

STATUTORY INSTRUMENTS

2003 No. 419

The Energy (Northern Ireland) Order 2003

**PART VI
ENFORCEMENT**

Introductory

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41.—(1) This Part has effect in relation to the enforcement of—

- (a) relevant conditions of gas and electricity licences [^{F1}and exemptions]; [^{F2} and]
- (b) relevant requirements [^{F3}.]
- (c) ^{F4}

(2) In this Part—

[^{F5}“regulated person” means any person who is—

- (a) a licence holder; ^{F6}...
- (b) an exemption holder [^{F7};or]
- (c) [^{F8}a regional co-ordination centre;]

[^{F9}“relevant conditions” means—

- (a) in relation to any licence holder, any condition of his licence;
- (b) in relation to any exemption holder, any condition of his exemption.]

[^{F10}“relevant requirement” has the meaning given to it in Articles 41A and 41B.]

- F1** Words in art. 41(1)(a) inserted (15.4.2011) by [Gas and Electricity \(Internal Markets\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/155\)](#), **reg. 72**
- F2** Word in art. 41(1)(a) added (1.11.2007) by [Electricity Regulations \(Northern Ireland\) 2007 \(S.R. 2007/321\)](#), **regs. 1(2), 61, Sch. 3 para. 3(a)** (with transitional provisions in Pt. IV)
- F3** Words in art. 41(1)(b) substituted (1.11.2007) by [Electricity Regulations \(Northern Ireland\) 2007 \(S.R. 2007/321\)](#), **regs. 1(2), 61, Sch. 3 para. 3(a)** (with transitional provisions in Pt. IV)
- F4** Art. 41(1)(c) repealed (1.11.2007) by [Electricity Regulations \(Northern Ireland\) 2007 \(S.R. 2007/321\)](#), **regs. 1(2), 61, Sch. 3 para. 3(a)** (with transitional provisions in Pt. IV)
- F5** Art. 41(2): definition of "regulated person" inserted (15.4.2011) by [Gas and Electricity \(Internal Markets\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/155\)](#), **reg. 73**
- F6** Word in art. 41(2) omitted (31.12.2020) by virtue of [The Electricity \(Internal Markets\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/307\)](#), **regs. 1, 27(a)**
- F7** Word in art. 41(2) substituted (31.12.2020) by [The Electricity \(Internal Markets\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/307\)](#), **regs. 1, 27(b)**

- F8** Words in art. 41(2) added (31.12.2020) by [The Electricity \(Internal Markets\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/307\)](#), regs. 1, **27(b)**
- F9** Art. 41(2): definition of "relevant conditions" substituted (15.4.2011) by [Gas and Electricity \(Internal Markets\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/155\)](#), **reg. 74**
- F10** Art. 41(2): definition of "relevant requirement" substituted (15.4.2011) by [Gas and Electricity \(Internal Markets\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/155\)](#), **reg. 75**

Modifications etc. (not altering text)

- C1** Art. 41 modified (3.7.2007) by [Electricity Regulations \(Northern Ireland\) 2007 \(S.R. 2007/321\)](#), regs. 1(1), **13(2)** (with transitional provisions in Pt. IV)

[^{F11}Meaning of relevant requirement in relation to electricity

41A.—(1) In the case of electricity, “relevant requirement” in respect of any regulated person means any duty or other requirement imposed on that person by or under a provision—

- (a) specified in this Article; or
- (b) in the Electricity Regulation and designated under this Article, in respect of that person.

(2) In respect of any licence holders, Article 27(4)(b) is specified for the purposes of paragraph (1).

(3) In respect of holders of an electricity generation licence—

- (a) Part VII (Electricity from renewable sources);
- (b) designated provisions of the Electricity Regulation;
- (c) Articles 10C(8) and (9) of the Electricity Order (Certification procedure);
- (d) Articles 10I(11) and (12) of the Electricity Order (Monitoring and review of certification);
- (e) Articles 8C(4) and (5) of the Gas Order (Certification procedure); and
- (f) Articles 8I(11) and (12) of the Gas Order (Monitoring and review of certification),

are specified for the purposes of paragraph (1).

