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## STATUTORY INSTRUMENTS

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# 1992 No. 231

## The Electricity (Northern Ireland) Order 1992

### PART II

#### ELECTRICITY SUPPLY

##### *Other functions of Director*

##### **General functions**

**50.**—(1) It shall be the duty of the Director, so far as it appears to him practicable to do so—

- (a) to keep under review the carrying on both in Northern Ireland and elsewhere of activities to which this paragraph applies; and
- (b) to collect information with respect to those activities, and the persons by whom they are carried on, with a view to facilitating the exercise of his<sup>[F1]</sup> electricity functions];

and this paragraph applies to any activities connected with the generation, transmission <sup>[F2]</sup>, distribution] and supply of electricity, including in particular activities connected with the supply to any premises of heat produced in association with electricity and steam produced from and air and water heated by such heat.

(2) The Department may <sup>[F3]</sup>issue guidance] indicating—

- (a) considerations to which the Director should have particular regard in determining the order of priority in which matters are to be brought under review in performing his duty under paragraph (1)(a) or (b); and
- (b) considerations to which, in cases where it appears to the Director that any of his<sup>[F1]</sup> electricity functions] are exercisable, he should have particular regard in determining whether to exercise those functions.

<sup>[F4]</sup>(2A) A direction under paragraph (2) does not apply in relation to—

- (a) the exercise by the SEM Committee of its functions under Article 6(2) or 8 of the Electricity (Single Wholesale Market) (Northern Ireland) Order 2007;
- (b) the Authority in giving effect to any decision of the SEM Committee'.]

(3) It shall be the duty of the Director, where either he considers it expedient or he is requested by the Department or<sup>[F5]</sup> the CMA] to do so, to give information, advice and assistance to the Department or<sup>[F5]</sup> the CMA] with respect to any matter in respect of which any<sup>[F1]</sup> of the electricity functions of the Authority] is exercisable.

<sup>[F1]</sup>(3A) In this Article “electricity functions” means—

- (a) functions under this Part; and
- (b) functions under the Energy (Northern Ireland) Order 2003 relating to electricity<sup>[F6]</sup> and

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(c) functions under the Electricity (Single Wholesale Market) (Northern Ireland) Order 2007.]]

[<sup>F7</sup>(3B) the activities to which paragraph (1) applies include, in particular, the matters specified in the following provisions of the Directive as matters to be monitored—

- (a) Article 26(3);
- (b) Article 37(1)(g) to (k), (m) and (q) to (t); and
- (c) where an independent system operator has been designated under Article 10H of this Order, Article 37(3)(a), (b) and (f).]

*Para. (4) rep. by 2003 NI 6*

- F1** 2003 NI 6
- F2** Word in art. 50(1) inserted (1.11.2007) by Electricity Regulations (Northern Ireland) 2007 (S.R. 2007/321), regs. 1(2), 11(1), **Sch. 2 para. 13** (with transitional provisions in Pt. IV)
- F3** Words in art. 50(2) substituted (15.4.2011) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011 (S.R. 2011/155), **reg. 56**
- F4** Art. 50(2A) inserted (1.11.2007) by Electricity (Single Wholesale Market) (Northern Ireland) Order 2007 (S.I. 2007/913 (N.I. 7)), arts. 1(3), 12, **Sch. 4 para. 6(1)**; S.R. 2007/444, **art. 2**, Sch. 1
- F5** Words in art. 50(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. 216(11)** (with art. 3)
- F6** Art. 50(3A)(c) and preceding word added (20.6.2007) by Electricity (Single Wholesale Market) (Northern Ireland) Order 2007 (S.I. 2007/913 (N.I. 7)), arts. 1(3), 12, **Sch. 4 para. 6(2)**; S.R. 2007/303, **art. 2**, Sch.
- F7** Art. 50(3B) inserted (15.4.2011) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011 (S.R. 2011/155), **reg. 57**

*Art. 51 rep. by 2003 NI 6*

### **Keeping of register**

**52.**—(1) The Director shall, at such premises and in such form as he may determine, maintain a register for the purposes of this Part.

(2) Subject to paragraph (3) and to any direction given under paragraph (4), the Director shall cause to be entered in the register the provisions of—

- (a) every licence and every exemption granted to a particular person;
- (b) every modification or revocation of a licence;
- (c) every direction or consent given or determination made under a licence;
- [<sup>F8</sup>(d) every final or provisional order under Article 42 of the Energy (Northern Ireland) Order 2003 relating to a licence holder, every confirmation of a provisional order so relating, every revocation of a final or provisional order so relating and every notice under paragraph (7) of that Article so relating; and
- (e) every penalty imposed under Article 45 of the Energy (Northern Ireland) Order 2003 on a licence holder and every notice under Article 45 (6) of that Order relating to such a penalty.]

(3) In entering any provision in the register, the Director shall have regard to the need for excluding, so far as that is practicable, the matters specified in Article 45(5)(a) and (b).

(4) If it appears to the Department that the entry of any provision in the register would be against the public interest or the commercial interests of any person, the Department may direct the Director not to enter that provision in the register.

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(5) The contents of the register shall be available for inspection by the public during such hours and subject to the payment of such fee as may be specified in an order made by the Department.

(6) Any person may, on the payment of such fee as may be specified in an order so made, require the Director to supply him with a copy of, or extract from, any part of the register, being a copy or extract which is certified by the Director to be a true copy or extract.

(7) Any sums received by the Director under this Article shall be paid into the Consolidated Fund.

**F8** 2003 NI 6

**Annual and other reports**

**53.**—(1) The Director shall, as soon as practicable after the end of each calendar year—

- (a) make to the Department a report on—
  - (i) his activities during that year; and
  - (ii) the<sup>[F9]</sup>CMA's] activities during that year so far as relating to references made by him; and
- (b) send a copy of that report to the chairman of the consumer committee.

(2) Every such report shall—

- (a) include a general survey of developments, during the year to which it relates, in respect of matters falling within the scope of the Director's functions;
- (b) set out any final or provisional orders made, and provisional orders confirmed, by the Director during that year;
- (c) set out any general directions given to the Director during that year under Article 50(2); and
- (d) include a general survey of the activities during that year of the consumer committee and a summary of any reports made to him by the committee under Article 55.

(3) The Department shall lay a copy of every report made by the Director under paragraph (1) before the Assembly and shall arrange for copies of every such report to be published in such manner as the Department considers appropriate.

*Para. (4) rep. by 2003 NI 6*

(5) In making or preparing any report under this Article the Director shall have regard to the need for excluding, so far as that is practicable, the matters specified in Article 45(5)(a) and (b).

(6) <sup>F10</sup>.....

**F9** Word in art. 53(1)(a)(ii) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), ss. 26(4), 103(3), Sch. 6 para. 157(2); S.I. 2014/416, art. 2(1)(d) (with Sch.)

**F10** Art. 53(6) omitted (1.4.2014) by virtue of Enterprise and Regulatory Reform Act 2013 (c. 24), ss. 26(4), 103(3), Sch. 6 para. 157(3); S.I. 2014/416, art. 2(1)(d) (with Sch.)

*Arts. 54#57 rep. by 2003 NI 6*

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