

**2013 No. 173**

**GAS**

**ELECTRICITY**

**The Gas and Electricity (Internal Markets) (Amendment)  
Regulations (Northern Ireland) 2013**

*Made* - - - - *26th June 2013*

*Coming into operation* - *18th July 2013*

The Department of Enterprise, Trade and Investment, being a Department designated for the purposes of section 2(2) of the European Communities Act 1972<sup>(a)</sup> in relation to energy and energy sources<sup>(b)</sup>, in exercise of the powers conferred on it by the said section 2(2), and of every other power enabling it in that behalf, hereby makes the following Regulations.

**Citation and commencement**

1. These Regulations may be cited as the Gas and Electricity (Internal Markets) (Amendment) Regulations (Northern Ireland) 2013 and shall come into operation on 18th July 2013.

**Interpretation**

2. The Interpretation Act (Northern Ireland) 1954<sup>(c)</sup> shall apply to these Regulations as it applies to an Act of the Assembly.

**Amendment**

3. The Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011<sup>(d)</sup> are amended by inserting after Regulation 10—

**“Certification of SONI Limited**

**10A.**—(1) The obligation imposed by Article 10B(1) shall apply in relation to SONI Limited (“the System Operator”) while it holds a transmission licence as it applies to a person specified in that paragraph.

(2) The application made by Northern Ireland Electricity Limited (“the NIE application”) under Article 10C shall be deemed for the purposes of Articles 10B to 10K as including an application under Article 10C by the System Operator for certification.

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(a) 1972 c.68  
(b) The European Communities (Designation) Order 2010 S.I. 2010/761  
(c) 1954 c.33 (N.I.)  
(d) S.R. 2011 No. 155 (N.I.)

(3) Insofar as the NIE application is deemed by paragraph (2) to be an application by the System Operator, paragraphs (1), (3) to (6) and (10) of Article 10C shall not apply and paragraph (8) of that Article shall apply as if the reference in it to a related transmission licensee were omitted.

(4) The Authority shall be deemed to have made a preliminary decision in accordance with Article 10E(1) that it should certify the System Operator in accordance with that Article on the second certification ground and in relation to that decision—

(a) Article 10E(2), (3) and (6) shall apply as if the references to a related transmission licensee were omitted; and

(b) the Authority shall be deemed to have otherwise complied with Article 10E(3).

(5) Where the Authority makes a final decision in pursuance of the obligation in Article 3 of the Electricity Regulation that the System Operator should be certified on the second certification ground, Northern Ireland Electricity Limited shall be deemed to be also certified for the purposes of Articles 10B to 10K on the second certification ground.

(6) Those purposes shall not include the designation of an electricity transmission system operator for the purposes of Article 10(2) of the Directive.

(7) Where paragraph (5) applies, then in relation to the System Operator, any reference to a related transmission licensee in Article 10I(4)(a), (8), (9) or (11) or in Article 10K(6) shall be deemed to include a reference to Northern Ireland Electricity Limited.

(8) In this Regulation—

(a) a reference to a numbered Article shall unless the contrary intention appears be taken as a reference to the Article bearing that number in the Electricity Order; and

(b) other expressions have the same meaning as in Articles 10B to 10K.”.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 26th June 2013.



*A F Hepper*  
A senior officer of the  
Department of Enterprise, Trade and Investment

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011 by inserting a new Regulation 10A. The purpose of the Regulations is to impose a legal obligation on SONI Limited to be certified under Article 10B of the Electricity (Northern Ireland) Order 1992 (“the 1992 Order”) as complying with the unbundling requirements of 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 (“Directive 2009/72/EC”). The certification of SONI Limited is required pursuant to Article 3 of Regulation 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 No. 1228/2003 and Article 10(6) of Directive 2009/72/EC as read with Commission Decision C(2013) 2170 of 12 April 2013.

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