
STATUTORY INSTRUMENTS

2003 No. 419

The Energy (Northern Ireland) Order 2003

PART III

OBJECTIVES OF REGULATION OF ELECTRICITY AND GAS

Gas

The principal objective and general duties of the Department and the Authority in relation to gas

14.—^[F1](1) The principal objective of the Department and the Authority in carrying out their respective gas functions is to promote the development and maintenance of an efficient, economic and co-ordinated gas industry in Northern Ireland, and to do so in a way that is consistent with the fulfilment by the Authority, ^[F2]of the designated regulatory gas objectives].

(2) The Department and the Authority shall carry out those functions in the manner which it considers is best calculated to further the principal objective, having regard to—

- ^[F3](a) the need to ensure a high level of protection of the interests of consumers of gas;
- (b) the need to secure that licence holders are able to finance the activities which are the subject of obligations imposed by or under Part II of the Gas Order or this Order;
- (c) the need to secure that the prices charged in connection with the conveyance of gas through designated pipe-lines (within the meaning of Article 59) are in accordance with a common tariff which does not distinguish (whether directly or indirectly) between different parts of Northern Ireland or the extent of use of any pipe-line; and
- (d) the need to protect the interests of gas licence holders in respect of the prices at which, and the other terms on which, any services are provided by one gas licence holder to another.

(3) In performing that duty, the Department or the Authority shall have regard to ^[F4]the need to protect] the interests of—

- (a) individuals who are disabled or chronically sick;
- (b) individuals of pensionable age; and
- (c) individuals with low incomes;

but that is not to be taken as implying that regard may not be had to the interests of other descriptions of consumer.

(4) The Department and the Authority may, in carrying out any gas functions, have regard to the interests of consumers in relation to electricity ^[F5]and in relation to water or sewerage services] .

(5) Subject to paragraph (2), the Department and the Authority shall carry out their respective gas functions in the manner which it considers is best calculated—

- ^[F6](a) to promote the efficient use of gas and efficiency and economy in the conveyance, storage or supply of gas;

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(b) to protect the public from dangers arising from the conveyance, storage, supply or use of gas;

[^{F7}(c) to secure a diverse, viable and environmentally sustainable long-term energy supply; and]

(d) to facilitate competition between persons whose activities consist of or include storing, supplying or participating in the conveyance of gas;

and shall have regard, in carrying out those functions, to the effect on the environment of activities connected with the conveyance, storage or supply of gas.

[^{F8}(5A) In carrying out their respective gas functions the Department or the Authority shall not discriminate between persons whose activities consist of or include storing, supplying or participating in the conveyance of gas as regards either rights or obligations.]

^{F9}[^{F10}(5B)]

(5C) For the purpose of paragraph (5A), the Authority may serve on any holder of a gas licence or any exemption holder a notice requiring that person to provide the Authority with such information, assistance or advice as may be specified in the notice and that holder shall comply with that requirement.]

(6) In this Article “gas functions” means—

(a) functions under Part II of the Gas Order; ^{F11}...

(b) functions under this Order [^{F12}or the Energy Act (Northern Ireland) 2011] relating to gas [^{F13};

(c) the functions which the Department has under section 5 (so far as relating to gas) and section 7 of the Energy Prices Act 2022 (see Schedule 5 to that Act);

(d) the Authority’s function of giving directions under section 7(3) of the Energy Prices Act 2022;

(e) functions under regulations made under section 11(2) of the Energy Prices Act 2022;

(f) the power which the Department has under section 22 of the Energy Prices Act 2022 (by virtue of paragraph 1(1)(g) of Schedule 5 to that Act) to give a direction in connection with—

(i) the domestic gas price reduction scheme for Northern Ireland, or

(ii) regulations made under section 11(2) (so far as relating to gas)].

[^{F14}(7) For the purposes of paragraph (5)(c) environmental sustainability includes the need to guard against climate change.]

