



**Northern Ireland  
Assembly**

**COMMITTEE FOR REGIONAL DEVELOPMENT**

**Please use this form to submit written submissions in relation to the Consumer Council – Inquiry into Primary Legislation. Return to [committee.regionaldevelopment@niassembly.gov.uk](mailto:committee.regionaldevelopment@niassembly.gov.uk)**

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**Organisation: (if applicable) The Consumer Council**

**Date: 20 November 2015**

The Consumer Council is a non-departmental public body (NDPB) established through the General Consumer Council (Northern Ireland) Order 1984. Our principle duty is to promote and safeguard the interests of consumers in Northern Ireland. The Consumer Council's general functions are to:

- a) consider any complaint made to it relating to consumer affairs and, where it appears to the Council to be appropriate having regard to any other remedy which may be available to the complainant, investigate the complaint and take such further action in relation thereto as the Council may determine;
- b) carry out, or assist in the carrying out of, inquiries and research into matters relating to consumer affairs;
- c) promote discussion of, and the dissemination of information relating to, consumer affairs; and
- d) report to a Northern Ireland department on any matter relating to consumer affairs which is referred to the Council by that department.

In addition to our general duties, the Consumer Council has specific statutory duties in relation to Energy, Postal Affairs, Transport, and Water and Sewerage.

Our duties in relation to these four areas differ in their statutory nature. Our duties in regards to Transport are generalist in nature; whereas we have specific roles in Energy, Postal Affairs, and Water and Sewerage legislation. This difference can unfortunately, at times, lead to an expectation gap from consumers and stakeholders about the consultative role the Consumer Council has in relation to transport.

The Consumer Council's transport duties derive from the General Consumer Council (Northern Ireland) Order 1984 and the Transport Act (Northern Ireland) 2011. The 1984 Order states:

*The Council shall consider and, where it appears to it to be desirable, make recommendations with respect to any matter affecting road or railway passenger transport services and facilities in Northern Ireland and services and facilities provided for passengers travelling to and from Northern Ireland.*

The Transport (Northern Ireland) Act 2011 confers certain statutory duties on the Consumer Council and the Department for Regional Development (DRD):

1. The Consumer Council shall, before each financial year, publish a document (the "forward work programme") containing a general description of the projects which it plans to undertake during the year in the exercise of its transport functions (other than projects comprising routine activities in the exercise of those functions); and
2. The Department for Regional Development (DRD) and the Consumer Council (in respect of its transport functions) shall make arrangements with a view to securing: (a) co-operation and the exchange of information between them; and (b) consistent treatment of matters which affect both of them. As soon as practicable after agreement is reached on those arrangements, DRD and the Consumer Council shall prepare a memorandum setting them out.

As set out to the Committee for Regional Development in our evidence session of 23 September 2015, work is currently progressing with DRD to finalise this memorandum, which will include an annex which will clarify both DRD's and the Consumer Council's respective roles.

As previously explained, our statutory duties in energy, postal affairs and water and sewerage are more detailed in nature. These duties are supported by a regulatory framework provided by the Utility Regulator (Energy, and Water and Sewerage) and OFCOM (Postal Affairs).

Our remit on these issues provides the Consumer Council with statutory and regulatory powers as follows:

- i. Investigate Complaints<sup>1</sup>;
- ii. Develop Codes of Conduct with suppliers;
- iii. Have regard to the interests of consumers who are disabled or chronically sick, of pensionable age, with low incomes, or reside in rural areas;
- iv. Investigate any consumer matter in relation to the supply of electricity or natural gas, water and sewerage, or postal affairs;
- v. Direct the Utility Regulator or licence holders (electricity, gas, water, post) to supply information relating to the interests of consumers;
- vi. Provide information about consumer matters to consumers;
- vii. Publish statistical information in relation to consumer complaints;
- viii. Make reports to the Utility Regulator (energy and water) or the Secretary of State for Business, Innovation & Skills (post) on consumer complaints;
- ix. Electricity and Gas Licensees shall meet with the Consumer Council whenever requested to do so by it, up to a maximum of 6 times in every year; and
- x. Electricity and Gas Licensees shall meet the Consumer Council at least once in every year, and NI Water shall meet twice a year. At least one meeting with the Consumer Council in every year the Licensees shall be represented by one or more directors of the Licensee.

In conclusion, the Consumer Council is committed to promoting and safeguarding the interests of consumers in Northern Ireland by providing a strong representative voice to advocate on behalf of consumers to government, regulators and industry.

We therefore welcome the Committee's inquiry into developing Primary Legislation to provide the Consumer Council with a formal consultative role in regards to Transport.

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<sup>1</sup> The Consumer Council investigates public transport complaints through an non-statutory agreement with Translink.

Whatever decision is finally reached we will work to ensure the principle that overall, consumers in Northern Ireland should enjoy no less a standard of consumer protection than consumers in other parts of the United Kingdom, and have regard to the special interest of consumers of the services provided by monopoly public utilities such as Translink.

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