(4) In respect of holders of an electricity supply licence—

- (a) Article 43(3) of the Electricity Order (Overall standards of performance: electricity supply);
- (b) Article 44(3) of the Electricity Order (Promotion of efficient use of electricity);
- (c) Article 45A of the Electricity Order (Information to be given to customers about overall performance);
- (d) Article 45B of the Electricity Order (Procedures for dealing with complaints);
- (e) those in Part VII (Electricity from renewable sources);
- (f) the Electricity and Gas (Billing) (No. 2) Regulations (Northern Ireland) 2010;
- (g) Articles 10C(8) and (9) of the Electricity Order (Certification procedure);
- (h) Articles 10I(10), (11) and (12) of the Electricity Order (Monitoring and review of certification) insofar as they apply to that person;
- (i) Articles 8C(4) and (5) of the Gas Order (Certification procedure); ^{F12} . . .
- (j) Articles 8I(11) and (12) of the Gas Order (Monitoring and review of certification) ; ^{F13} ...

[paragraph 2(1) and 3(4) of Schedule 7 to the Electricity Order (individual meters),]

^{F14}(k)

[section 6(2) of the Energy Prices Act 2022, except section 6(2)(c) insofar as non-^{F15}(1) compliance with the terms of the designated scheme involves the amounts payable by or to the Secretary of State under the scheme; and

(m) section 22 of the Energy Prices Act 2022,]

are specified for the purposes of paragraph (1).

(5) In respect of holders of an electricity distribution licence—

(a) Article 12(1) of the Electricity Order (General duties of electricity distributors and transmission licence holders);

(b) Articles 19 to 26 of the Electricity Order (Duty to connect on request);

(c) Article 43A of the Electricity Order (Overall standards of performance: electricity distributors); and

(d) Article 45A of the Electricity Order (Information to be given to customers about overall performance),

are specified for the purposes of paragraph (1).

(6) In respect of holders of an electricity transmission licence—

(a) Article 12(2) of the Electricity Order (General duties of electricity distributors and transmission licence holders);

(b) Article 10B(1) or (2) and Article 10C(3) of the Electricity Order insofar as they apply to that person; ^{F16}...

(c) Articles 10C(7) or (8) and (9) and 10I(10), (11) and (12) of the Electricity Order insofar as they apply to that person [^{F17}; and]

[Article 53A(2) of the Electricity Order insofar as it applies to that person,]
^{F18}(d)

are specified for the purposes of paragraph (1).

[
^{F19}(6A) In respect of a regional co-ordination centre,

(a) Article 53A(2) of the Electricity Order insofar as it applies to that person; and

(b) Article 53A(3) and (4) of the Electricity Order (regional coordination centres),

are specified for the purposes of paragraph (1).]

(7) The Department shall for the purposes of paragraph (1) designate those provisions of the Electricity Regulation which impose a duty or requirement on any or on any particular regulated person in respect of such persons and shall publish any such designation in the Belfast Gazette

[
^{F20}(8) In paragraphs (1) and (3)(b), the references to provisions in the Electricity Regulation designated under this Article are to be treated as including provisions of the 2009 Electricity Market Regulation that were designated under this Article before the coming into force of the Electricity and Gas (Internal Markets) Regulations 2020.]

F11 Arts. 41A, 41B inserted (15.4.2011) by [Gas and Electricity \(Internal Markets\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/155\)](#), [reg. 76](#)

F12 Word in art. 41A(4)(i) omitted (25.7.2014) by virtue of [Energy Efficiency Regulations \(Northern Ireland\) 2014 \(S.R. 2014/198\)](#), [reg. 6\(a\)](#)

F13 Word in art. 41A(4)(j) omitted (25.10.2022) by virtue of [Energy Prices Act 2022 \(c. 44\)](#), s. 30(6), [Sch. 7 para. 10\(a\)](#) (with s. 29)

- F14** Art. 41A(4)(k) inserted (25.7.2014) by Energy Efficiency Regulations (Northern Ireland) 2014 (S.R. 2014/198), **reg. 6(c)**
- F15** Art. 41A(4)(l)(m) inserted (25.10.2022) by Energy Prices Act 2022 (c. 44), s. 30(6), **Sch. 7 para. 10(b)** (with ss. 6, 29)
- F16** Word in art. 41A(6) omitted (31.12.2020) by virtue of The Electricity (Internal Markets) Regulations (Northern Ireland) 2020 (S.R. 2020/307), regs. 1, **28(a)(i)**
- F17** Word in art. 41A(6) substituted (31.12.2020) by The Electricity (Internal Markets) Regulations (Northern Ireland) 2020 (S.R. 2020/307), regs. 1, **28(a)(ii)**
- F18** Art. 41A(6)(d) added (31.12.2020) by The Electricity (Internal Markets) Regulations (Northern Ireland) 2020 (S.R. 2020/307), regs. 1, **28(a)(ii)**
- F19** Art. 41A(6A) inserted (31.12.2020) by The Electricity (Internal Markets) Regulations (Northern Ireland) 2020 (S.R. 2020/307), regs. 1, **28(b)**
- F20** Art. 41A(8) inserted (25.2.2020) by The Electricity and Gas (Internal Markets) Regulations 2020 (S.I. 2020/96), regs. 1, **7(7)**

