

2005 No. 31 (C. 2)

ELECTRICITY

GAS

**The Energy (2003 Order) (Commencement No. 3) Order
(Northern Ireland) 2005**

Made - - - - - 9th February 2005

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^(a) 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. 3) Order (Northern Ireland) 2005.

Appointed day

2. 10th February 2005 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 9th February 2005.

(L.S.)

Jenny Pyper

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 10th FEBRUARY 2005

<i>Provisions of the Order</i>	<i>Subject Matter</i>	<i>Purpose</i>
(1)	(2)	(3)
In Article 41(2) the words “ ; or (iii) Part VII;” in the definition of “relevant requirement”	Enforcement – Renewables entry in definition of “relevant requirement”	For all purposes
In so far as it is not already in operation – Article 52	A renewables obligation in connection with electricity from renewable sources	For all remaining purposes
Articles 53 to 55	Renewables obligation orders (orders under Article 52)	For all purposes
The following paragraph of Schedule 3 and Article 65 in so far as it relates to it – paragraph 12	Amendment to the Electricity (Northern Ireland) Order 1992(a)	For all purposes

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

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order provides for the coming into operation on 10th February 2005 of the following provisions of the Energy (Northern Ireland) Order 2003 –

Part VI (enforcement) in so far as it is not already in operation: this has the effect of applying Part VI to the requirements imposed by Part VII (electricity from renewable sources).

Article 52 which provides the Department of Enterprise, Trade and Investment (“the Department”) with a power to impose obligations on Northern Ireland electricity suppliers in relation to the supply of electricity from renewable sources. Article 52 was amended by the Energy (Amendment) Order (Northern Ireland) 2004 (“the 2004 Order”) to reflect amendments made to the Electricity Act 1989 by the Energy Act 2004.

Article 53 which sets out details of the provisions which may be included in an order under Article 52. Article 53 was amended by the 2004 Order to extend coverage to include Great Britain electricity suppliers.

Article 54 which introduces the concept of “green certificates”, which will be tradeable certificates issued by the Northern Ireland Authority for Energy Regulation (“the Authority”), evidencing the production and supply in Northern Ireland of electricity from renewable sources. The production of such a certificate to the Authority will constitute sufficient evidence of the supply of the electricity to which it relates for the purpose of satisfying a supplier’s renewables obligation under Article 52. Article 54 was amended by the 2004 Order to provide for certificates to be issued to Great Britain suppliers by the Authority; and to allow Northern Ireland suppliers to discharge their renewables obligations by the production to the Authority of Great Britain certificates. In addition, the Energy Act 2004 (c. 20) made direct amendments to Article 54 to provide for a definition of “Northern Ireland” and for the treatment of certificates issued in respect of electricity generated under the Northern Ireland Non-Fossil Fuel Orders.

Article 55 which provides for an alternative way for electricity suppliers to meet their renewables obligation by making payments to the Authority. The Authority is then required to pay amounts received under Article 55 to other electricity suppliers in accordance with a system of allocation specified in the order made by the Department under Article 52. The Article was amended by the 2004 Order to make provision in relation to late payments and to default in payments.

Paragraph 12 of Schedule 3 (and Article 65 in so far as it relates to it) which makes a minor amendment to the Electricity (Northern Ireland) Order 1992.

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)) or by the Energy (2003 Order) (Commencement No. 2) Order (Northern Ireland) 2004 (S.R. 2004 No. 71 (C. 1)).

<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	2003 No. 203 (C. 15)
Article 22 (partially)	1.04.03	2003 No. 203 (C. 15)
(remainder)	2.03.04	2004 No. 71 (C. 1)
Articles 23 to 27	1.04.03	2003 No. 203 (C. 15)
Article 32(1) and (2)	2.03.04	2004 No. 71 (C. 1)
Articles 33 to 35	1.04.03	2003 No. 203 (C. 15)
Articles 36 to 40	2.03.04	2004 No. 71 (C. 1)
Article 41 (partially)	1.04.03	2003 No. 203 (C. 15)
(partially)	2.03.04	2004 No. 71 (C. 1)
Articles 42 to 44	1.04.03	2003 No. 203 (C. 15)
Article 45(9) (partially)	1.04.03	2003 No. 203 (C. 15)
Article 45 (for all remaining purposes)	2.03.04	2004 No. 71 (C. 1)
Article 46 (partially)	1.04.03	2003 No. 203 (C. 15)
(remainder)	2.03.04	2004 No. 71 (C. 1)
Articles 47 to 50	2.03.04	2004 No. 71 (C. 1)
Article 51 (partially)	1.04.03	2003 No. 203 (C. 15)
(remainder)	2.03.04	2004 No. 71 (C. 1)
Article 52(6) (partially)	2.03.04	2004 No. 71 (C. 1)
Article 56	2.03.04	2004 No. 71 (C. 1)
Article 57(2) to (8)	2.03.04	2004 No. 71 (C. 1)
Articles 59 and 60	28.02.03	
Article 61 to 63	1.04.03	2003 No. 203 (C. 15)
Article 64	28.02.03	
Article 65 and Sch. 3	28.02.03	
(partially)	1.04.03	2003 No. 203 (C. 15)
(partially)	2.03.04	2004 No. 71 (C. 1)
Schedule 5 (partially)	1.04.03	2003 No. 203 (C. 15)
(partially)	2.03.04	2004 No. 71 (C. 1)
Articles 66 and 67	28.02.03	
Schedule 1	1.04.03	2003 No. 203 (C. 15)
Schedule 2	2.03.04	2004 No. 71 (C. 1)
Schedule 4	28.02.03	

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