Call for Evidence: Utility Regulator (Support for Decarbonisation Preparation Bill)

Committee for the Economy

Response by the Consumer Council for Northern Ireland

30 June 2026

Contents

1. Introduction

This is a written submission from the Consumer Council for Northern Ireland (Consumer Council) to the Northern Ireland Assembly Committee for the Economy (the Committee) in relation to the Utility Regulator (Support for Decarbonisation Preparation) Bill 2026 (The Bill).

Northern Ireland's approach to decarbonisation is underpinned by the Climate Change Act (Northern Ireland) 2022 (CCA)[1] and a 2050 net zero target, delivered through the Programme for Government 2024-2027 (PfG)[2]. This includes the PfG priority of growing a globally competitive and sustainable economy, achieved through the Northern Ireland Executive's Energy Strategy: Path to Net Zero Energy (Energy Strategy)[3], Circular Economy Strategy[4] and Green Growth Strategy[5], and others.

The Bill is an important step towards supporting Northern Ireland's energy transition and the development of appropriate government policies, regulatory frameworks and interventions for consumer, business and community enablement and activation.

The Consumer Council highlights the need to evolve wider legislation and statutory frameworks pertaining to Northern Ireland's energy transition. This will ensure the needs of consumers, businesses and communities are duly served, supported and protected by statutory organisations, which will include the Utility Regulator (UR), the Consumer Council and Northern Ireland's Trading Standards Service.

With consumers at the heart of Northern Ireland's energy transition, the Consumer Council welcomes the opportunity to engage with the Committee and the Department for the Economy (DfE), as The Bill progresses and beyond.

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1 Climate Change Act (Northern Ireland) 2022 | Northern Ireland Assembly
2 Programme for Government 2024-2027, The Northern Ireland Executive, March 2025
3 Energy Strategy - Path to Net Zero Energy | Department for the Economy, December 2021
4 Circular Economy Strategy for Northern Ireland | Department for the Economy, January 2023
5 A Green Growth Strategy for Northern Ireland | Department of Agriculture, Environment and Rural Affairs, April 2025

2. Responses

2.1 Question: Clause 1(1)

Does this part of Clause 1 give the UR sufficient power and/or responsibility in order to help decarbonise the energy sector in Northern Ireland?

Clause 1(1): Provides a power that the UR may provide advice, information or assistance to support the Department's development of proposals, policies, strategies or plans needed in relation to the energy sector to meet requirements under CCA.

The Consumer Council accepts Clause 1(1) provides the statutory provision for the UR to support the decarbonisation of the energy sector in Northern Ireland.

The Consumer Council notes the UR's current legal vires is focused in electricity and gas, while the energy sector referenced in The Bill covers the production, supply or consumption of energy (of any kind). This is welcome as the CCA requires a whole systems approach across Northern Ireland's energy mix, now and into the future.

2.1.1 Provision of advice, information or assistance

In addition, regarding the provision of advice, information and assistance, the Consumer Council would highlight the following:

- Providing DfE with relevant advice, information and assistance in support of proposals, policies, strategies and plans being developed to decarbonise the energy sector is undertaken by a number of statutory organisations.

- To achieve the legal obligations under the CCA and associated Northern Ireland Executive strategies, the UR is only one of a number of statutory organisations playing an instrumental role in delivering an equitable energy transition for consumers, businesses and communities.

- The Consumer Council is uniquely placed, as the Northern Ireland statutory consumer body sponsored by DfE, to promote and safeguard the interests of consumers in Northern Ireland, as set out in its principal duty of the General Consumer Council (Northern Ireland) Order 1984 (The Order)[6]. This covers:

    - consumer protection through the investigation of complaints
    - research and inquiries into any matter relating to consumer affairs
    - advice to promote discussion of any matter relating to consumer affairs
    - report to any Northern Ireland Executive Department on consumer affairs

[6] The General Consumer Council (Northern Ireland) Order 1984 | Northern Ireland Assembly

- Alongside The Order, pertaining to any UK market, the Consumer Council has extensive statutory responsibilities in the electricity and gas sectors, anchored in the Energy (Northern Ireland) Order 2003 (Energy Order)[7]. This covers:

  - investigation of consumer complaints in electricity and gas
  - representation of the views and needs of energy consumers
  - research, inquiries and advice on consumer matters and issues
  - publication of information in the consumer interest

- The Consumer Council also works closely with Trading Standards Service (part of DfE), whose legal vires is largely drawn from the Digital Markets, Competition and Consumers Act 2024 (DMCC)[8] to uphold robust consumer protection and redress standards in multiple markets, including the energy sector.

