a billing dispute is referred to the Director, he may either—
- (a) determine the dispute, or
 - (b) appoint an arbitrator (or in Scotland an arbiter) to determine it.
- (5) Any person determining any billing dispute in accordance with regulations under this section shall, in such manner as may be specified in the regulations, give his reasons for reaching his decision with respect to the dispute.
- (6) Regulations under this section may provide—
- (a) that disputes may be referred to the Director under this section only by prescribed persons; and
 - (b) for any determination to be final and enforceable—
 - (i) in England and Wales, as if it were a judgment of a county court; and
 - (ii) in Scotland, as if it were an extract registered decree arbitral bearing a warrant for execution issued by the sheriff.
- (7) Except in such circumstances (if any) as may be prescribed—
- (a) the Director or an arbitrator (or in Scotland an arbiter) appointed by him shall not determine any billing dispute which is the subject of proceedings before, or with respect to which judgment has been given by, any court; and
 - (b) neither party to any billing dispute which has been referred to the Director for determination in accordance with regulations under this section shall commence proceedings before any court in respect of that dispute pending its determination in accordance with the regulations.
- (8) No public gas supplier may commence proceedings before any court in respect of any charge in connection with the provision by him of gas supply services unless, not less than 28 days before doing so, the tariff customer concerned was informed by him, in such form and manner as may be prescribed, of—
- (a) his intention to commence proceedings;
 - (b) the customer's rights by virtue of this section; and
 - (c) such other matters (if any) as may be prescribed.
- (9) The powers of the Director under section 38 below shall also be exercisable for any purpose connected with the determination of any dispute referred to him in accordance with regulations made under this section.”

Marginal Citations

M4 1986 c. 44.

Status: This version of this part contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992, Part I. (See end of Document for details)

18 Preliminary investigation of disputes by Gas Consumers' Council

The following section shall be inserted in the ^{M5}Gas Act 1986, after section 32—

“32A Preliminary investigation by Council of certain disputes.

- (1) This section applies where—
 - (a) representations are made to the Council by or on behalf of a person who appears to the Council to have an interest in the matter to which the representations relate; and
 - (b) that matter appears to the Council to constitute a dispute of a kind which may be referred to the Director under section 14A above or 33A below, or under regulations made under section 15A above.
- (2) It shall be the duty of the Council—
 - (a) to inform the person by or on whose behalf the representations are made that he may have the right to refer his dispute to the Director; and
 - (b) to make such investigations with respect to the matter to which the representations relate as may be specified in a direction given by the Director.
- (3) Any such direction may be given so as to apply generally or to a specified class of matter or particular matter and may, in particular, specify in relation to any investigation which the Council is required to make under this section—
 - (a) the practice and procedure which it is to follow in conducting its investigation; and
 - (b) the information which it is to give to the Director with respect to the matter investigated.”

Commencement Information

I4 S. 18 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

Marginal Citations

M5 1986 c.44.

^{F5}19

Textual Amendments

F5 S. 19 repealed (1.3.1996) by 1995 c. 45, s. 17(5), Sch. 6; S.I. 1996/218, art. 2

Electricity supply

^{F6}20

Status: This version of this part contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992, Part I. (See end of Document for details)

Textual Amendments

F6 S. 20 repealed (1.10.2001) by 2000 c. 27, s. 108, **Sch. 8**; S.I. 2001/3266, art. 2, **Sch.** (subject to transitional provisions in arts. 3-20)

21 Information to be given to customers about overall performance.

The following section shall be inserted in the ^{M6}Electricity Act 1989, after section 42—

“42A Information to be given to customers about overall performance.

- (1) Each public electricity supplier shall, in such form and manner and with such frequency as the Director may direct, take steps to inform his customers of—
 - (a) the standards of overall performance determined under section 40 above which are applicable to that supplier; and
 - (b) that supplier’s level of performance as respects each of those standards.
- (2) In giving any such direction, the Director shall not specify a frequency of less than once in every period of twelve months.”

