
STATUTORY RULES OF NORTHERN IRELAND

2011 No. 155

**The Gas and Electricity (Internal Markets)
Regulations (Northern Ireland) 2011**

PART VIII

MISCELLANEOUS PROVISIONS

Amendments to the Electricity Order

80. In Article 3 of the Electricity Order—

- (a) for the definition of “the Directive” there shall be substituted the following definition—
““the Directive” means European Parliament and Council Directive [2009/72/EC](#) concerning common rules for the internal market in electricity and repealing Directive [2003/54/EC](#)”;
- (b) there shall be inserted at the appropriate places the following definitions—
““the 2011 Regulations” means the Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011;”;
- and
““vertically integrated undertaking” has the meaning given in Article 2(21) of the Directive;”.

81. In Article 11B of the Electricity Order—

- (a) in paragraph(1)(b), for the words “Article 7” there shall be substituted the words “Article 8”; and
- (b) in paragraph 5, for the words “Article 7” there shall be substituted the words “Article 8”.

82. In Article 40(6), for the words “Article 22(2)” there shall be substituted the words “Article 34(2)”.

Commencement Information

- I1** Reg. 80 in operation at 15.4.2011, see [reg. 1](#)
- I2** Reg. 81 in operation at 15.4.2011, see [reg. 1](#)
- I3** Reg. 82 in operation at 15.4.2011, see [reg. 1](#)

Amendments to the Energy Order

83. In Article 2 of the Energy Order, there shall be inserted at the appropriate places the following definitions—

- ““the Agency” means the Agency for the Cooperation of Energy Regulators, established under the Agency Regulation;”;

““designated regulatory authority” means an authority designated in accordance with Article 35 of the Electricity Directive or Article 39 of the Gas Directive;”;

““exemption holder” means any person who is—

- (a) an electricity generation exemption holder;
- (b) an electricity distribution exemption holder;
- (c) an electricity supply exemption holder;
- (d) a gas conveyance exemption holder;
- (e) a gas storage exemption holder; or
- (f) a gas supply exemption holder;”;

““the Agency Regulation” means Regulation (EC) No 713/2009 of the European Parliament and of the Council of 13 July 2009 establishing an Agency for the Cooperation of Energy Regulators;”;

““the Electricity Directive” means Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC;”;

““the Electricity Regulation” means Regulation (EC) No. 714/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the network for cross-border exchanges in electricity and repealing Regulation (EC) No. 1228/2003;”;

““electricity distribution exemption holder” means a person who carries on the activity referred to in Article 8(1)(bb) of the Electricity Order under the authority of an exemption granted pursuant to Article 9 of that Order;”;

““electricity generation exemption holder” means a person who carries on the activity referred to in Article 8(1)(a) of the Electricity Order under the authority of an exemption granted pursuant to Article 9 of that Order;”;

““electricity supply exemption holder” means a person who carries on the activity referred to in Article 8(1)(c) of the Electricity Order under the authority of an exemption granted pursuant to Article 9 of that Order;”;

““the Gas Directive” means Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC;”;

““the Gas Regulation” means Regulation (EC) No. 715/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No. 1775/2005;”;

““gas conveyance exemption holder” means a person who carries on the activity referred to in Article 6(1)(a) of the Gas Order under the authority of an exemption granted pursuant to Article 7 of that Order;”;

““gas storage exemption holder” means a person who carries on the activity referred to in Article 6(1)(b) of the Gas Order under the authority of an exemption granted pursuant to Article 7 of that Order;”;

““gas supply exemption holder” means a person who carries on the activity referred to in Article 6(1)(c) of the Gas Order under the authority of an exemption granted pursuant to Article 7 of that Order;”;

““Third Package” means—

- (a) the Electricity Directive;
- (b) the Gas Directive;

- (c) the Agency Regulation;
- (d) the Electricity Regulation; and
- (e) the Gas Regulation.”.

84. In Article 38 of the Energy Order—

- (a) In paragraph (1), for the words “European Parliament and Council Directive [2003/54/EC](#) concerning common rules for the internal market in electricity and repealing Directive [96/92/EC](#)” there shall be substituted the words “the Electricity Directive”; and
- (b) in paragraph (2), for the words “European Parliament and Council Directive [2003/55/EC](#) concerning common rules for the internal market in natural gas and repealing Directive [98/30/EC](#)” there shall be substituted “the Gas Directive”.

Commencement Information

- 14** Reg. 83 in operation at 15.4.2011, see [reg. 1](#)
- 15** Reg. 84 in operation at 15.4.2011, see [reg. 1](#)

Amendments to the Gas Order

85. In Article 3 of the Gas Order—

- (a) for the definition of “the Directive” there shall be substituted the following definition—

““the Directive” means European Parliament and Council Directive [2009/73/EC](#) concerning common rules for the internal market in natural gas and repealing Directive [2003/55/EC](#).”;
- (b) for the definition of “the Commission Decision” there shall be substituted the following definition—

““the Commission Decision” means Commission Decision PH (2005) 0791 granting a derogation from certain provisions of Directive [2003/55/EC](#) of the European Parliament and of the Council in respect of Northern Ireland.”; and
- (c) there shall be inserted at the appropriate places the following definitions—

““the 2011 Regulations” means The Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011.”; and

““vertically integrated undertaking” has the meaning given in Article 2(20) of the Directive.”.

86. In Article 8(7B)(b), for the words “Article 24(2)” there shall be substituted the words “Article 38(2)”.

87. In Article 9A(1)(a), for the words “Article 24(1)” there shall be substituted the words “Article 38(1)”.

88. In Article 45(1A), for the words “Article 10 or 14” there shall be substituted the words “Article 16 or 27”.

Commencement Information

- 16** Reg. 85 in operation at 15.4.2011, see [reg. 1](#)
- 17** Reg. 86 in operation at 15.4.2011, see [reg. 1](#)
- 18** Reg. 87 in operation at 15.4.2011, see [reg. 1](#)

Changes to legislation: There are currently no known outstanding effects for the The Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011, PART VIII. (See end of Document for details)

I9 Reg. 88 in operation at 15.4.2011, see [reg. 1](#)

Amendments to the Energy Act (Northern Ireland) 2011

89. In Section 17(5) of the Energy Act (Northern Ireland) 2011, in paragraph (a) of the definition of “relevant licence”, after the words “Article 10(1)(b)” there shall be inserted the words “or Article 10(1)(bb)”.

Commencement Information

I10 Reg. 89 in operation at 15.4.2011, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011, PART VIII.