

SCHEDULES

SCHEDULE 12

Article 95(1).

AMENDMENTS

Amendments relating to statutory undertakers, etc.

1. In the Civil Defence Act (Northern Ireland) 1939 references to public utility undertakers shall be construed as including references to a person who is carrying on activities which he is authorised by a licence or exemption to carry on and references to an electricity undertaking shall be construed as references to the undertaking carried on by any such person.

2. The holder of a licence under Article 10(1) shall be deemed to be a statutory undertaker and his undertaking a statutory undertaking for the purposes of section 4 of the Requisitioned Land and War Works Act 1948.

3. In the Civil Aviation Act 1982—

- (a) for the purposes of sections 47 and 49, a licence holder shall be deemed to be a statutory undertaker and his undertaking a statutory undertaking;
- (b) the reference in section 48(6) to an electricity undertaker shall be construed as a reference to a licence holder who is entitled to exercise any power conferred by Schedule 4.

4. A licence holder who is entitled to exercise any power conferred by Schedule 3 or 4 shall be deemed to be a statutory undertaker for the purposes of Article 4 of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985.

The Business Tenancies Act (Northern Ireland) 1964 (c. 36)

5. In section 2—

(a) in subsection (1) at the end insert—

“(n) to a tenancy granted by a landlord who is the holder of a licence under Part II of the Electricity (Northern Ireland) Order 1992 on the date of the commencement of the tenancy, or who becomes the holder of such a licence after that date, to a tenant who is the holder of such a licence on that date, or who becomes the holder of such a licence after that date”;

(b) in subsection (2) at the end insert “and any holder of a licence under Part II of the Electricity (Northern Ireland) Order 1992”.

The Nuclear Installations Act 1965 (c. 57)

6. In section 3(4) (nuclear site licences) for “Article 33 of the Electricity Supply (Northern Ireland) Order 1972” substitute “Article 39 of the Electricity (Northern Ireland) Order 1992”.

The Post Office Act 1969 (c. 48)

7. In section 7(1A) of the Post Office Act 1969 (powers of Post Office), after paragraph (cb) insert—

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“(cc) a public electricity supplier (within the meaning of Part II of the Electricity (Northern Ireland) Order 1992);”.

The Public Utilities (Emergency Powers) Act (Northern Ireland) 1972 (c. 2)

8. In section 1(2) (authority to gas and electricity undertakers to exercise certain emergency powers) for “the Northern Ireland Electricity Service” substitute “a public electricity supplier (within the meaning of Part II of the Electricity (Northern Ireland) Order 1992);”.

The Fair Trading Act 1973 (c. 41)

9. In section 16 (restriction on references under section 14 in respect of certain goods and services)—

(a) in subsection (1)(c) after “1989” insert “or Part II of the Electricity (Northern Ireland) Order 1992”;

(b) after subsection (2A) insert—

“(2B) In this section “the appropriate Minister” in relation to a licence holder within the meaning of Part II of the Electricity (Northern Ireland) Order 1992, means the Department of Economic Development.”.

10. In section 133(2)(a) (exceptions to general restrictions on disclosure of information)—

(a) after “the Director General of Electricity Supply” insert “the Director General of Electricity Supply for Northern Ireland”;

(b) after “the Electricity Act 1989” insert “or the Electricity (Northern Ireland) Order 1992”.

11. In Schedule 5 (goods and services referred to in section 16) paragraph 3 (electricity) shall cease to have effect.

The Drainage (Northern Ireland) Order 1973 (NI 1)

12. In Article 33(3) (control of dams and sluices) for “the Northern Ireland Electricity Service” substitute “any licence holder within the meaning of Part II of the Electricity (Northern Ireland) Order 1992”.

The Water and Sewerage Services (Northern Ireland) Order 1973 (NI2)

13. In Article 57A(3) (civil liability of Department for escapes of water)—

(a) in sub-paragraph (a) omit the words “electricity or”;

(b) after sub-paragraph (b) insert—

“(bb) any holder of a licence under Article 10(1) of the Electricity (Northern Ireland) Order 1992”.

The Consumer Credit Act 1974 (c. 39)

14. In section 174(3)(a) (exceptions to restrictions on disclosure of information)—

(a) after “Electricity Act 1989” insert “or the Electricity (Northern Ireland) Order 1992”;

(b) after “the Director General of Electricity Supply” insert “or the Director General of Electricity Supply for Northern Ireland”.

