

SCHEDULES

SCHEDULE 2

Article 6

THE SEM COMMITTEE

Membership

- 1.—(1) The SEM Committee shall consist of—
- (a) not more than 3 persons (“Authority members”) appointed by the Department after consultation with the Authority;
 - (b) not more than 3 persons (“CER members”) appointed by the Department with the approval of the Irish Minister; and
 - (c) a person (“the independent member”) appointed by the Department with the approval of the Irish Minister and after consultation with the Authority.
- (2) An Authority member must be a member of, or a member of the staff of, the Authority.
- (3) A CER member must be a member of CER.
- [^{F1}(3A) A person appointed as a member of the SEM Committee shall not—
- (a) carry out any activity or have any financial or other interest that might compromise or might reasonably be seen to compromise that person’s impartiality; ^{F2}...
 - (b) seek or take any instructions from any person or body that might compromise or might reasonably be seen to compromise the independence of that person as a member of the SEM Committee[^{F3};or]
- [disclose information which is subject to a duty of confidentiality either while holding ^{F4}(c) office or after holding office.]]
- (4) The Department may, with the approval of the Irish Minister and after consultation with the Authority, appoint a person (“the deputy independent member”) who—
- (a) may attend and take part in meetings of the SEM Committee; but
 - (b) may not vote on any matter except in the absence of the independent member.
- (5) [^{F5}Sub-paragraph (3A) and paragraphs 2, 3 and 4] apply in relation to the deputy independent member as they apply in relation to the independent member.

Textual Amendments

- F1** Sch. 2 para. 1(3A) inserted (12.4.2013) by [The Gas and Electricity \(Internal Markets\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/92\)](#), regs. 1, 7
- F2** Word in Sch. 2 para. 1(3A) omitted (31.12.2020) by virtue of [The Electricity \(Internal Markets\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/307\)](#), regs. 1, **34(a)(i)**
- F3** Word in Sch. 2 para. 1(3A)(b) substituted (31.12.2020) by [The Electricity \(Internal Markets\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/307\)](#), regs. 1, **34(a)(ii)**
- F4** Sch. 2 para. 1(3A)(c) added (31.12.2020) by [The Electricity \(Internal Markets\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/307\)](#), regs. 1, **34(a)(ii)**

Changes to legislation: There are currently no known outstanding effects for the *The Electricity (Single Wholesale Market) (Northern Ireland) Order 2007, SCHEDULE 2*. (See end of Document for details)

F5 Words in Sch. 2 para. 1(5) substituted (12.4.2013) by [The Gas and Electricity \(Internal Markets\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/92\)](#), regs. 1, 8

Terms of appointment, remuneration, pensions, etc.

2.—(1) Subject to this Schedule, the members shall hold and vacate office in accordance with the terms of their appointment.

(2) Those terms of appointment shall be determined by the Department with the approval of the Irish Minister.

3.—^{F6}(1) An appointment of a person as a member shall be for a term of not less than 5 years or for a term of not more than 7 years.

(1A) The appointment of a person as a member may only be renewed once.

(1B) To ensure continuity of the functioning of the SEM Committee, the Department shall ensure that there is a rotation of the membership of the Committee and accordingly the Department shall appoint members so that their terms of office will not all expire at the same time.]

^{F7}(1C) No person shall be appointed as member except—

(a) in accordance with the code and such other guidance as may be published from time to time under Article 3(2) of the Commissioner for Public Appointments (Northern Ireland) Order 1995; and

(b) on the basis of the application of objective, transparent and published criteria which ensures that the candidate has the necessary skills and experience for the relevant position.]

(2) A person holding office as a member may resign that office by giving notice in writing to the Department and the Irish Minister.

(3) A person holding office as the independent member may on the ground of incapacity or misbehaviour be removed from office by the Department with the approval of the Irish Minister.

(4) An Authority member—

(a) may be removed from office by the Department—

(i) on the ground of incapacity or misbehaviour; or

^{F8}(ii) for breach of paragraph 1(3A);]

(b) shall cease to hold office if he ceases to be either a member of, or a member of the staff of, the Authority.