Commencement Information

I5 S. 21 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I

Marginal Citations

M6 1989 c. 29.

F7 22

Textual Amendments

F7 S. 22 repealed (1.10.2001) by 2000 c. 27, s. 108, **Sch. 8**; S.I. 2001/3266, art. 2, **Sch.** (subject to transitional provisions in arts. 3-20)

PROSPECTIVE

23 Billing disputes.

The following section shall be inserted in the ^{M7}Electricity Act 1989, after section 44—

“44A Billing disputes.

- (1) The Secretary of State may by regulations make provision for billing disputes to be referred to the Director for determination in accordance with the regulations.

Status: This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992, Part 1. (See end of Document for details)

- (2) In this section “billing dispute” means a dispute between a public electricity supplier and a tariff customer concerning the amount of the charge which the supplier is entitled to recover from the customer in connection with the provision of electricity supply services.
- (3) Regulations under this section may only be made after consulting—
 - (a) the Director; and
 - (b) persons or bodies appearing to the Secretary of State to be representative of persons likely to be affected by the regulations.
- (4) Regulations under this section may provide that, where a billing dispute is referred to the Director, he may either—
 - (a) determine the dispute, or
 - (b) appoint an arbitrator (or in Scotland an arbiter) to determine it.
- (5) Any person determining any billing dispute in accordance with regulations under this section shall, in such manner as may be specified in the regulations, give his reasons for reaching his decision with respect to the dispute.
- (6) Regulations under this section may provide—
 - (a) that disputes may be referred to the Director under this section only by prescribed persons; and
 - (b) for any determination to be final and enforceable—
 - (i) in England and Wales, as if it were a judgment of a county court; and
 - (ii) in Scotland, as if it were an extract registered decree arbitral bearing a warrant for execution issued by the sheriff.
- (7) Except in such circumstances (if any) as may be prescribed—
 - (a) the Director or an arbitrator (or in Scotland an arbiter) appointed by him shall not determine any billing dispute which is the subject of proceedings before, or with respect to which judgment has been given by, any court; and
 - (b) neither party to any billing dispute which has been referred to the Director for determination in accordance with regulations under this section shall commence proceedings before any court in respect of that dispute pending its determination in accordance with the regulations.
- (8) No public electricity supplier may commence proceedings before any court in respect of any charge in connection with the provision by him of electricity supply services unless, not less than 28 days before doing so, the tariff customer concerned was informed by him, in such form and manner as may be prescribed, of—
 - (a) his intention to commence proceedings;
 - (b) the customer’s rights by virtue of this section; and
 - (c) such other matters (if any) as may be prescribed.
- (9) The powers of the Director under section 28 above shall also be exercisable for any purpose connected with the determination of any dispute referred to him in accordance with regulations made under this section.”

Status: This version of this part contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the
Competition and Service (Utilities) Act 1992, Part I. (See end of Document for details)

Marginal Citations

M7 1989 c. 29.

24 Compliance with standards of overall performance.

In section 40 of the ^{M8}Electricity Act 1989 (electricity supply: overall performance), the following subsection shall be added at the end—

“(3) It shall be the duty of every public electricity supplier to conduct his business in such a way as can reasonably be expected to lead to his achieving the standards set under this section.”

Commencement Information

I6 S. 24 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I

Marginal Citations

M8 1989 c. 29.

25 Determination of disputes by Director: interim directions.

(1) The power of the Director General of Electricity Supply, under section 23(2) of the ^{M9}Electricity Act 1989, to require a public electricity supplier to continue a supply of electricity pending the Director’s determination of a dispute shall be extended to enable the Director to require the giving of a supply of electricity pending such a determination.

(2) Accordingly, in section 23(2) of that Act, the words “to continue” shall be omitted, in both places where they occur.