15. In section 189(1) (definitions), in the definition of “electric line”, for “the Electricity Supply (Northern Ireland) Order 1972” substitute “the Electricity (Northern Ireland) Order 1992”.

The Restrictive Trade Practices Act 1976 (c. 34)

16. In section 41(1)(a) (disclosure of information)—
- (a) after “the Director General of Electricity Supply” insert “the Director General of Electricity Supply for Northern Ireland”;
 - (b) after “Electricity Act 1989” insert “or the Electricity (Northern Ireland) Order 1992”.

The Rates (Northern Ireland) Order 1977 (NI 28)

17. After Article 39B insert—

“Rating of electricity licence holders

39C.—(1) For the purposes of any valuation list in force on or after the transfer date within the meaning of Article 68 of the Electricity (Northern Ireland) Order 1992, the Department may, by order, either—

- (a) determine the net annual value of the hereditaments occupied by a holder of a licence or an exemption under Part II of that Order of 1992; or
- (b) make provision for the manner in which the net annual value of such hereditaments is to be, or may be, estimated.

(2) An order under paragraph (1) may make provision with respect to the apportionment of the aggregate amount of the net annual value determined or estimated under the order among the districts of district councils.

(3) An order under paragraph (1)—

- (a) may modify or repeal any provision of this Order;
- (b) may contain such incidental, supplementary or consequential provisions as the Department considers necessary or expedient for the purposes of the Order;
- (c) shall be made only after consultation with holders of such licences or exemptions, associations of district councils and district councils as the Department considers appropriate; and
- (d) shall be subject to affirmative resolution,

and an order providing for the method by which the net annual value of any hereditament is to be determined may provide for determining that value by the application of different methods of valuation to different parts of the hereditament.

(4) In relation to any time before Article 8 of that Order of 1992 comes into operation, any requirement imposed by paragraph (3)(c) to consult with holders of licences or exemptions shall be construed as a requirement to consult with Northern Ireland Electricity.”.

The Pollution Control and Local Government (Northern Ireland) Order 1978 (NI 19)

18. In Article 24 (production of heat and electricity from waste)—

(a) in paragraph (1)—

- (i) for “paragraphs (2) and (3)” substitute “paragraph (2)”;
- (ii) after “use, sell or otherwise dispose of any heat” insert “or electricity”;

(b) for paragraphs (2) and (3) substitute—

“(2) Nothing in paragraph (1) shall be construed as exempting a district council from the requirements of Part II of the Electricity (Northern Ireland) Order 1992.”;

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- (c) in paragraph (6) the words “(except the restrictions imposed by paragraphs (2) and (3))” shall be omitted.

19. In Article 53 (interpretation of Part III)—

- (a) insert the following definition—

““electricity undertaker” means a holder of a licence under Article 10(1) of the Electricity (Northern Ireland) Order 1992”;

- (b) in the definition of “statutory undertakers” for “electricity or gas” substitute “gas, or an electricity undertaker”.

The Estate Agents Act 1979 (c. 38)

20. In section 10(3)(a) (exceptions to restrictions on disclosure of information)—

- (a) after “Electricity Act 1989” insert “or the Electricity (Northern Ireland) Order 1992”;
- (b) after “the Director General of Electricity Supply” insert “the Director General of Electricity Supply for Northern Ireland”.

The Competition Act 1980 (c. 21)

21. In section 19 (exceptions to restrictions on disclosure of information)—

- (a) in subsection (2)(a) after “Director General of Electricity Supply” insert “the Director General of Electricity Supply for Northern Ireland”;
- (b) in subsection (3) after paragraph (m) insert—
 - “(n) the Electricity (Northern Ireland) Order 1992”.

The Roads (Northern Ireland) Order 1980 (NI 11)

22. In Article 2(2) (interpretation) in the definition of “statutory undertakers” the word “electricity” shall be omitted.

23. In Article 11(3)(c) (which relates to statutory provisions in relation to bridges for the benefit or protection of statutory undertakers), after “telecommunications code system” insert “or the holder of a licence under Article 10(1) of the Electricity (Northern Ireland) Order 1992”.