- The work of the Consumer Council is also key to the Economy Minister's Economic Mission[9] and its four priorities: creating good jobs, promoting regional balance, reducing carbon emissions and raising productivity.

Given the connected and overlapping nature of the current legislative, statutory and regulatory frameworks in the energy sector, the approach adopted for the provision of advice, information and assistance to DfE cannot be exclusionary of other statutory organisations, or conflict with their respective legal vires.

2.1.2 Domestic energy market

Heating oil has the largest share of the energy market in Northern Ireland. In 2026, there were c860,000 rateable domestic properties[10] with around 60%[11] using heating oil as the main energy source to heat homes, rising to around 80% in rural areas.

It is an unregulated market where increases to wholesale prices and supply chain costs are almost immediately passed on to home heating oil (HHO) customers (domestic and business). To mitigate consumer detriment and build consumer confidence and trust, the Consumer Council has:

- Monitored HHO price movements since 2009, providing retail price transparency through the daily publication of HHO prices: Home Heating Oil Price Checker

- Provided a free consumer complaints service and independent advice helpline, 0800 121 6022, for domestic HHO customers.

- Established a voluntary Domestic Customer Charter[12] with the Northern Ireland Oil Federation (NIOF) in 2013, refreshed in January 2025, aimed at improving the service provided by NIOF members and building customer satisfaction.

[7] The Energy (Northern Ireland) Order 2003 | Northern Ireland Assembly
[8] Digital Markets, Competition and Consumers Act 2024 | UK Parliament
[9] Minister sets out his vision for the economy | Department for the Economy, February 2024
[10] Ratepayers to start receiving bills for 2026/27 from next week | Department of Finance, March 2026
[11] Oil central heating remains the primary heating source for over 60% of households | NISRA, November 2025
[12] Domestic Customer Charter 2025, Consumer Council and the Northern Ireland Oil Federation

Around 36% of households in Northern Ireland use gas as the primary method of heating their home, compared to 85% of households[13] in England. According to the UR's Quarterly Retail Energy Market Monitoring Report[14]:

- There are five domestic electricity suppliers, with the regulated supplier Power NI and the largest unregulated supplier, SSE Airtricity, accounting for just over 76% of total market share by connections.

- There are two domestic gas suppliers, both regulated, with SSE Airtricity and Firmus accounting for nearly 99% of the total market share by connections.

Given the domestic energy market and statutory organisations operating in the energy sector, changes to the UR's statutory responsibilities, including the provision of advice, information and assistance on the energy transition, should not be considered or enacted in isolation.

2.1.3 Unique regulatory environment

The Consumer Council would highlight that Northern Ireland's energy sector operates a unique regulatory regime compared to Great Britain (GB):

- The UR is Northern Ireland's independent economic regulator for the energy and water and sewerage sectors.

- The Consumer Council is Northern Ireland's statutory consumer body, with extensive statutory underpinning to protect and represent consumer interests across multiple markets, covering consumer affairs as well as the energy and water and sewerage sectors. Details of the Consumer Council's legal vires in consumer affairs, energy and water and sewerage is provided in Annex 2.

The Consumer Council would highlight two examples of difference with GB:

- Example 1

  In electricity and gas, the UR operates a different price-setting mechanism[15] to GB, compared to Ofgem's price cap. This mechanism sees profits capped at 2% for the regulated gas suppliers, SSE Airtricity and Firmus, and at 2.2% for the regulated electricity supplier, Power NI.

  Related consumer protection activities undertaken in the electricity and gas sectors include consumer representation, independent reviews of standards of service (in consultation with the regulated supplier), and independent complaint investigations and redress. Each activity, outlined in the relevant legislation, is undertaken by the Consumer Council rather than the UR.

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[13] Subnational Electricity and Gas Consumption Statistics | Department for Business and Trade, December 2022
[14] Quarterly Retail Energy Market Monitoring Report | Utility Regulator, Q4 2025
[15] The Energy (Northern Ireland) Order 2003 | Northern Ireland Assembly

- Example 2

  Gaps in consumer protection do not solely relate to currently unregulated sectors. For example, unlike in the GB energy market Northern Ireland consumers do not have recourse to an independent energy ombudsman that can enforce redress.

  Instead, the Consumer Council provides a free complaint investigations service and independent advice helpline, 0800 121 6022, for domestic electricity and gas customers. Covering regulated electricity and gas suppliers, this includes a range of issues such as billing, customer service and meter readings, as in GB.

