

2013 No. 94

ENERGY

**The Electricity (Dispute Resolution) Regulations (Northern
Ireland) 2013**

Made - - - - - *28th March 2013*

Coming into operation - *29th April 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(a) in relation to energy and energy sources(b), 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 Electricity (Dispute Resolution) Regulations (Northern Ireland) 2013 and shall come into operation on 29th April 2013.

Interpretation

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

Amendment of Article 31A

3.—(1) Article 31A of the Electricity (Northern Ireland) Order 1992(d) shall be amended as provided in paragraph (2) to (4)—

(2) In paragraph (1)(a)—

(a) at the end of head (ii) omit “or”; and

(b) at the end of head (iii) insert “or” and after that head insert

“(iv) a supply exemption holder;”.

(3) After paragraph (5) there shall be inserted the following paragraphs—

“(5A) Where the Authority makes a determination under this Article, it may include in the determination an order requiring any party to the dispute to pay such sum in respect of the costs or expenses incurred by the Authority in making the determination as the Authority considers appropriate and this order shall be final and shall be enforceable as if it were a judgement of the county court.

(a) 1972 c.68

(b) the European Communities (Designation) Order 2010 S.I. 2010/761

(c) 1954 c.33 (N.I.)

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

(5B) In making an order under paragraph (5A), the Authority shall have regard to the conduct and means of the parties and other relevant circumstances.”.

(4) After paragraph (6) insert—

“(7) In this Article—

- (a) “distribution exemption holder” means a person who carries on the activity referred to in Article 8(1)(bb) under the authority of an exemption granted pursuant to Article 9; and
- (b) “supply exemption holder” means a person who carries on the activity referred to in Article 8(1)(c) under the authority of an exemption granted pursuant to Article 9.”.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 28th day of March 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 Article 31A of the Electricity (Northern Ireland) Order 1992 (“the Electricity Order”) to ensure that it conforms with certain requirements of Directive 2009/72/EC of the European Parliament and of the Council concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC (“the Electricity Directive”).

Article 31A of the Electricity Order confers power on the Authority to resolve disputes involving obligations arising out of the Electricity Directive where there is no other provision in the Order for a determination of such disputes.

Regulation 3 amends this provision to bring disputes concerning electricity suppliers who are exempt from the need to operate under a licence within the scope of the Article. It also gives the Authority the power to make a costs order in respect of any determination under Article 31A.

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