Commencement Information

I7 S. 25 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

Marginal Citations

M9 1989 c. 29.

Water supply

26 Research concerning views of customers.

(1) Section 39 of the ^{M10}Water Industry Act 1991 (procedure for making regulations under section 38 relating to standards of performance in the supply of water) shall be amended as follows.

(2) In subsection (1)(d), for “both” there shall be substituted “ the summary mentioned in subsection (2)(bb) below, ”.

Status: This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992, Part I. (See end of Document for details)

(3) The following subsection shall be inserted after subsection (1)—

“(1A) Before making an application to the Secretary of State under this section the Director shall arrange for such research as he considers appropriate with a view to discovering the views of a representative sample of persons likely to be affected and consider the results.”

(4) In subsection (2), the following paragraph shall be inserted after “apply” in paragraph (b)—

“(bb) is accompanied by a written summary of the results of the research carried out in accordance with subsection (1A) above;”.

Commencement Information

I8 S. 26 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

Marginal Citations

M10 1991 c. 56.

^{F8}27 **Information with respect to levels of performance.**

The following section shall be inserted in the Water Industry Act 1991, after section 38—

“38A Information with respect to levels of performance.

- (1) The Director shall from time to time collect information with respect to—
 - (a) the compensation paid by water undertakers under regulations under section 38(2) above; and
 - (b) the levels of overall performance achieved by water undertakers in connection with the provision of water supplies.
- (2) At such times as the Director may direct, each water undertaker shall give the following information to the Director—
 - (a) as respects each standard prescribed by regulations under section 38(2) above, the number of cases in which compensation was paid and the aggregate amount or value of that compensation; and
 - (b) as respects each standard established by regulations under section 38(1) (b) above, such information with respect to the level of performance achieved by the undertaker as may be so specified.
- (3) A water undertaker who without reasonable excuse fails to do anything required of him by subsection (2) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) The Director shall, at least once in every year, arrange for the publication, in such form and in such manner as he considers appropriate, of such of the information collected by or given to him under this section as it may appear to him expedient to give to customers or potential customers of water undertakers.

Status: This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992, Part I. (See end of Document for details)

- (5) In arranging for the publication of any such information the Director shall have regard to the need for excluding, so far as practicable—
- (a) any matter which relates to the affairs of an individual, where publication of that matter would or might, in the opinion of the Director, seriously and prejudicially affect the interests of that individual; and
 - (b) any matter which relates specifically to the affairs of a particular body of persons, whether corporate or unincorporate, where publication of that matter would or might, in the opinion of the Director, seriously and prejudicially affect the interests of that body.”

Textual Amendments

F8 S. 27 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

28 Information to be given to customers about overall performance.

The following section shall be inserted in the ^{M11}Water Industry Act 1991, after section 39—

“39A Information to be given to customers about overall performance.

- (1) Each water undertaker shall, in such form and manner and with such frequency as the Director may direct, take steps to inform its customers of—
 - (a) the standards of overall performance established under section 38(1) (b) above which are applicable to that undertaker; and
 - (b) that undertaker’s level of performance as respects each of those standards.
- (2) In giving any such direction, the Director shall not specify a frequency of less than once in every period of twelve months.
- (3) The duty of a water undertaker to comply with this section shall be enforceable by the Director under section 18 above.”

Commencement Information

I9 S. 28 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

Marginal Citations

M11 1991 c. 56.

29 Procedures for dealing with complaints.

The following section shall be inserted in the Water Industry Act 1991, after section 86—

Status: This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992, Part I. (See end of Document for details)

“ Complaints

86A Procedure for dealing with complaints.