  Neither The Order nor the Energy Order provides the Consumer Council with the legal vires to enforce redress in the unlikely event a satisfactory outcome cannot be negotiated on behalf of the consumer. The only recourse available to the consumer is to submit a (new) complaint to the UR (at a potential financial cost to the consumer), as the final arbitrator. This fragmented journey does not serve the consumer well.

  Alongside this, Trading Standards Service protects consumers from unfair or illegal trading practices and helps businesses comply with legislation, as in GB.

The Bill offers helpful clarity and structure to the UR. However, both the UR and the Consumer Council have a legal duty to protect consumer interests and build consumer confidence and trust.

The current parameters of legal vires in the energy sector is not clearly defined resulting in the duplication of roles and responsibilities between the UR and the Consumer Council, particularly in relation to consumer protection, research, advocacy, advice and enablement.

The Bill must ensure all statutory organisations can discharge statutory functions in full without risk to legal vires or the prioritisation of resources and outputs.

2.2 Question: Clause 1(2)

Should the UR's support for decarbonisation be restricted to the provision of advice to the Department for the Economy?

Clause 1(2): Provides a qualified duty that the UR must, so far as reasonably practicable, comply with any reasonable request.

The Consumer Council accepts Clause 1(2) provides the statutory provision for the UR to comply with any reasonable request by DfE, so far as reasonably practicable.

The CCA mandates a cross-sectoral approach to meet Northern Ireland's legal obligations to net zero, and the Consumer Council recognises DfE leads the delivery in relation to the energy sector, on behalf of the Northern Ireland Executive.

2.3 Question: Clause 1(3)

Do you support this aspect of Clause 1?

Clause 1(3): Defines several of the expressions used in Clauses 1(1) and 1(2).

The Consumer Council accepts Clause 1(3) provides clarity of the expressions used in Clauses 1(1) and 1(2).

2.3.1 Just Transition Principle

The Consumer Council notes the use of the term ‘energy sector’ as defined, will evolve the vires of the UR.

The recent Assembly Research and Information Service (RaISe) Research Paper notes that the scope of the advice sought could be potentially broad, such as having due regard to matters including cross-jurisdictional coordination, social and economic impacts, rural impacts, and the Just Transition Principle (JTP)[16].

The Consumer Council concurs with the RaISe assessment that:

“There is a reasonably foreseeable potential overlap of the Consumer Council role in protecting consumers and the JTP objectives. Again, should The Bill be enacted as introduced and the UR functions be expanded to include the provision of advice on JTP matters, it is uncertain which organisation’s advice would have priority should each body provide conflicting or contradictory advice.”

The Bill must therefore ensure all statutory organisations can discharge statutory functions in full, to DfE and other Northern Ireland Executive Departments, without risk to legal vires.

2.3.2 Holistic view

The Consumer Council welcomes DfE’s recognition of:

“The need for a holistic view of how bodies operate in the energy sector, including consumer protection. This will be considered as part of the development process for future legislation.”

Future legislative reform must ensure the energy system is enabled to meet both anticipated and future needs, with a smart, flexible, reinforced grid in an optimised system, while prioritising consumer centricity.

[16] Utility Regulator (Support for Decarbonisation Preparation) Bill: Key Considerations | RaISe, April 2026

2.4 Question: Clause 2

Should the relevant provisions be commenced immediately after Royal Assent?

Clause 2(1) This Act comes into operation on the day after Royal Assent. Clause 2(2) This Act may be cited as the Utility Regulator (Support for Decarbonisation Preparation) Act (Northern Ireland) 2026.

The Consumer Council supports the commencement of The Bill immediately after Royal Assent.

2.5 Question: Additional information/comments

Please provide information on any other potential amendments that you feel would enhance the Bill and the rationale for those.

The Consumer Council would highlight that the introduction of The Bill cannot take place without the need to also evolve wider legislation and statutory frameworks pertaining to Northern Ireland's energy transition, such as the Energy Order[17].

Enhancement of affordability, security of supply, and fairness, equity and consumer protection must be the starting point when considering amendments to Northern Ireland's utilities regulation and consumer protection legislation.

This ensures the needs of consumers, businesses and communities are duly served, supported and protected by statutory organisations, such as the UR and the Consumer Council. In doing so, wider legislation and statutory frameworks must also be reviewed to ensure:

- Role definition

  There must be clarity of scope, role and remit of each statutory organisation within the framework of regulation and consumer protection in the energy sector. This will provide greater transparency, confidence and trust from consumers, businesses and communities, and assurance and accountability to policy makers.

