

**2003 No. 203 (C. 15)**

**ELECTRICITY**

**GAS**

**The Energy (2003 Order) (Commencement No. 1) Order  
(Northern Ireland) 2003**

*Made* - - - - - *28th March 2003*

The Department of Enterprise, Trade and Investment, in exercise of the powers conferred on it by Article 1(2) of the Energy (Northern Ireland) Order 2003<sup>(a)</sup> and of every other power enabling it in that behalf, hereby makes the following Order:

**Citation**

**1.** This Order may be cited as the Energy (2003 Order) (Commencement No. 1) Order (Northern Ireland) 2003.

**Appointed day**

**2.** 1st April 2003 is the day appointed for the coming into operation of the provisions of the Energy (Northern Ireland) Order 2003 listed in column 1 of the Schedule for the purposes set out in column 3 thereof.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 28th March 2003.

(L.S.)

*James McKeown*

A senior officer of the Department of Enterprise, Trade and Investment

SCHEDULE

Article 2

PROVISIONS OF THE ENERGY (NORTHERN IRELAND) ORDER 2003 COMING INTO  
OPERATION ON 1st APRIL 2003

<i>Provisions of the Order</i> (1)	<i>Subject Matter</i> (2)	<i>Purpose</i> (3)
Part II	New regulatory arrangements	For all purposes
Part III	Objectives of regulation of electricity and gas	For all purposes
Part IV (except the words “or 45” in the definition of “enforcement function” in Article 22(10))	Functions of the General Consumer Council	For all purposes
Articles 33 to 35	Conditions of licences	For all purposes
Articles 41(1)(a) and (b) and (2) and 42 to 44 except the words “ ; or (iii) Part VII; in the definition of “relevant requirement” in Article 41(2)	Enforcement – introductory and orders for securing compliance	
Article 45(9)	Maximum financial penalty	For the purposes of enabling the Department to make an order determining turnover
Article 46	Statement of policy with respect to penalties	For the purposes of enabling the Authority to consult upon, prepare and publish a statement of policy with respect to the imposition of penalties and the determination of their amount
Article 51	Power to require information	For all purposes other than the purpose of enforcing standards of performance prescribed under Article 42 of the Electricity (Northern Ireland) Order 1992(a)
Article 61	Grants for energy purposes	For all purposes
Article 62	Reasons for decisions	For all purposes
Article 63	General restrictions on disclosure of information	For all purposes
Schedule 1	The Northern Ireland Authority for Energy Regulation	For all purposes
The following paragraphs of Schedule 3 and Article 65 in so far as it relates to them –	Amendments to –	
paragraphs 3(1), 7(1), 7(3), 9, 14 to 17, 19 and 20	The Electricity (Northern Ireland) Order 1992	For all purposes
paragraphs 22, 23, 25, 27, 28(1), 28(3), 30 to 34, 37	The Gas (Northern Ireland) Order 1996(b)	For all purposes

(a) S.I. 1992/231 (N.I. 1); Article 42 was amended by Article 3(1) of the Competition and Service (Electricity) (Northern Ireland) Order 1992, S.I. 1992/1720 (N.I. 13)

(b) S.I. 1996/275 (N.I. 2)

<i>Provisions of the Order</i> (1)	<i>Subject Matter</i> (2)	<i>Purpose</i> (3)
and 38		
In Schedule 5 the following entries (and Article 65 in so far as it relates to them) –	Repeals	
the entry relating to the Northern Ireland Assembly Disqualification Act 1975(a)		For all purposes
the entry relating to the General Consumer Council (Northern Ireland) Order 1984(b)		For all purposes
the entries relating to Articles 2(2), 3, 4 to 7, 28 to 30, 31(1), 48, 49, 50(4), 51, 53 to 57 and 61 of, and Schedules 1 and 2 to, the Electricity (Northern Ireland) Order 1992		For all purposes other than – (a) the repeals in the definition of “authorised area” in Article 3; and (b) the repeal of Article 53(1) to (3), (5) and (6)
the entry relating to the Competition and Service (Northern Ireland) Order 1992(c)		For all purposes
the entry relating to the Airports (Northern Ireland) Order 1994(d)		For all purposes
the entries relating to Articles 2(2), 4, 5, 19 to 21, 25, 26, 27(4), 28, 30(1), 30(4), (5) and (6), 31 to 33 34(1) and 44 of, and Schedules 1 and 6 to, the Gas (Northern Ireland) Order 1996		For all purposes other than the repeal of Article 32(1) to (3), (5) and (6)
the entry relating to the Ombudsman (Northern Ireland) Order 1996(e)		For all purposes
the entry relating to the Competition Act 1998(f)		For all purposes
the entry relating to the Water (Northern Ireland) Order 1999(g)		For all purposes