- (1) Each water undertaker shall establish a procedure for dealing with complaints made by its customers or potential customers in connection with the supply of water.
- (2) No such procedure shall be established, and no modification of such a procedure shall be made, unless—
 - (a) the water undertaker has consulted the customer service committee to which it has been allocated; and
 - (b) the proposed procedure or modification has been approved by the Director.
- (3) The water undertaker shall—
 - (a) publicise the procedure in such manner as may be approved by the Director; and
 - (b) send a description of the procedure, free of charge, to any person who asks for one.
- (4) The Director may give a direction to a water undertaker requiring the undertaker to review its procedure or the manner in which the procedure operates.
- (5) A direction under subsection (4) above—
 - (a) may specify the manner in which the review is to be conducted; and
 - (b) shall require a written report of the review to be made to the Director.
- (6) Where the Director receives a report under subsection (5)(b) above, he may, after consulting the water undertaker, direct the undertaker to make such modifications of—
 - (a) the procedure; or
 - (b) the manner in which the procedure operates,as may be specified in the direction.
- (7) Subsection (2) above does not apply to any modification made in compliance with a direction under subsection (6) above.
- (8) The duty of a water undertaker to comply with subsection (1) above and with any direction given to it under subsection (4) or (6) above shall be enforceable by the Director under section 18 above.
- (9) Where the Director is considering whether to exercise his powers under subsection (4) or (6) above in relation to a water undertaker, it shall be the duty of that undertaker to give him such information as he may reasonably require for the purpose of assisting him in coming to a decision.
- (10) Section 202 below shall have effect, with the necessary modifications, in relation to information which the Director requires for that purpose as it has effect in relation to information which the Secretary of State requires for purposes mentioned in subsection (1) of that section.”

Status: This version of this part contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the
Competition and Service (Utilities) Act 1992, Part I. (See end of Document for details)

Commencement Information

I10 S. 29 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

Sewerage services

30 Research concerning views of customers.

- (1) Section 96 of the ^{M12}Water Industry Act 1991 (procedure for regulations under section 95 relating to standards of performance in the provision of sewerage services) shall be amended as follows.
- (2) In subsection (1)(d), for “both” there shall be substituted “ the summary mentioned in subsection (2)(bb) below, ”.
- (3) The following subsection shall be inserted after subsection (1)—

“(1A) Before making an application to the Secretary of State under this section the Director shall arrange for such research as he considers appropriate with a view to discovering the views of a representative sample of persons likely to be affected and consider the results.”
- (4) In subsection (2), the following paragraph shall be inserted after “apply” in paragraph (b)—

“(bb) is accompanied by a written summary of the results of the research carried out in accordance with subsection (1A) above;”.

Commencement Information

I11 S. 30 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

Marginal Citations

M12 1991 c. 56.

31 Information with respect to levels of performance.

The following section shall be inserted in the Water Industry Act 1991, after section 95—

“95A Information with respect to levels of performance.

- (1) The Director shall from time to time collect information with respect to—
 - (a) the compensation paid by sewerage undertakers under regulations under section 95(2) above; and
 - (b) the levels of overall performance achieved by sewerage undertakers in connection with the provision of sewerage services.
- (2) At such times as the Director may direct, each sewerage undertaker shall give the following information to the Director—

Status: This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992, Part 1. (See end of Document for details)

- (a) as respects each standard prescribed by regulations under section 95(2) above, the number of cases in which compensation was paid and the aggregate amount or value of that compensation; and
 - (b) as respects each standard established by regulations under section 95(1) (b) above, such information with respect to the level of performance achieved by the undertaker as may be so specified.
- (3) A sewerage undertaker who without reasonable excuse fails to do anything required of him by subsection (2) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) The Director shall, at least once in every year, arrange for the publication, in such form and in such manner as he considers appropriate, of such of the information collected by or given to him under this section as it may appear to him expedient to give to customers or potential customers of sewerage undertakers.
- (5) In arranging for the publication of any such information the Director shall have regard to the need for excluding, so far as practicable—
- (a) any matter which relates to the affairs of an individual, where publication of that matter would or might, in the opinion of the Director, seriously and prejudicially affect the interests of that individual; and
 - (b) any matter which relates specifically to the affairs of a particular body of persons, whether corporate or unincorporate, where publication of that matter would or might, in the opinion of the Director, seriously and prejudicially affect the interests of that body.”

