

Our legislation

The legal powers and duties we have that enable us to protect consumers.

To ensure we protect consumers, we have a range of legal powers and duties, drawn from legislation, licences given to companies working in Northern Ireland, and cooperation agreements set in memorandums of understanding. The work we carry out also aligns with several of the Articles in the Protocol of Ireland and Northern Ireland (NI Protocol).

Our legal powers and duties

The Consumer Council was established in April 1985 through the General Consumer Council (Northern Ireland) Order 1984 (The Order). Our principal statutory duty is to protect the interests of consumers in Northern Ireland by empowering them and providing a strong representative voice to policy makers, regulators and service providers.

In accordance with The Order, the Consumer Council for Northern Ireland's main duties are to:

- 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 NI Department on any matter relating to consumer affairs which is referred to the Consumer Council by that Department.

We have responsibilities under the Rural Needs Act 2016 and Section 75 of the Northern Ireland Act 1998. In this role, we aim 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 empowerment

With regard to consumer empowerment, The Order gives us powers to:

- undertake enquiries
- investigate complaints under our statutory functions
- promote and disseminate any information related to consumer affairs in order to educate and empower consumers
- undertake independent consumer research

- report to any Northern Ireland Department on any matter relating to consumer affairs.

EU Exit

With regard to EU Exit, our interpretation of The Order gives us powers to monitor and report on the real and perceived impacts for consumers in light of Northern Ireland's unique position of being in the UK customs territory with access to the EU single market for goods. It also allows us to educate and empower consumers to understand how any changes might affect them and what actions they need to take.

Energy

With regard to energy, alongside our interpretation of The Order giving us powers to undertake enquiries, complaints, promote information and undertake research, the Energy (Northern Ireland) Order 2003 legislates for the Consumer Council to:

- Investigate consumer complaints
- Represent the views of consumers
- Make proposals and provide advice and information on consumer matters
- Obtain and keep under review information about consumer issues and the views of consumers on these issues, including research into gas and electricity consumer issues
- Publish information in the consumer interest.

Our work in energy is also supported by the following legislation:

- The Electricity (Northern Ireland) Order 1992 covering the quality of service, complaint handling and billing disputes of electricity suppliers
- The Gas (Northern Ireland) Order 1996 covering billing disputes of gas suppliers
- Energy Act (Northern Ireland) 2011 covering complaints about gas suppliers and their performance.

Financial Services

With regard to financial services, our interpretation of The Order gives us powers to tackle financial exclusion in NI by working with The Executive, UK Government and regulators to influence policy and empower consumers through education and

increased awareness.

Our funding from HM Treasury gives us a specific remit in relation to the issue of illegal money lending. Part 20B of The Bank of England and Financial Services Act 2016 states that HM Treasury (HMT) may give financial assistance for the purpose of taking action against illegal money lending. Our work in this area is focused on research, education and awareness, and the development of access to alternative forms of credit to reduce financial exclusion.

Food affordability and accessibility

The Order gives us powers to research and report on the issues or barriers that Northern Ireland consumers might face in order to access affordable, good, nutritious and enjoyable food, of an appropriate quality and quantity, to sustain an acceptable standard of living appropriate for all.

The Order also gives us powers to consider, report to and respond to consultations from the Department of Agriculture, Environment and Rural Affairs when and where appropriate for us to do so.

Postal services

With regard to postal services, alongside our interpretation of The Order giving us powers to undertake enquiries, complaints, promote information and undertake research, the Consumer, Estate Agents and Redress (CEAR) Act 2007 and the Office of Communication's regulatory conditions for Royal Mail as the universal service provider provides us with statutory responsibility for representing postal consumers in Northern Ireland.

Our work focuses on carrying out research, influencing policy, providing advice and information, and investigating complaints made by consumers in vulnerable circumstances, and gives us information gathering and investigation powers to help fulfil this statutory function. Our investigation powers also include issues relating to the number and location of post offices across Northern Ireland.

Transport

With regard to transport, The Order gives us powers to make recommendations on any matter affecting road or railway passenger transport services and facilities in Northern Ireland, and services and facilities for passengers travelling to and from Northern Ireland.

This remit has been extended through further legislation and by formal agreement with regulators, with a Memorandum of Understanding with DfI recognising the Consumer Council's role as set out in the Transport Acts and Consumer Orders.

The Transport Act 2011 also requires that in deciding whether to issue or refuse a private bus operators permit or to attach conditions to a permit, DfI shall have regard to any recommendations made by the Consumer Council.

The Airports (Northern Ireland) Order 1994 requires airports to provide adequate facilities for consultation with the Consumer Council (as a member of the Airport Users Committee) in respect to any matter concerning the management or administration of the airport which affects consumer interests. The Consumer Council is also required to be consulted on any matter relating to consumer affairs under the Taxis Act (Northern Ireland) 2008.

The Rail Passengers Rights and Obligations (Designation and Enforcement) Regulations (Northern Ireland) 2017, legislates for the Consumer Council as the designated body for the purpose of Article 30(2) of Regulation 1371/2007, to which any passenger may submit a complaint about an alleged contravention of the Regulation.

We are the designated complaints handling body for EU Regulation 1107/2006, (rights of disabled passengers), EC 261/2004 (cancelled or delayed flights) and EU Regulation EC 1177/2010 (maritime passenger rights), which have been transposed into UK law.

Water

With regard to water, alongside our interpretation of The Order giving us powers to undertake enquiries, complaints, promote information and undertake research, the Water and Sewerage Services (Northern Ireland) Order 2006 and Northern Ireland Water's Operating Licence legislates for the Consumer Council to investigate complaints on behalf of domestic and business users, give advice on both consumer and business interests, gather and publish information, and be consulted with by Northern Ireland Water and government on any matter relating to consumer affairs.

Super-complaints

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 both Acts, the Consumer Council can, if we believe any feature or combination of features of a market in the United Kingdom is, or appears to be, significantly harming the interests of consumers, raise a super-complaint on behalf of consumers to the following regulators:

- Civil Aviation Authority
- Competition and Markets Authority
- Financial Conduct Authority
- Office of Communications
- Office of Gas and Electricity Markets
- Office of Rail and Road
- Payment Systems Regulator
- Northern Ireland Utility Regulator
- Water Services Regulation Authority

Under the Gas and Electricity Licence Modification and Appeals Regulations (Northern Ireland) 2015, we can appeal to the Competition and Markets Authority if we believe a modification by the Utility Regulator to the licence of a gas or electricity provider is detrimental to the interests of consumers.

You may also be interested in

Our performance

What we have achieved for consumers in Northern Ireland.

Corporate documents

Governance information and corporate documents for the Consumer Council for Northern Ireland.