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STATUTORY RULES OF NORTHERN IRELAND

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**2004 No. 71 (C. 1)**

**ELECTRICITY  
GAS**

The Energy (2003 Order) (Commencement  
No. 2) Order (Northern Ireland) 2004

*Made - - - - 1st March 2004*

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>(1)</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. 2) Order (Northern Ireland) 2004.

**Appointed Day**

2. 2nd March 2004 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 1st March 2004.

L.S.

*Michael A. Warnock*  
A senior officer of the  
Department of Enterprise, Trade and Investment

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## SCHEDULE

Article 2

PROVISIONS OF THE ENERGY (NORTHERN IRELAND)  
ORDER 2003 COMING INTO OPERATION ON 2nd MARCH 2004

<i>Provisions of the Order</i> (1)	<i>Subject Matter</i> (2)	<i>Purpose</i> (3)
In so far as it is not already in force – Article 22(10)	Definition of “enforcement function” in relation to consumer complaints	For all remaining purposes
Article 32(1) and (2)	Power to determine new standard conditions for gas conveyance licences	For all purposes
Articles 36 to 37	Modification of licences following Competition Commission report	For all purposes
Article 38	Modification of licences: general provisions	For all purposes
Articles 39 and 40	Power to alter licensable activities	For all purposes
Article 41(1)(c)	Application of enforcement provisions to standards of performance in the case of a public electricity supplier	For all purposes
In so far as they are not already in force – Articles 45 and 46	Financial penalties	For all remaining purposes
Articles 47 to 50	Financial penalties	For all purposes
In so far as it is not already in force – Article 51	Power to require information	For all remaining purposes
Article 52(6)	A renewables obligation in connection with electricity from renewable sources	For the purposes of enabling the Department to consult before making an order placing an obligation on designated electricity suppliers
Article 56	Power to amend Part VII of the Energy (Northern Ireland) Order 2003	For all purposes
Article 57(2) to (8)	Non-fossil fuel obligation	For all purposes
Schedule 2	Orders altering licensable activities	For all purposes
The following paragraphs of Schedule 3 and Article 65 in so far as it relates to them –	Amendments to –	

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<i>Provisions of the Order</i> (1)	<i>Subject Matter</i> (2)	<i>Purpose</i> (3)
paragraphs 7(2) and 8	The Electricity (Northern Ireland) Order 1992(2)	For all purposes
paragraphs 28(2), 28(4) and 29	The Gas (Northern Ireland) Order 1996(3)	For all purposes
In Schedule 5 the following entries (and Article 65 in so far as it relates to them) –	Repeals	
the entry relating to Article 18A of the Electricity (Northern Ireland) Order 1992		For all purposes
the entry relating to Article 18A of the Gas (Northern Ireland) Order 1996		For all purposes

## EXPLANATORY NOTE

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

This Order provides for the coming into operation on 2nd March 2004 of the following provisions of the Energy (Northern Ireland) Order 2003 –

Article 22(10) contains the definitions of “enforcement function” and “regulated activities” for the purposes of the Article.

Article 32(1) and (2) gives the Department power to determine new standard conditions for gas conveyance licences.

Articles 36 and 37 amend the Electricity (Northern Ireland) Order 1992 and the Gas (Northern Ireland) Order 1996 to make the Competition Commission the ultimate decision maker in determining electricity or gas licence modifications.

Article 38 requires any relevant body which modifies any electricity or gas licence to have regard to the relevant European Directives concerning common rules for the internal market in electricity or gas.

Articles 39 and 40 give the Department power to alter licensable activities. Schedule 2 sets out the process and procedures to be followed for such purposes.

Article 41(1)(c) stipulates that Part VI of the Order (enforcement) has effect in relation to the enforcement of individual standards of performance prescribed under Article 42 of the Electricity (Northern Ireland) Order 1992.

Articles 45 to 50 introduce provisions which allow the Northern Ireland Authority for Energy Regulation to impose financial penalties on licence holders for contravening relevant conditions or

(2) S.I. 1992/231 (N.I. 1)

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

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requirements. They set out arrangements for the payment and recovery of such penalties and also include provision for appeal against the imposition of a penalty or its amount.

Article 51 gives the Authority powers to obtain documents and information in connection with the investigation of suspected contraventions.

Article 52(6) requires the Department to consult before making an order placing an obligation on suppliers to provide evidence of the supply of electricity from renewable sources.

Article 56 gives the Department power to amend by order the provisions in Articles 52 to 55 of the Energy (Northern Ireland) Order 2003 to take account of developments in Great Britain or to give effect to any European Community obligation.

Article 57(2) to (8) enables the Department to make orders to save non-fossil fuel orders (which established arrangements for the purchase of electricity from renewable sources) previously made under Article 35 of the Electricity (Northern Ireland) Order 1992 and to preserve, modify, replace or otherwise deal with arrangements made thereunder.

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

#### **NOTE AS TO EARLIER COMMENCEMENT ORDERS**

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

The following provisions of the Energy (Northern Ireland) Order 2003 came into operation on the day after the Order was made (28th February 2003) or have been brought into operation by the Energy (2003 Order) (Commencement No. 1) Order (Northern Ireland) 2003 ([S.R. 2003 No. 203 \(C. 15\)](#)).

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R. No.</i>
Articles 1 and 2	28.02.03	
Articles 3 to 21	1.04.03	<a href="#">2003 No. 203 (C. 15)</a>
Article 22 (partially)	1.04.03	<a href="#">2003 No. 203 (C. 15)</a>
Articles 23 to 27	1.04.03	<a href="#">2003 No. 203 (C. 15)</a>
Articles 33 to 35	1.04.03	<a href="#">2003 No. 203 (C. 15)</a>
Article 41 (partially)	1.04.03	<a href="#">2003 No. 203 (C. 15)</a>
Articles 42 to 44	1.04.03	<a href="#">2003 No. 203 (C. 15)</a>
Article 45(9) (partially)	1.04.03	<a href="#">2003 No. 203 (C. 15)</a>
Article 46 (partially)	1.04.03	<a href="#">2003 No. 203 (C. 15)</a>
Article 51 (partially)	1.04.03	<a href="#">2003 No. 203 (C. 15)</a>
Articles 59 and 60	28.02.03	
Articles 61 to 63	1.04.03	<a href="#">2003 No. 203 (C. 15)</a>
Article 64	28.02.03	
Article 65 and Sch. 3 (partially)	28.02.03	<a href="#">2003 No. 203 (C. 15)</a>
	1.04.03	
Schedule 5 (partially)	1.04.03	<a href="#">2003 No. 203 (C. 15)</a>

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R. No.</i>
Articles 66 and 67	28.02.03	
Schedule 1	1.04.03	2003 No. 203 (C. 15)
Schedule 4	28.02.03	