Commencement Information

I12 S. 31 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

32 Information to be given to customers about overall performance.

The following section shall be inserted in the ^{M13}Water Industry Act 1991, after section 96—

“96A Information to be given to customers about overall performance.

- (1) Each sewerage undertaker shall, in such form and manner and with such frequency as the Director may direct, take steps to inform its customers of—
 - (a) the standards of overall performance established under section 95(1) (b) above which are applicable to that undertaker; and
 - (b) that undertaker’s level of performance as respects each of those standards.
- (2) In giving any such direction, the Director shall not specify a frequency of less than once in every period of twelve months.
- (3) The duty of a sewerage undertaker to comply with this section shall be enforceable by the Director under section 18 above.”

Status: This version of this part contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the
Competition and Service (Utilities) Act 1992, Part I. (See end of Document for details)

Commencement Information

I13 S. 32 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I

Marginal Citations

M13 1991 c. 56.

33 Procedures for dealing with complaints.

The following section shall be inserted in the Water Industry Act 1991, after section 116—

“ Complaints

116A Procedures for dealing with complaints.

- (1) Each sewerage undertaker shall establish a procedure for dealing with complaints made by its customers or potential customers in connection with the provision of sewerage services.
- (2) No such procedure shall be established, and no modification of such a procedure shall be made, unless—
 - (a) the sewerage undertaker has consulted the customer service committee to which it has been allocated; and
 - (b) the proposed procedure or modification has been approved by the Director.
- (3) The sewerage undertaker shall—
 - (a) publicise the procedure in such manner as may be approved by the Director; and
 - (b) send a description of the procedure, free of charge, to any person who asks for one.
- (4) The Director may give a direction to a sewerage undertaker requiring the undertaker to review its procedure or the manner in which the procedure operates.
- (5) A direction under subsection (4) above—
 - (a) may specify the manner in which the review is to be conducted; and
 - (b) shall require a written report of the review to be made to the Director.
- (6) Where the Director receives a report under subsection (5)(b) above, he may, after consulting the sewerage undertaker, direct the undertaker to make such modifications of—
 - (a) the procedure; or
 - (b) the manner in which the procedure operates,
 as may be specified in the direction.
- (7) Subsection (2) above does not apply to any modification made in compliance with a direction under subsection (6) above.

Status: This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992, Part I. (See end of Document for details)

- (8) The duty of a sewerage undertaker to comply with subsection (1) above and with any direction given to it under subsection (4) or (6) above shall be enforceable by the Director under section 18 above.
- (9) Where the Director is considering whether to exercise his powers under subsection (4) or (6) above in relation to a sewerage undertaker, it shall be the duty of that undertaker to give him such information as he may reasonably require for the purpose of assisting him in coming to a decision.
- (10) Section 202 below shall have effect, with the necessary modifications, in relation to information which the Director requires for that purpose as it has effect in relation to information which the Secretary of State requires for purposes mentioned in subsection (1) of that section.”

Commencement Information

114 S. 33 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

Water supply and sewerage services

34 Determination of disputes by the Director.

The following section shall be inserted after section 30 of the ^{M14}Water Industry Act 1991—

“30A Determination of disputes by the Director.

- (1) In this section “relevant dispute” means a dispute which, by virtue of any provision of this Act, may be referred to the Director for determination under this section.
- (2) The practice and procedure to be followed in connection with the reference to the Director of any relevant dispute shall be such as he considers appropriate.
- (3) Where the Director determines any dispute under this section he shall give his reasons for reaching his decision with respect to the dispute.
- (4) On making a determination under this section the Director may include such incidental, supplemental and consequential provision (including provision requiring either party to pay a sum in respect of the costs or expenses incurred by the Director) as he considers appropriate.
- (5) A determination under this section—
 - (a) shall be final; and
 - (b) shall be enforceable as if it were a judgment of a county court, in so far as it includes such provision as to costs or expenses as is mentioned in subsection (4) above.
- (6) The Director shall not determine any relevant dispute which is the subject of proceedings before, or with respect to which judgment has been given by, any court.

