
STATUTORY INSTRUMENTS

1992 No. 231

The Electricity (Northern Ireland) Order 1992

PART II

ELECTRICITY SUPPLY

Introductory

Interpretation of Part II

3. In this Part—

“the 1973 Act” means the Fair Trading Act 1973;

“the 1980 Act” means the Competition Act 1980;

“authorised area”, in relation to a person authorised by a licence under sub-paragraph (b) or (c) of Article 10(1) to transmit or supply electricity, means so much of the area designated as such in the licence as is not for the time being designated in a subsequent licence under that sub-paragraph;

“electrical plant” means any plant, equipment, apparatus or appliance used for, or for purposes connected with, the generation, transmission or supply of electricity, other than—

- (a) an electric line;
- (b) a meter used for ascertaining the quantity of electricity supplied to any premises; or
- (c) an electrical appliance under the control of a consumer;

“electric line” means any line which is used for carrying electricity for any purpose and includes—

- (a) any support for any such line, that is to say, any structure, pole or other thing in, on, by or from which any such line is or may be supported, carried or suspended;
- (b) any apparatus connected to any such line for the purpose of carrying electricity; and
- (c) any wire, cable, tube, pipe or other similar thing (including its casing or coating) which surrounds or supports, or is surrounded or supported by, or is installed in close proximity to, or is supported, carried or suspended in association with, any such line;

“exemption” means an exemption under Article 9;

“extension” in relation to a generating station, includes the use by the person operating the station of any land (wherever situated) for a purpose directly related to the generation of electricity by that station;

“final order” means an order under Article 28 other than a provisional order;

“generating station”, in relation to a generating station wholly or mainly driven by water, includes all structures and works for holding or channelling water for a purpose directly related to the generation of electricity by that station;

“high voltage line” means an electric line of a nominal voltage exceeding 110 kilovolts; and
“low voltage line” shall be construed accordingly;

“information” includes accounts, estimates and returns;

“licence” means a licence granted under Article 10;

“licence holder” means the holder of a licence granted under Article 10;

“line” means any wire, cable, tube, pipe or other similar thing (including its casing or coating) which is designed or adapted for use in carrying electricity;

“the Monopolies Commission” means the Monopolies and Mergers Commission;

“notice” means notice in writing;

“premises” includes any land, building or structure;

“private electricity supplier” means a person, other than a public electricity supplier, who is authorised by a licence or exemption to supply electricity;

“provisional order” means an order under Article 28 which, if not previously confirmed in accordance with paragraph (4) of that Article, will cease to have effect at the end of such period (not exceeding 3 months) as is determined by or under the order;

“public electricity supplier” means any person who is authorised by a licence under Article 10(1)(c) to supply electricity except where he is acting otherwise than for purposes connected with the supply of electricity to premises in his authorised area;

“relevant condition”, in relation to a licence holder, means any condition of his licence;

“relevant requirement”, in relation to a licence holder, means any duty or other requirement imposed on him by or under Article 12 or Articles 19 to 26;

“supply”, in relation to electricity, means supply through electric lines otherwise than to premises occupied by a licence holder for the purpose of carrying on the activities which he is authorised by his licence to carry on;

“tariff customer” means a person who requires a supply of electricity under Article 19 and is supplied by the public electricity supplier otherwise than on the terms specified in such an agreement as is mentioned in Article 25(1);

“transferred provision” has the meaning assigned to it by section 1(g) of the Interpretation Act (Northern Ireland) 1954;

“transmit”, in relation to electricity, means transmit by means of a transmission system, that is to say, a system which consists (wholly or mainly) of high voltage lines and electrical plant and is used for conveying electricity from a generating station to a substation, from one generating station to another or from one substation to another;

“working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday within the meaning of the Banking and Financial Dealings Act 1971.

General duties of the Department

4.—(1) It shall be the duty of the Department to exercise the functions assigned or transferred to the Department by this Part in accordance with the following provisions of this Article.