(5) A CER member—

(a) may be removed from office by the Department with the approval of the Irish Minister—

(i) on the ground of incapacity or misbehaviour; or

^{F9}(ii) for breach of paragraph 1(3A);]

(b) shall cease to hold office if he ceases to be a member of CER.

(6) A previous appointment as a member does not affect a person's eligibility for appointment to that office.

Textual Amendments

F6 Sch. 2 para. 3(1)(1A)(1B) substituted for Sch. 2 para. 3(1) (12.4.2013) by [The Gas and Electricity \(Internal Markets\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/92\)](#), regs. 1, 9

Changes to legislation: There are currently no known outstanding effects for the The Electricity (Single Wholesale Market) (Northern Ireland) Order 2007, SCHEDULE 2. (See end of Document for details)

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| F7 | Sch. 2 para. 3(1C) inserted (31.12.2020) by The Electricity (Internal Markets) Regulations (Northern Ireland) 2020 (S.R. 2020/307), regs. 1, 34(b) |
| F8 | Sch. 2 para. 3(4)(a)(ii) substituted (12.4.2013) by The Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2013 (S.R. 2013/92), regs. 1, 10 |
| F9 | Sch. 2 para. 3(5)(a)(ii) substituted (12.4.2013) by The Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2013 (S.R. 2013/92), regs. 1, 10 |

4. The Authority shall pay to the members such remuneration, and such travelling and other allowances, as may be determined by the Department.

Sub-committees

5.—(1) The SEM Committee may establish sub-committees.

(2) The members of a sub-committee of the SEM Committee may include persons who are not members of the SEM Committee.

Proceedings, etc.

6.—(1) Subject to the provisions of this Schedule, the SEM Committee may regulate its own procedures.

(2) A member shall be treated for the purposes of such procedures as present at a meeting of the SEM Committee if, in accordance with arrangements made under those procedures, he is able to hear, and be heard by, all the persons present at the meeting.

(3) The SEM Committee shall consult the Department before making or revising its procedures for dealing with conflicts of interest.

(4) The validity of anything done by the SEM Committee is not affected by a vacancy among its members or by a defect in the appointment of a member.

Quorum

7. The quorum for a meeting of the SEM Committee is —

- (a) the independent member (or the deputy independent member) and one other member; or
- (b) one Authority member and one CER member.

Decision making and voting

8.—(1) A matter may be decided by agreement—

- (a) of all members of the SEM Committee (whether at a meeting or not); or
- (b) of all members of the SEM Committee present at a meeting.

(2) Where at any meeting of the SEM Committee all the members present are not agreed as to any matter falling to be decided at that meeting, the following provisions of this paragraph apply.

(3) The matter shall be put to a vote and may be decided by a majority of the votes cast.

(4) For this purpose there shall be 3 votes of which—

- (a) the independent member (or the deputy independent member) if present shall have one;
- (b) the Authority members who are present shall have one; and
- (c) the CER members who are present shall have one.

(5) There shall be no casting vote; and accordingly where there is an equality of votes cast the matter shall not be decided at the meeting (but may be decided at a later meeting).

(6) In relation to a vote falling to be cast under head (b) or (c) of sub-paragraph (4)—

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- (a) where all the members mentioned in that head are agreed as to how the vote is to be cast, the vote shall be cast in that manner;
 - (b) where a majority of those members are agreed as to how the vote is to be cast, the vote shall be cast in that manner;
 - (c) in any other case, no vote shall be cast.
- (7) Nothing in this paragraph affects the application of paragraph 7.

Performance of functions

9.—(1) Anything which is authorised or required to be done by the SEM Committee may be done by—

- (a) any member of the SEM Committee who is authorised for that purpose by the Committee, either generally or specifically;
 - (b) any sub-committee of the SEM Committee which is so authorised; or
 - (c) any member of the staff of the Authority or CER who is so authorised.
- (2) Sub-paragraph (1)(b) does not apply to a sub-committee whose members include any person who is not a member, or member of the staff, of the Authority or CER.

Changes to legislation:

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