Meaning of relevant requirement in relation to gas

41B.—(1) In the case of gas, “relevant requirement” in respect of any regulated person means any duty or other requirement imposed on that person by or under a provision

- (a) specified in this Article; or
- (b) in the Gas Regulation and designated under this Article,

in respect of that person.

(2) In respect of any licence holders, Article 27(4)(b) is specified for the purposes of paragraph (1).

(3) In respect of holders of a gas supply licence—

- (a) Section 3(4) of the Energy Act (Northern Ireland) 2011 (Overall standards of performance);
- (b) Section 5(3) of the Energy Act (Northern Ireland) 2011 (Standards for promoting efficient use of gas);
- (c) Section 7 of the Energy Act (Northern Ireland) 2011 (Information to be given to customers about overall performance);
- (d) Section 8 of the Energy Act (Northern Ireland) 2011 (Procedures for dealing with complaints);
- (e) the Electricity and Gas (Billing) (No. 2) Regulations (Northern Ireland) 2010;
- (f) Articles 10C(8) and (9) of the Electricity Order (Certification procedure);
- (g) Articles 10I(11) and (12) of the Electricity Order (Monitoring and review of certification);
- (h) articles 8C(4) and (5) of the Gas Order (Certification procedure); ^{F21} . . .
- (i) Articles 8I(11) and (12) of the Gas Order (Monitoring and review of certification) [^{F22}; ^{F23} ...]

[Article 21A of the Gas Order (individual meters).]

^{F24}(j)

[section 7(2) of the Energy Prices Act 2022, except section 7(2)(c) insofar as non-compliance with the terms of the designated scheme involves the amounts payable by or to the Secretary of State under the scheme; and

^{F25}(k)

(l) section 22 of the Energy Prices Act 2022,]

are specified for the purposes of paragraph (1).

(4) In respect of holders of a gas conveyance licence —

- (a) Section 3(4) of the Energy Act (Northern Ireland) 2011 (Overall standards of performance);
- (b) Section 7 of the Energy Act (Northern Ireland) 2011 (Information to be given to customers about overall performance),

are specified for the purposes of paragraph (1).

(5) In respect of holders of a gas conveyance licence involved in gas transmission—

- (a) Article 8B(1) or (2) of the Gas Order and Article 8B(1) or (2) of the Electricity Order insofar as they apply to that person; and
- (b) Article 8C(3), (4) and (5) and 8I(10), (11) and (12) of the Gas Order insofar as they apply to that person,

are specified for the purposes of paragraph (1).

(6) The Department shall for the purposes of paragraph (1) designate those provisions of the Gas Regulation which impose a duty or requirement, on any or on any particular, regulated person in respect of such persons and shall publish any such designation in the Belfast Gazette.]

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| <p>F11 Arts. 41A, 41B inserted (15.4.2011) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011 (S.R. 2011/155), reg. 76</p> <p>F21 Word in art. 41B(3)(h) omitted (25.7.2014) by virtue of Energy Efficiency Regulations (Northern Ireland) 2014 (S.R. 2014/198), reg. 7(a)</p> <p>F22 Word in art. 41B(3)(i) substituted (25.7.2014) by Energy Efficiency Regulations (Northern Ireland) 2014 (S.R. 2014/198), reg. 7(b)</p> <p>F23 Word in art. 41B(3)(i) omitted (25.10.2022) by virtue of Energy Prices Act 2022 (c. 44), s. 30(6), Sch. 7 para. 11(a) (with s. 29)</p> <p>F24 Art. 41B(3)(j) inserted (25.7.2014) by Energy Efficiency Regulations (Northern Ireland) 2014 (S.R. 2014/198), reg. 7(c)</p> <p>F25 Art. 41B(3)(k)(l) inserted (25.10.2022) by Energy Prices Act 2022 (c. 44), s. 30(6), Sch. 7 para. 11(b) (with ss. 7, 29)</p> |
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Changes to legislation:

There are currently no known outstanding effects for the The Energy (Northern Ireland) Order 2003, Cross Heading: Introductory.