

STATUTORY INSTRUMENTS

2003 No. 419

The Energy (Northern Ireland) Order 2003

PART V

LICENCES

Modification of licences following Competition Commission report

Modification of licences: general provisions

38.—(1) In exercising any power to modify an electricity licence under the Electricity Order or this Order, the Department, the Authority, the Secretary of State [^{F1}or the Competition and Markets Authority] (as the case may be) shall have regard to the requirements and prohibitions laid down in [^{F2}[^{F3}the Electricity Directive].]

(2) In exercising any power to modify a gas licence under the Gas Order or this Order, the Department, the Authority, the Secretary of State [^{F4}or the Competition and Markets Authority] (as the case may be) shall have regard to [^{F5}any requirements and prohibitions contained in retained EU law which correspond to prohibitions and requirements in the Gas Directive].

- F1** Words in art. 38(1) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), ss. 26(4), 103(3), [Sch. 6 para. 169](#); S.I. 2014/416, [art. 2\(1\)\(d\)](#) (with Sch.)
- F2** SR 2005/335
- F3** Words in art. 38(1) substituted (15.4.2011) by virtue of [Gas and Electricity \(Internal Markets\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/155\)](#), [reg. 84\(a\)](#)
- F4** Words in art. 38(2) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), ss. 26(4), 103(3), [Sch. 6 para. 169](#); S.I. 2014/416, [art. 2\(1\)\(d\)](#) (with Sch.)
- F5** Words in art. 38(2) substituted (31.12.2020) by [The Electricity and Gas etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/530\)](#), regs. 1(1), [139\(3\)](#); 2020 c. 1, Sch. 5 para. 1(1)

Modifications etc. (not altering text)

- C1** Art. 38(1) applied (20.6.2007) by [Electricity \(Single Wholesale Market\) \(Northern Ireland\) Order 2007 \(S.I. 2007/913 \(N.I. 7\)\)](#), arts. 1(3), [3\(8\)](#) (with art. 3(9)); S.R. 2007/303, [art. 2](#), Sch.
- C2** Art. 38(1) applied (3.7.2007) by [Electricity Regulations \(Northern Ireland\) 2007 \(S.R. 2007/321\)](#), regs. 1(1), [60\(8\)](#) (with [reg. 60\(9\)](#) and transitional provisions in Pt. IV)
- C3** Art. 38(1) applied (15.4.2011) by [Gas and Electricity \(Internal Markets\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/155\)](#), [reg. 90\(11\)](#)
- C4** Art. 38(1) applied (15.4.2011) by [Gas and Electricity \(Internal Markets\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/155\)](#), [reg. 91\(9\)](#) (with [reg. 91\(10\)](#))
- C5** Art. 38(1) applied (25.7.2014) by [Energy Efficiency Regulations \(Northern Ireland\) 2014 \(S.R. 2014/198\)](#), [reg. 14\(9\)](#)
- C6** Art. 38(2) applied (15.4.2011) by [Gas and Electricity \(Internal Markets\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/155\)](#), [reg. 92\(9\)](#) (with [reg. 92\(10\)](#))

Status: Point in time view as at 31/12/2020. This version of this provision has been superseded.

Changes to legislation: The Energy (Northern Ireland) Order 2003, Section 38 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

C7 Art. 38(2) applied (25.7.2014) by [Energy Efficiency Regulations \(Northern Ireland\) 2014 \(S.R. 2014/198\)](#), **reg. 15(9)**

Status:

Point in time view as at 31/12/2020. This version of this provision has been superseded.

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