- Gap analysis

  For new sectors relevant to decarbonisation, due consideration must be given to each statutory organisation within the framework of regulation and consumer protection in the energy sector, to ensure they are appropriately equipped to act.

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[17] The Energy (Northern Ireland) Order 2003 | Northern Ireland Assembly

This will require an assessment and identification of gaps in the current framework of regulation and consumer protection. This would also build upon the work of the Consumer Council and UR to assess gaps in protection for consumers during energy decarbonisation[18], and consider the enabling legislation for both, the activities that currently fall within the legislative and regulatory perimeter, and whether other activities should be brought within this perimeter.

- Needs assessment

  The evolution of the legal vires of the UR should not result of the exclusion or detriment of the legal vires of other statutory organisations, like the Consumer Council. There must be no unintended consequence or inadvertent diminishing of the legal vires of each statutory body within the framework of regulation and consumer protection in the energy sector.

  There must also be due consideration of the activities, workload and resourcing of each statutory organisation within Northern Ireland's framework of regulation and consumer protection.

Consideration should also be given to defining new general activities in legislation to enable regulatory authorities to act promptly. Doing so would avoid a prescriptive approach to regulation whereby a regulator must wait for new activities to be named in legislation and brought within the regulatory perimeter before action can be taken.

It is accepted that consumer centricity is fundamental to Northern Ireland's approach to decarbonisation. The Bill, alongside any future reform, must therefore strengthen clarity of scope and meet current and future consumer needs within agreed legal vires, and be augmented with commensurate resourcing for relevant organisations.

3. Conclusion

The Consumer Council recognises:

- The scale and pace of change required, as the energy sector transitions to net zero, for consumers, businesses and communities.

- The need for legislative and regulatory reform, which is fundamental in delivering outcomes that are fit for purpose, provides value for money and prioritises consumer, business and community enablement and activation.

The Consumer Council welcomes the opportunity to engage with the Committee and DfE as the Bill progresses. We would also welcome ongoing engagement so we can collectively advance and build an energy system that supports decarbonisation while remaining equitable and proportionate for consumers, who ultimately fund it.

[18] Protecting consumers during the energy transition | Consumer Council and Utility Regulator, March 2024

4. More information

The Consumer Council is happy to meet with the Committee, or to provide more evidence, on matters pertaining to The Bill or wider consumer considerations.

For more information, please contact:

[redacted]

5. Annex 1: About the Consumer Council

The Consumer Council was established in April 1985 as a non-departmental public body (NDPB). We operate under DfE, our sponsor department, on behalf of the Northern Ireland Executive, as Northern Ireland's statutory consumer body.

Our extensive legislative underpinning covers consumer affairs, energy, transport, water and sewerage, post and food accessibility. We also have a comprehensive brief for financial inclusion and EU Exit matters.

- We champion Northern Ireland consumers, understand their needs, safeguard their rights and interests, and act as their trusted, independent voice.

- We represent all consumers but prioritise those who are disabled or chronically sick, are of pensionable age, are on low incomes and live in rural areas.

- We are a designated super-complaints body set up under the Enterprise Act 2002 and the Financial Services and Markets Act 2000 Order 2013. Under these Acts, the Consumer Council can, if we believe a UK market is, or appears to be, significantly harming the interests of consumers, raise a super-complaint on behalf of consumers to the: Financial Conduct Authority (FCA), Civil Aviation Authority (CAA), Office of Rail and Road (ORR), Competition and Markets Authority (CMA), Office of Communications (Ofcom), Office of Gas and Electricity Markets (Ofgem), Water Services Regulation Authority (Ofwat), and the UR.

- We are a designated body under the Rural Needs Act 2016 and Section 75 of the Northern Ireland Act 1998. In this role, the Consumer Council aims to ensure government policies recognise consumer needs in rural areas, and promote equality of opportunity and good relations across a range of equality categories.

Consumer protection principles

We apply eight consumer protection principles of access, choice, safety, information, fairness, representation, redress and education across all our statutory and non-statutory functions, paying particular attention to consumers most at risk of harm.

They help us to judge whether markets are fair, to set minimum standards, and to shape our policy positions. They also ensure our work reflects and represents the diversity of consumer experience.

For more information, visit Consumer Council for Northern Ireland.