Status: This version of this part contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the
Competition and Service (Utilities) Act 1992, Part I. (See end of Document for details)

- (7) In including in any determination under this section any provision as to costs or expenses, the Director shall have regard to the conduct and means of the parties and any other relevant circumstances.”

Commencement Information

I15 S. 34 wholly in force at 1.9.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 4, Sch. Pt. II.

Marginal Citations

M14 1991 c. 56.

35 Reference of certain disputes to the Director.

- (1) The ^{M15}Water Industry Act 1991 shall be amended as follows.
- (2) In section 45 (duty to make connections with mains), the following subsection shall be inserted after subsection (6)—
- “(6A) Any dispute between a water undertaker and any other person as to whether the expenses were incurred reasonably may be referred to the Director for determination under section 30A above by either party to the dispute.”
- (3) In section 46 (duty to carry out ancillary works for the purpose of making domestic connection), in subsection (7), for “(6)” there shall be substituted “ (6A) ”.
- (4) In section 49 (supplemental provisions with respect to metering conditions), the following shall be substituted for subsection (3)—
- “(3) Any dispute between a water undertaker and any other person as to the terms of any condition imposed under section 47 above for the purposes of metering shall be referred—
- (a) to the arbitration of a single arbitrator appointed by agreement between the undertaker and that person; or
- (b) if no agreement is reached, for determination by the Director under section 30A above.”
- (5) In section 53 (conditions of compliance with domestic supply duty), the following subsection shall be inserted after subsection (2)—
- “(2A) Any dispute between a water undertaker and any other person as to whether any requirement of a kind mentioned in subsection (2)(a) or (b) above has been complied with may be referred to the Director for determination under section 30A above by either party to the dispute.”
- (6) In section 64 (supply by means of separate service pipes), the following subsection shall be inserted after subsection (2)—
- “(2A) Any dispute between a water undertaker and any other person as to whether any condition of a kind mentioned in subsection (2) above has been complied with may be referred to the Director for determination under section 30A above by either party to the dispute.”

Status: This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992, Part I. (See end of Document for details)

- (7) In section 105 (appeals with respect to adoption of sewers etc.), for “Secretary of State”, wherever it appears, there shall be substituted “ Director ”.
- (8) In section 106 (right to communicate with public sewers)—
- (a) in subsection (6), for “a magistrates’ court” there shall be substituted “ the Director under section 30A above ”;
 - (b) subsection (7) shall cease to have effect; and
 - (c) in subsection (8)(b), for “a magistrates’ court” there shall be substituted “ the Director ”.
- (9) In section 107 (right of sewerage undertaker to undertake the making of communications with public sewers), in subsection (1)(b), for “a magistrates’ court” there shall be substituted “ the Director ” and after subsection (4) there shall be inserted the following subsection—
- “(4A) Any dispute between a sewerage undertaker and any other person as to—
- (a) whether the undertaker’s estimate of the cost of works given under subsection (3)(b)(i) above is reasonable,
 - (b) whether any requirement of security for the payment of the cost of works was reasonably made by the undertaker, or
 - (c) whether any excess is repayable, or any expenses are recoverable, by the undertaker under subsection (4) above, or the amount of any such excess or expenses,
- may be referred to the Director for determination under section 30A above by either party to the dispute.”
- (10) In section 112 (requirement that proposed drain or sewer be constructed so as to form part of general system), in subsections (2) and (3), for “Secretary of State” there shall be substituted “ Director ”.
- (11) In section 113 (power to alter drainage system of premises)—
- (a) in subsection (4), for “appeal to a magistrates’ court” there shall be substituted “ refer the matter to the Director for determination under section 30A above ”; and
 - (b) subsection (5) shall cease to have effect.
- (12) In section 116 (power to close or restrict use of public sewer), the following subsection shall be inserted after subsection (3)—
- “(4) Any dispute arising under subsection (3)(a) above between a sewerage undertaker and any other person as to the effectiveness of any sewer provided by the undertaker for that person’s use may be referred to the Director for determination under section 30A above by either party to the dispute.”

