

---

STATUTORY INSTRUMENTS

---

**2007 No. 913**

**The Electricity (Single Wholesale Market) (Northern Ireland) Order 2007**

*Objective and duties of Department, the Authority and SEM Committee*

**Principal objective and duties of Department, the Authority and SEM Committee in relation to SEM**

9.—(1) The principal objective of—

- (a) the Department in carrying out its electricity functions in relation to matters which it considers materially affect, or are likely materially to affect, the SEM;
- (b) the Authority in giving effect to any decision of the SEM Committee;
- (c) the SEM Committee in carrying out its functions under Article 6(2),

is to protect the interests of consumers of electricity in Northern Ireland and Ireland supplied by authorised persons, wherever appropriate by promoting effective competition between persons engaged in, or in commercial activities connected with, the sale or purchase of electricity through the SEM.

(2) The Department, the Authority and the SEM Committee shall carry out those functions in the manner which it considers is best calculated to further the principal objective, having regard to—

- (a) the need to secure that all reasonable demands for electricity in Northern Ireland and Ireland are met; and
- (b) the need to secure that authorised persons are able to finance the activities which are the subject of obligations imposed by or under Part II of the Electricity Order or the Energy Order or any corresponding provision of the law of Ireland; and
- (c) the need to secure that the functions of the Department, the Authority, the Irish Minister and CER in relation to the SEM are exercised in a co-ordinated manner,
- (d) the need to ensure transparent pricing in the SEM;
- (e) the need to avoid unfair discrimination between consumers in Northern Ireland and consumers in Ireland.

(3) The Department, the Authority and the SEM Committee may, in carrying out any of the functions mentioned in paragraph (1), have regard to the interests of consumers in Northern Ireland and Ireland in relation to gas.

(4) Subject to paragraph (2), the Department, the Authority and the SEM Committee shall carry out the functions mentioned in paragraph (1) in the manner which it considers is best calculated—

- (a) to promote efficiency and economy on the part of authorised persons;
- (b) to secure a diverse, viable and environmentally sustainable long-term energy supply in Northern Ireland and Ireland; and
- (c) to promote research into, and the development and use of—
  - (i) new techniques by or on behalf of authorised persons;
  - (ii) methods of increasing efficiency in the use and generation of electricity.

(5) Subject to paragraph (2), in carrying out any of the functions mentioned in paragraph (1) the Department, the Authority and the SEM Committee shall have regard to—

- (a) the effect on the environment in Northern Ireland and Ireland of the activities of authorised persons, and
- (b) the need, where appropriate, to promote the use of [<sup>F1</sup>renewable energy within the meaning of Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending [Directive 2012/27/EU](#)];

(6) In carrying out any of the functions mentioned in paragraph (1) the Department, the Authority and the SEM Committee shall not discriminate unfairly—

- (a) between authorised persons; or
- (b) between persons who are applying to become authorised persons.

(7) In carrying out any of the functions mentioned in paragraph (1) in accordance with the preceding provisions of this Article, the Department, the Authority and the SEM Committee shall have regard to—

- (a) the principles under which regulatory activities should be transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed;
- (b) any other principles appearing to it to represent the best regulatory practice.

(8) In this Article—

“authorised person” means the holder of a licence or exemption granted under Part II of the Electricity Order or any corresponding provision of the law of Ireland;

“electricity functions” means —

- (a) functions under Part II of the Electricity Order;
- (b) functions under the Energy Order relating to electricity;
- (c) functions under Part IV of the Electricity Order 1992 (Amendment) Regulations (Northern Ireland) 2005 (SR 2005/ 335); and
- (d) functions under this Order;
- (e) [<sup>F2</sup>functions under sections 5 and 6 of the Energy Prices Act 2022 (but only the functions under section 5 relating to electricity);
- (f) functions under regulations made under section 11(1) of the Energy Prices Act 2022;]

“environmental sustainability” includes the need to guard against climate change; <sup>F3</sup>...

<sup>F4</sup>...

(9) In relation to any time after the coming into operation of Article 3 but before the establishment of the SEM Committee, this Article has effect as if for paragraph (1)(b) there were substituted—

“(b) the Authority in carrying out its functions under Article 3;” .

#### Textual Amendments

- F1** Words in art. 9(5)(b) substituted (31.12.2020) by [The Electricity \(Internal Markets\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/307\)](#), regs. 1, **33(a)**
- F2** Words in art. 9(8) inserted (25.10.2022) by [Energy Prices Act 2022 \(c. 44\)](#), s. 30(6), **Sch. 7 para. 15** (with s. 29)
- F3** Word in art. 9(8) omitted (31.12.2020) by virtue of [The Electricity \(Internal Markets\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/307\)](#), regs. 1, **33(b)**

- F4** Words in art. 9(8) omitted (31.12.2020) by virtue of [The Electricity \(Internal Markets\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/307\)](#), regs. 1, **33(b)**

**Modifications etc. (not altering text)**

- C1** Art. 9 modified by S.I. 2003/419 (N.I. 6), art. 13(1A)(1B) (as substituted for (1A) (12.4.2013) by [The Gas and Electricity \(Internal Markets\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/92\)](#), regs. 1, **5**)
- C2** Art. 9 excluded by S.I. 2003/419 (N.I. 6), art. 8A(4) (as substituted (12.4.2013) by [The Gas and Electricity \(Internal Markets\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/92\)](#), regs. 1, **4**)

**Commencement Information**

- I1** Art. 9 wholly in operation at 1.11.2007; art. 9 not in operation at date of making see art. 1(3); art. 9 in operation for specified purposes at 20.6.2007 by [S.R. 2007/303](#), **art. 2, Sch.**; art. 9 in operation at 1.11.2007 for all remaining purposes by [S.R. 2007/444](#), **art. 2, Sch. 1**

**Exceptions from the general duties**

**10.—(1)** Article 9 does not apply in relation to functions of the Department under—

- (a) Article 39, 40, 58, 59 or 60 of the Electricity Order; or
- (b) Article 61 of the Energy Order.

(2) Article 9 does not apply in relation to anything done by the SEM Committee in taking a decision as to the exercise of any function of the Authority—

- (a) which relates to the determination of disputes;
- (b) under Article 46(3) of the Electricity Order; or
- (c) under Article 8 of the Energy Order;

or to anything done by the Authority in giving effect to that decision.

(3) The SEM Committee may nevertheless, when taking a decision as to the exercise of any function of the Authority under Article 46(3) of the Electricity Order, have regard to any matter in respect of which a duty is imposed by Article 9 if it is a matter to which the [<sup>F5</sup>Competition and Markets Authority] could have regard when exercising that function.

(4) The duties imposed by Article 9 do not affect the obligation of the Authority or the Department to perform or comply with any other duty or requirement (whether arising under this Order or another statutory provision, by virtue of any Community obligation or otherwise).

**Textual Amendments**

- F5** Words in art. 10(3) substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), **Sch. 1 para. 258** (with art. 3)

**Commencement Information**

- I2** Art. 10 partly in operation; art. 10 not in operation at date of making see art. 1(3); art. 10(1) in operation at 20.6.2007 and art. 10(4) in operation for specified purposes at 20.6.2007 by [S.R. 2007/303](#), **art. 2, Sch.**; art. 10(2)(3) in operation at 1.11.2007 by [S.R. 2007/444](#), **art. 2, Sch. 1**

**Changes to legislation:**

There are currently no known outstanding effects for the The Electricity (Single Wholesale Market) (Northern Ireland) Order 2007, Objective and duties of Department, the Authority and SEM Committee.