

Information and Legal Reference Document

— Gas, Electricity, and Water Companies

(Lawful Process, Statutory Duties, and Human Rights Protections)

Executive Summary

This document provides a clear and factual legal reference explaining the lawful process that must be followed by gas, electricity, and water companies in the United Kingdom. It sets out the relevant Civil Procedure Rules, statutory Acts, and Human Rights protections that govern entry, disconnection, and enforcement actions. The purpose is to ensure that all actions taken by public or private utility companies comply with due process, lawful authority, and the rights of occupants under domestic and international law.

Purpose and Scope

This document outlines the lawful duties of utility companies and their agents regarding entry to private property, disconnection of supply, and warrant enforcement. It summarises the Civil Procedure Rules (CPR), statutory obligations, and Human Rights standards that protect residential consumers. It is intended as a reference for enforcement officers, company compliance departments, and members of the public.

Legal Framework for Warrants and Entry

Utility companies must hold a valid, sealed, and signed warrant of entry issued by a Magistrates' Court before any attempt to enter private premises or disconnect supply. The warrant must be based on sworn information presented to a magistrate. **Computer-generated or bulk-issued warrants are unlawful** and may constitute fraud or forgery.

Relevant Civil Procedure Rules:

- **CPR 31.8** – Duty of disclosure limited to documents within a party's control.
- **CPR 40.2** – Every judgment or order must bear the judge's name, title, date, and the court seal.
- **CPR 83.2–83.9** – Governs issue, validity, and renewal of writs and warrants; requires judicial oversight and proper sealing.

A lawful warrant must:

1. Be physically signed by a magistrate.
2. Bear the official court seal.
3. Be issued upon sworn written evidence.
4. Clearly identify the premises and purpose of entry.

Failure to meet these requirements renders the warrant invalid and any action taken under it unlawful.

Statutory Authorities and Obligations

The following **Acts of Parliament** govern the conduct of gas, electricity, and water providers:

- **Electricity Act 1989** – Sections 2 and 11: Suppliers must act lawfully and fairly, obtaining valid warrants for entry and disconnection.
- **Gas Act 1986** – Schedule 2B: Warrants must be applied for under oath and issued only by a magistrate.
- **Water Industry Act 1991** – Section 61: Prohibits disconnection of domestic premises except under specific lawful conditions.
- **Rights of Entry (Gas and Electricity Boards) Act 1954** – Requires magistrates to personally sign and seal warrants after hearing sworn evidence.
- **Utilities Act 2000** – Imposes duties of fairness, transparency, and responsibility on regulated suppliers.
- **Consumer Rights Act 2015** – Mandates fair, transparent dealings with consumers and prohibits misleading actions.
- **Data Protection Act 2018 (GDPR)** – Protects personal data; prohibits unlawful data use in warrant applications or enforcement.
- **Fraud Act 2006** – Sections 2–4: Criminalises false representation, abuse of position, or failure to disclose information for gain.
- **Forgery and Counterfeiting Act 1981** – Criminalises production or use of falsified court documents or seals.
- **Criminal Damage Act 1971** – Protects property from unlawful interference, damage, or forced entry.

Human Rights Protections

Under the Human Rights Act 1998, all public authorities and private entities exercising public functions (including regulated utilities) must comply with the European Convention on Human Rights (ECHR). Relevant rights include:

- **Article 6 – Right to a Fair Hearing:**
No one shall be deprived of property or essential services without proper judicial process and opportunity to be heard.
- **Article 8 – Right to Respect for Home and Family Life:**
Protects individuals from unlawful or arbitrary interference with their home, family life, or correspondence.
- **Protocol 1, Article 1 – Right to Peaceful Enjoyment of Possessions:**
Everyone is entitled to peaceful enjoyment of their possessions, including energy and water supply.
- **Article 14 – Prohibition of Discrimination:**
Ensures equal treatment in the provision and enforcement of services.

Failure by a company or its agents to observe these rights may result in proceedings under the **Human Rights Act 1998** and potential damages awards.

Recognised Breaches and Legal Consequences

The following actions may constitute **criminal offences** or **civil breaches**:

- Entering private premises without a sealed warrant –
Trespass and breach of the peace.
- Acting on forged, copied, or computer-generated warrants –
Fraud and Forgery offences.
- Disconnecting or tampering with meters unlawfully –
Criminal Damage Act 1971 offences.
- Harassment, intimidation, or repeated visits over disputed accounts –
Protection from Harassment Act 1997.
- Failing to follow proper disclosure and verification under **CPR 31, 40, and 83** –
Abuse of process and contempt of court.
- Misuse of personal data to obtain or enforce a warrant –
Breach of Data Protection Act 2018 (GDPR).

Each individual involved in the execution of an unlawful act — whether company employee, contractor, or enforcement agent — may be held **personally liable** in both civil and criminal law.

Duties of Compliance and Good Practice

Utility companies and their agents are expected to act within the law and maintain high standards of professional conduct. The following best practices apply:

- **Verification:** Confirm all warrants are lawfully issued and sealed before execution.
- **Judicial Oversight:** Ensure warrant applications are supported by sworn statements before a magistrate.
- **Transparency:** Communicate clearly with customers and provide adequate notice before enforcement.
- **Record Keeping:** Retain all documentation of applications, notices, and execution actions.
- **Respect for Rights:** Avoid entering occupied premises except where lawfully authorised.
- **Immediate Suspension:** Cease enforcement immediately if a warrant is found to be defective, expired, or fraudulent.

Failure to observe these duties can result in disciplinary action by regulators such as Ofgem or Ofwat, and criminal or civil proceedings against individuals or companies.

Summary and Declaration

Gas, electricity, and water companies are bound by both statute and public law obligations to act lawfully, proportionately, and transparently. No warrant or authority is valid unless issued, signed, and sealed by a competent court upon sworn evidence.

Any interference with domestic supply or property without lawful authority constitutes an **unlawful act**, giving rise to both **civil remedies** and **criminal sanctions**.

Consumers retain the right to challenge such actions, seek injunctions, and pursue damages for violations under the **Human Rights Act 1998**, **Fraud Act 2006**, and **Common Law**.