Commencement Information

I16 S. 35 wholly in force at 1.9.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 4, Sch. Pt. II.

Marginal Citations

M15 1991 c. 56.

Status: This version of this part contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the
Competition and Service (Utilities) Act 1992, Part I. (See end of Document for details)

PROSPECTIVE

36 **Billing disputes.**

The following section shall be inserted in the ^{M16}Water Industry Act 1991, after section 150—

“150A Billing disputes.

- (1) The Secretary of State may by regulations make provision for billing disputes to be referred to the Director for determination in accordance with the regulations.
- (2) In this section “billing dispute” means a dispute between a relevant undertaker and a customer concerning the amount of the charge which the undertaker is entitled to recover from the customer in connection with—
 - (a) the supply of water for domestic purposes, in the case of a water undertaker; and
 - (b) the provision of sewerage services other than by the carrying out of trade effluent functions, in the case of a sewerage undertaker.
- (3) Regulations under this section may only be made after consulting—
 - (a) the Director; and
 - (b) persons or bodies appearing to the Secretary of State to be representative of persons likely to be affected by the regulations.
- (4) Regulations under this section may provide that, where a billing dispute is referred to the Director, he may either—
 - (a) determine the dispute, or
 - (b) appoint an arbitrator to determine it.
- (5) Any person determining any billing dispute in accordance with regulations under this section shall, in such manner as may be specified in the regulations, give his reasons for reaching his decision with respect to the dispute.
- (6) Regulations under this section may provide—
 - (a) that disputes may be referred to the Director under this section only by prescribed persons; and
 - (b) for any determination to be final and enforceable as if it were a judgment of a county court.
- (7) Except in such circumstances (if any) as may be prescribed—
 - (a) the Director or an arbitrator appointed by him shall not determine any billing dispute which is the subject of proceedings before, or with respect to which judgment has been given by, any court; and
 - (b) neither party to any billing dispute which has been referred to the Director for determination in accordance with regulations under this section shall commence proceedings before any court in respect of that dispute pending its determination in accordance with the regulations.

Status: This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992, Part I. (See end of Document for details)

- (8) No relevant undertaker may commence proceedings before any court in respect of any charge in connection with the supply of water for domestic purposes or (as the case may be) the provision of sewerage services other than by the carrying out of trade effluent functions unless, not less than 28 days before doing so, the customer concerned was informed by it, in such form and manner as may be prescribed, of—
- (a) its intention to commence proceedings;
 - (b) the customer’s rights by virtue of this section; and
 - (c) such other matters (if any) as may be prescribed.
- (9) Where a dispute is referred to the Director in accordance with regulations made under this section, it shall be the duty of the undertaker concerned to give him such information as he may reasonably require for the purpose of assisting him in determining the dispute.
- (10) Section 202 below shall have effect, with the necessary modifications, in relation to information which the Director requires for that purpose as it has effect in relation to information which the Secretary of State requires for purposes mentioned in subsection (1) of that section.
- (11) For the purposes of this section—
- “charge” means any charge fixed by a scheme made under section 143 above;
 - “customer” means any person to whom the relevant undertaker provides services;
- and references to a sewerage undertaker’s trade effluent functions are references to its functions under Chapter III of Part IV of this Act.”

Marginal Citations

M16 1991 c. 56.

Status:

This version of this part contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992, Part I.