(2) It shall be the duty of the Department to exercise the functions assigned or transferred to the Department by this Part in the manner which the Department considers is best calculated—

- (a) to secure that all reasonable demands for electricity are satisfied;
- (b) to secure that licence holders are able to finance the carrying on of the activities which they are authorised by their licences to carry on; and

- (c) subject to paragraph (3), to promote competition in the generation and supply of electricity.
 - (3) It shall be the duty of the Department to exercise the functions assigned or transferred to the Department by this Part in the manner which the Department considers is best calculated to secure—
 - (a) that the prices charged to tariff customers by public electricity suppliers for electricity supplied under Article 19(1) to premises in any area specified in an order made by the Department are in accordance with tariffs which do not distinguish (whether directly or indirectly) between different parts of that area; and
 - (b) that public electricity suppliers are not thereby disadvantaged in competing with persons authorised by a licence or exemption to supply electricity to such premises.
 - (4) Subject to paragraphs (2) and (3), it shall be the duty of the Department to exercise the functions assigned or transferred to the Department by this Part in the manner which the Department considers is best calculated—
 - (a) to protect the interests of consumers of electricity supplied by persons authorised by licences to supply electricity in respect of—
 - (i) the prices charged and the other terms of supply;
 - (ii) the continuity of supply; and
 - (iii) the quality of the electricity supply services provided;
 - (b) to promote efficiency and economy on the part of persons authorised by licences to supply or transmit electricity and the efficient use of electricity supplied to consumers;
 - (c) to promote research into, and the development and use of, new techniques by or on behalf of persons authorised by a licence to generate, transmit or supply electricity;
 - (d) to protect the public from dangers arising from the generation, transmission or supply of electricity; and
 - (e) to secure the establishment and maintenance of machinery for promoting the health and safety of persons employed in the generation, transmission or supply of electricity;
- and a duty to take into account, in exercising those functions, the effect on the physical environment of activities connected with the generation, transmission or supply of electricity.
- (5) In performing the duty under paragraph (4)(a)(i), the Department shall take into account, in particular, the protection of the interests of consumers of electricity in rural areas.
 - (6) In performing the duty under paragraph (4)(a)(iii), the Department shall take into account, in particular, the interests of those who are disabled or of pensionable age.
 - (7) In this Article references to the functions assigned to the Department by this Part do not include references to functions under Articles 39, 40 or 58 to 60.

The Director General of Electricity Supply for Northern Ireland

- 5.—(1) The Department shall appoint a person to be known as the Director General of Electricity Supply for Northern Ireland (“the Director”) for the purpose of carrying out the functions assigned or transferred to him by this Order.
- (2) An appointment of a person to hold office as the Director shall be for a term not exceeding 5 years; but previous appointment to that office shall not affect eligibility for re-appointment.
- (3) The Department may remove any person from office as the Director on the ground of incapacity or misbehaviour.
- (4) Subject to paragraphs (2) and (3), the Director shall hold and vacate office as such in accordance with the terms of his appointment.
- (5) The provisions of Schedule 1 shall have effect with respect to the Director.

General duties of the Director

6.—(1) It shall be the duty of the Director to exercise the functions assigned or transferred to him by this Part in accordance with paragraphs (2) to (6) of Article 4; and, accordingly, those paragraphs shall apply to the duty imposed by this paragraph on the Director as they apply to the duty imposed by Article 4(1) on the Department as if any reference to the Department, other than the reference in paragraph (3)(a), were a reference to the Director.

(2) In this Article references to the functions assigned to the Director do not include references to functions relating to the determination of disputes.

The Consumer Committee for Electricity

7.—(1) The Director shall establish a Consumer Committee for Electricity (“the consumer committee”) for the purposes of this Part.

(2) The consumer committee shall consist of—

- (a) a chairman appointed by the Director after consultation with the Department; and
- (b) such other members, not being less than 6 or more than 9, as the Director after consultation with the chairman may appoint.

(3) An appointment of a person to hold office as the chairman of the consumer committee shall be for a term not exceeding 4 years.

(4) Subject to paragraph (3), the chairman and other members of the consumer committee shall hold and vacate office in accordance with the terms of the instruments appointing them and shall, on ceasing to hold office, be eligible for re-appointment.

(5) The provisions of Schedule 2 shall have effect with respect to the consumer committee.