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| F1 | Art. 14(1) substituted (15.4.2011) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011 (S.R. 2011/155) , reg. 41 |
| F2 | Words in art. 14(1) substituted (31.12.2020) by The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/530) , regs. 1(1), 137(2) ; 2020 c. 1, Sch. 5 para. 1(1) |
| F3 | Art. 14(2)(a) substituted (1.10.2006) by Gas Order 1996 (Amendment) Regulations (Northern Ireland) 2006 (S.R. 2006/358) , reg. 13(1) |
| F4 | Words in art. 14(3) inserted (15.4.2011) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011 (S.R. 2011/155) , reg. 4 |
| F5 | Words in art. 14(4) added (1.4.2007) by Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21)) , arts. 1(2), 308(1), Sch. 12 para. 48(15) (with arts. 8(8), 121(3), 307); S.R. 2007/194, art. 2(2) , Sch. 1 Pt. II (subject to art. 3, Sch. 2) |
| F6 | Art. 14(5)(a) substituted (25.7.2014) by Energy Efficiency Regulations (Northern Ireland) 2014 (S.R. 2014/198) , reg. 5(a) |

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- F7** Art. 14(5)(c) substituted (1.10.2006) by Gas Order 1996 (Amendment) Regulations (Northern Ireland) 2006 (S.R. 2006/358), **reg. 13(2)**
- F8** Art. 14(5A) inserted (1.10.2006) by Gas Order 1996 (Amendment) Regulations (Northern Ireland) 2006 (S.R. 2006/358), **reg. 13(3)**
- F9** Art. 14(5B) omitted (31.12.2020) by virtue of The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/530), regs. 1(1), **137(3)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** Art. 14(5B)(5C) inserted (25.7.2014) by Energy Efficiency Regulations (Northern Ireland) 2014 (S.R. 2014/198), **reg. 5(b)**
- F11** Word in art. 14(6)(a) omitted (25.10.2022) by virtue of Energy Prices Act 2022 (c. 44), s. 30(6), **Sch. 7 para. 9(a)** (with s. 29)
- F12** Words in art. 14(6)(b) inserted (21.3.2011) by Energy Act (Northern Ireland) 2011 (c. 6), **ss. 9(2)**, 36(1); S.R. 2011/95, **art. 2**
- F13** Art. 14(6)(c)-(f) and semicolon inserted (25.10.2022) by Energy Prices Act 2022 (c. 44), s. 30(6), **Sch. 7 para. 9(b)** (with s. 29)
- F14** Art. 14(7) added (1.10.2006) by Gas Order 1996 (Amendment) Regulations (Northern Ireland) 2006 (S.R. 2006/358), **reg. 13(4)**

Modifications etc. (not altering text)

- C1** Art. 14 applied (1.10.2006) by Gas Order 1996 (Amendment) Regulations (Northern Ireland) 2006 (S.R. 2006/358), **reg. 16**

Exceptions from the general duties

- 15.—(1) Article 14 does not apply in relation to functions of the Department under—
- (a) Article 40 of the Gas Order; or
 - (b) Article 61.
- (2) Article 14 does not apply in relation to anything done by the Authority in the exercise of functions under—
- (a) Article 23(3) of the Gas Order; or
 - (b) Article 8 ^[F15]and Article 8A].
- (3) The Authority may nevertheless, when exercising any function under Article 23(3) of the Gas Order, have regard to any matter in respect of which a duty is imposed by Article 14 if it is a matter to which the ^[F16]CMA] could have regard when exercising that function.
- (4) The duties imposed by Article 14 do not affect the obligation of the Authority or the Department to perform or comply with any other duty or requirement (whether arising under this Order or another statutory provision, by virtue of any ^[F17]^[F18]assimilated] obligation] or otherwise).

- F15** Words in art. 15(2)(b) inserted (15.4.2011) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011 (S.R. 2011/155), **reg. 42**
- F16** Word in art. 15(3) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 2, **Sch. 1 para. 238** (with art. 3)
- F17** Words in art. 15(4) substituted (31.12.2020) by The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/530), regs. 1(1), **138**; 2020 c. 1, Sch. 5 para. 1(1)
- F18** Word in art. 15(4) substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424), reg. 1(2), **Sch. para. 52(4)**

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