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- (a) 1975 c. 25  
(b) S.I. 1984/1822 (N.I. 12)  
(c) S.I. 1992/1720 (N.I. 13)  
(d) S.I. 1994/426 (N.I. 1)  
(e) S.I. 1996/1298 (N.I. 8)  
(f) 1998 c. 41  
(g) S.I. 1999/662 (N.I. 6)

## **EXPLANATORY NOTE**

*(This note is not part of the Order.)*

This Order provides for the coming into operation on 1st April 2003 of the following provisions of the Energy (Northern Ireland) Order 2003 –

Part II (new regulatory arrangements) establishes the Northern Ireland Authority for Energy Regulation and requires the General Consumer Council for Northern Ireland to form a new energy group. It abolishes the offices of Director General of Gas for Northern Ireland and Director General of Electricity Supply for Northern Ireland and transfers their functions to the Authority. It also abolishes the present group established by the General Consumer Council to exercise its energy functions and the Consumer Committee for Electricity. The Authority and the Council are required to prepare and publish forward work programmes, and to draw up a memorandum to ensure effective co-operation between them.

Part III (objectives of regulation of electricity and gas) places new principal objectives and general duties on the Department of Enterprise, Trade and Investment and the Northern Ireland Authority for Energy Regulation in carrying out their functions in relation to electricity and gas. It also specifies certain exceptions to these objectives and duties.

Part IV (functions of the General Consumer Council) sets out the main functions of the Council in relation to electricity and gas and obliges it to have regard to the interests of certain disadvantaged consumers. It gives the Council powers to carry out investigations, and to provide and publish advice and information. It provides a right of access for the Council to information from the Northern Ireland Authority for Energy Regulation – which is given reciprocal rights – and from energy companies.

Articles 33 and 34 (conditions of licences) clarify some of the conditions which may be included in electricity and gas licences. In particular, they allow for the raising of a levy through an increase in the charges of certain licence holders and the payment of the levy to such persons as may be determined by the licence conditions. Article 35 (standard conditions of gas licences) provides for standard conditions to be activated, suspended and reactivated in particular circumstances.

Articles 41 to 44 (enforcement) provide for enforcement by the Northern Ireland Authority for Energy Regulation of electricity and gas licence conditions and certain statutory duties of electricity and gas licence holders. Under Article 51, the Authority is also given powers to obtain documents and information in connection with the investigation of suspected contraventions.

Article 61 (grants for energy purposes) enables the Department of Enterprise, Trade and Investment (“the Department”) to make grants for certain energy purposes.

Article 62 (reasons for decisions) requires the Department, the Authority or the Secretary of State to give reasons for certain decisions and to publish a notice setting out those reasons.

Article 63 (general restrictions on disclosure of information) places restrictions on the disclosure of information obtained under the Energy (Northern Ireland) Order 2003 or under certain provisions of the Electricity (Northern Ireland) Order 1992 or the Gas (Northern Ireland) Order 1996. Unauthorised disclosure is a criminal offence. Article 63 also includes a number of exceptions where disclosure is permitted.

Schedule 1 (the Northern Ireland Authority for Energy Regulation) sets out the arrangements for the appointment and remuneration of the members of the Authority and its staff, and contains provisions relating to its internal procedures.

Consequential amendments and repeals effected by Schedules 3 and 5, and Article 65 in so far as it relates to them.

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