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STATUTORY RULES OF NORTHERN IRELAND

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**2005 No. 335**

Electricity Order 1992 (Amendment)  
Regulations (Northern Ireland) 2005

PART III

AMENDMENTS TO THE ENERGY ORDER

**Amendments to the Energy Order**

11. The Energy Order shall be amended as provided by this Part.

**Functions of the Department and the Authority**

12.—(1) For Article 12(5)(c) there shall be substituted the following sub-paragraph—

“(c) to secure a diverse, viable and environmentally sustainable long-term energy supply;”.

(2) For Article 12(6) there shall be substituted the following paragraphs—

“(6) In carrying out their respective electricity functions the Department or the Authority shall not discriminate between persons whose activities consist of or include generating, supplying or transmitting electricity as regards either rights or obligations.

(7) In this Article—

“electricity functions” means functions under Part II of the Electricity Order and functions under this Order relating to electricity; and

“environmental sustainability” includes the need to guard against climate change.”.

**Compliance with Community legislation**

13.—(1) In Article 38(1), for the words from “European” to the end there shall be substituted the words “European Parliament and Council Directive [2003/54/EC](#) concerning common rules for the internal market in electricity and repealing Directive 96/92.”.

(2) In Article 45—

(a) in paragraph (1) after “condition or requirement” there shall be inserted “or any provision of the Community Regulation”;

(b) in paragraphs (4)(b) and (6)(a) for “the relevant condition or requirement” there shall be substituted in each case “the condition, requirement or prohibition”; and

(c) after paragraph (10) there shall be inserted the following paragraph—

“(11) In this Article “the Community Regulation” means Regulation 1228/2003 of the European Parliament and Council on conditions for access to the network for cross-border exchanges of electricity.”.

(3) At the end of Article 47 there shall be inserted—

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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“(3) This Article shall not apply in relation to a penalty imposed for a contravention of any provision of the Community Regulation within the meaning of Article 45(11).”.

**Consequential amendments**

**14.** The Schedule shall have effect for the purposes of making consequential amendments to the Energy Order.