6. Annex 2: Legal vires in consumer affairs, energy and water and sewerage

6.1 Consumer affairs

In accordance with The Order[19], the primary duty of the Consumer Council is to promote and safeguard the interests of consumers in Northern Ireland. Without prejudice to the above, in the exercise of its statutory functions under this Order, the Consumer Council may:

- Consider any complaint made to it relating to consumer affairs and, where it appears to the Consumer 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 Consumer Council may determine.
- Carry out, or assist in the carrying out of, inquiries and research into matters relating to consumer affairs.
- Promote discussion of, and the dissemination of information relating to, consumer affairs.
- Report to a Northern Ireland Executive Department on any matter relating to consumer affairs which is referred to the Consumer Council by that Department.

6.2 Consumer vulnerability

To meet statutory responsibilities under The Order, the Consumer Council pays particular regard to consumers who are disabled or have a long-term health condition, are of pensionable age, are on low incomes and live in rural areas.

The Consumer Council has the ISO 22458 for Consumer Vulnerability with BSI Kitemark. This ensures the organisation is consistent in how it designs and delivers fair, flexible and inclusive services that increase positive outcomes for consumers in vulnerable situations and minimises the risk of consumer harm.

6.3 Energy

The Energy Order[20] provides the legislative framework for the energy market (electricity and gas) in Northern Ireland. It established the UR and outlined its statutory functions under this framework. Part IV of the Energy Order confers certain statutory functions on the Consumer Council regarding "the interests of consumers" (that is the interests of consumers in relation to gas or electricity supplied by

[19] The General Consumer Council (Northern Ireland) Order 1984 | Northern Ireland Assembly
[20] The Energy (Northern Ireland) Order 2003 | Northern Ireland Assembly

authorised suppliers) and “consumer matters” (that is any matter connected with “the interests of consumers”).

This makes the Consumer Council the statutory body responsible for representing consumer interests in the energy market (electricity and gas) in Northern Ireland. The functions of the Consumer Council under the Energy Order (articles 17 to 23) include the following:

- Obtaining and keeping under review information about consumer matters, and information about the views of consumers on such matters. In relation to this, where the UR is required by any provision of the Electricity (Northern Ireland) Order 1992[21] and the Gas (Northern Ireland) Order 1996[22] to publish a notice or any other document, it shall send a copy to the Consumer Council.

- Making proposals, or providing advice and information, about consumer matters; and representing the views of consumers on such matters to public authorities, persons authorised by a licence or exemption under the Electricity (Northern Ireland) Order 1992 and the Gas (Northern Ireland) Order 1996, and other persons whose activities may affect the interests of consumers.

- Providing information about consumer matters to consumers of electricity or gas supplied by authorised suppliers.

- Publishing statistical information about certain complaints about authorised electricity and gas suppliers.

- Publishing advice and information about consumer matters to promote the interests of consumers.

- Investigating certain complaints made by any customer, or potential customer of, or user of electricity or gas supplied by an authorised supplier.

- Investigating other matters relating to the interests of consumers in relation to electricity and gas supplied by authorised suppliers.

The Consumer Council also has other statutory functions in relation to energy:

- Under the Electricity (Northern Ireland) Order 1992 and Energy Order regarding the standards of service, dealing with complaints and billing disputes between an electricity supplier and a customer.

- Under the Gas (Northern Ireland) Order 1996 regarding billing disputes between a gas supplier and a customer.

- Under the Energy Act (Northern Ireland) 2011[23] regarding disputes of standards of performance between gas suppliers and customers in individual cases.

[21] The Electricity (Northern Ireland) Order 1992 | Northern Ireland Assembly
[22] The Gas (Northern Ireland) Order 1996 | Northern Ireland Assembly
[23] Energy Act (Northern Ireland) 2011 | Northern Ireland Assembly

6.4 Water and sewerage

The Water and Sewerage Services (Northern Ireland) Order 2006[24] confers certain statutory functions on the Consumer Council regarding:

- The interests of consumers in relation to the supply of water to premises by water undertakers.
- The provision of sewerage services by sewerage undertakers.
- Consumer matters, that is any matter connected with “the interests of consumers”.

This and NI Water’s Operating Licence legislate for the Consumer Council to investigate complaints on behalf of domestic and business users, give advice on consumer and business interests, gather and publish information, and be consulted with by NI Water and government on any matter relating to consumer affairs.

The Consumer Council is required to have particular regard to the interests of consumers who have long term health conditions, who are of pensionable age, who are on low incomes and who live in rural areas.

[24] The Water and Sewerage Services (Northern Ireland) Order 2006 | Northern Ireland Assembly

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