24. In Article 15(1) (restriction on laying of mains, etc., in special roads) after “undertakers” insert “or on the holder of a licence under Article 10(1) of the Electricity (Northern Ireland) Order 1992”.

25. After Article 42(2)(d) (exceptions from requirement of consent) insert

“or

- (e) it is done in relation to a road which is not a special road by the holder of a licence under Article 10(1) of the Electricity (Northern Ireland) Order 1992 in pursuance of any right conferred by or in accordance with Schedule 4 to that Order of 1992”.

26. In Article 45(4) (restriction on placing rails, etc., not to apply to works or apparatus belonging to a statutory undertaker) at the end insert “or to any works executed or electric lines or electrical plant kept installed for the purposes of the activities which a licence holder is authorised by his licence under Article 10(1) of the Electricity (Northern Ireland) Order 1992 to carry on.”.

The Access to the Countryside (Northern Ireland) Order 1983 (NI 18)

27. In Article 2(2) (interpretation)—

- (a) insert the following definition—
 - ““electricity undertaker” means a holder of a licence under Article 10(1) of the Electricity (Northern Ireland) Order 1992;”;
- (b) in the definition of “statutory undertakers”
 - (i) omit the word “electricity”;
 - (ii) after “Post Office” insert “, an electricity undertaker”.

The Telecommunications Act 1984 (c. 12)

- 28.** In section 98(9) (use of certain conduits for telecommunications purposes)—
 - (a) in the definition of “electric line”, in paragraph (b) for “Electricity Supply (Northern Ireland) Order 1972” substitute “Electricity (Northern Ireland) Order 1992”; and
 - (b) in the definition of “electricity authority” for “the Northern Ireland Electricity Service” substitute “a person authorised by a licence under Part II of the Electricity (Northern Ireland) Order 1992 to transmit or supply electricity”.
- 29.** In section 101 (general restrictions on disclosure of information)—
 - (a) in subsection (2)(b) after “the Director General of Electricity Supply” insert “the Director General of Electricity Supply for Northern Ireland”; and
 - (b) after subsection (3)(k) insert—
 - “(l) the Electricity (Northern Ireland) Order 1992.”.

The Airports Act 1986 (c. 31)

- 30.** In section 74 (restrictions on disclosure of information)—
 - (a) in subsection (2)(a) after “the Director General of Electricity Supply” insert “the Director General of Electricity Supply for Northern Ireland”; and
 - (b) after subsection (3)(l) insert—
 - “(m) the Electricity (Northern Ireland) Order 1992”.

The Consumer Protection Act 1987 (c. 43)

- 31.** In section 38 (restrictions on disclosure of information)—
 - (a) after subsection (3)(m) insert—
 - “(n) the Electricity (Northern Ireland) Order 1992”; and
 - (b) in subsection (6)(b) after “the Director General of Electricity Supply” insert “or the Director General of Electricity Supply for Northern Ireland”.

The Consumer Protection (Northern Ireland) Order 1987 (NI 20)

- 32.** In Article 29 (restrictions on disclosure of information)—
 - (a) after paragraph (3)(l) insert—
 - “(m) the Electricity (Northern Ireland) Order 1992”; and
 - (b) in paragraph (6)(b) at the end add “or the Director General of Electricity Supply for Northern Ireland.”.

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The Insolvency (Northern Ireland) Order 1989 (NI 19)

33. In Article 197(3)(a) (supplies of water, electricity, etc.) for “Northern Ireland Electricity” substitute “a public electricity supplier within the meaning of Part II of the Electricity (Northern Ireland) Order 1992”.

34. In Article 343(4)(a) (supplies of water, electricity, etc.) for “Northern Ireland Electricity” substitute “a public electricity supplier within the meaning of Part II of the Electricity (Northern Ireland) Order 1992”.

The Planning (Northern Ireland) Order 1991 (1991 NI 11)

35. In Article 2(2) (interpretation)—

(a) insert the following definition—

““electricity undertaker” means a holder of a licence under Article 10(1) of the Electricity (Northern Ireland) Order 1992;”;

(b) in the definition of “statutory undertaker” for “electricity or gas” substitute “gas, or an electricity undertaker”.

36. In Article 22(2)(b) (notification of applications) for “the Northern Ireland Electricity Service” substitute “an electricity undertaker”.