

STATUTORY INSTRUMENTS

2003 No. 419

The Energy (Northern Ireland) Order 2003

PART I

INTRODUCTORY

Title and commencement

1.—(1) This Order may be cited as the Energy (Northern Ireland) Order 2003.

(2) Except as provided by paragraph (3), this Order shall come into operation on such day or days as the Department may by order appoint.

(3) The following provisions come into operation on the day after the day on which this Order is made—

- (a) this Part;
- (b) Articles 59 and 60;
- (c) Article 64;
- (d) Articles 66 and 67;
- (e) paragraph 1(2) of Schedule 3 (and Article 65 so far as relating thereto);
- (f) Schedule 4 (and Article 65 so far as relating thereto).

Subordinate Legislation Made

- P1** [Art. 1\(2\)](#) power partly exercised: 1.4.2003 appointed for specified provisions by [S.R. 2003/203](#), [art. 2](#), [Sch.](#);
- 2.3.2004 for specified provisions by [S.R. 2004/71](#), [art. 2](#), [Sch.](#);
- 10.2.2005 for specified provisions by [S.R. 2005/31](#), [art. 2](#), [Sch.](#);
- 5.5.2007 for specified provisions by [S.R. 2007/283](#), [art. 2](#), [Sch. 1](#);
- 3.7.2007 for specified provisions by [S.R. 2007/320](#), [art. 2](#), [Sch. 1](#)

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 (c. 33) applies to this Order as it applies to an Act of the Assembly.

(2) In this Order—

[^{F1}“the Agency” means the Agency for the Cooperation of Energy Regulators, established under the Agency Regulation;]

[^{F2}“the Agency Regulation” means Regulation (EC) No 713/2009 of the European Parliament and of the Council of 13 July 2009 establishing an Agency for the Cooperation of Energy Regulators;]

“authorised supplier”

Status: Point in time view as at 01/04/2014.

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(a) in relation to electricity, means a person authorised by a licence or exemption to supply electricity;

(b) in relation to gas, means a person authorised by a licence or exemption to supply gas;

“the Authority” means the Northern Ireland Authority for ^[F3]Utility] Regulation;

^[F4]“the CMA” means the Competition and Markets Authority;]

“consumers” includes both existing consumers and future consumers;

“the Council” means the General Consumer Council for Northern Ireland;

“the Department” means the Department of Enterprise, Trade and Investment;

^[F5]“designated regulatory authority” means an authority designated in accordance with Article 35 of the Electricity Directive or Article 39 of the Gas Directive;]

^[F6]“the Electricity Directive” means 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;]

^[F7]“electricity distribution exemption holder” means a person who carries on the activity referred to in Article 8(1)(bb) of the Electricity Order under the authority of an exemption granted pursuant to Article 9 of that Order;]

^[F8]“electricity generation exemption holder” means a person who carries on the activity referred to in Article 8(1)(a) of the Electricity Order under the authority of an exemption granted pursuant to Article 9 of that Order;]

“electricity licence” means a licence under Article 10 of the Electricity Order;

“the Electricity Order” means the Electricity (Northern Ireland) Order 1992 (NI 1);

^[F9]“the Electricity Regulation” means Regulation (EC) 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 (EC) No. 1228/2003^[F10] as amended from time to time;]

^[F11]“electricity supply exemption holder” means a person who carries on the activity referred to in Article 8(1)(c) of the Electricity Order under the authority of an exemption granted pursuant to Article 9 of that Order;]

^[F12]“exemption holder” means any person who is—

- (a) an electricity generation exemption holder;
- (b) an electricity distribution exemption holder;
- (c) an electricity supply exemption holder;
- (d) a gas conveyance exemption holder;
- (e) a gas storage exemption holder; ^{F13} . . .
- (f) a gas supply exemption holder; ^[F14] or]
- (g) ^[F15] an LNG facility exemption holder;]]

^[F16]“gas conveyance exemption holder” means a person who carries on the activity referred to in Article 6(1)(a) of the Gas Order under the authority of an exemption granted pursuant to Article 7 of that Order;]

^[F17]“the Gas Directive” means Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC;]

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“gas licence” means a licence under Article 8 of the Gas Order;

“the Gas Order” means the Gas (Northern Ireland) Order 1996 (NI 2);

[^{F18}“the Gas Regulation” means Regulation (EC) No. 715/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No. 1775/2005[^{F19}as amended from time to time];]

[^{F20}“gas storage exemption holder” means a person who carries on the activity referred to in Article 6(1)(b) of the Gas Order under the authority of an exemption granted pursuant to Article 7 of that Order;]

[^{F21}“gas supply exemption holder” means a person who carries on the activity referred to in Article 6(1)(c) of the Gas Order under the authority of an exemption granted pursuant to Article 7 of that Order;]

“licence holder” means the holder of an electricity licence or a gas licence;

[^{F22}“LNG facility exemption holder” means the person who carries on an activity referred to in Article 6(1)(d) of the Gas Order under the authority of an exemption granted pursuant to Article 7 of that Order;]

“Northern Ireland” has the same meaning as in the Northern Ireland Act 1998 (c.47);

[^{F23}“the SEM Order” means the Electricity (Single Wholesale Market) (Northern Ireland) Order 2007;]

“statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954.

[^{F24}“Third Package” means—

- (a) the Electricity Directive;
- (b) the Gas Directive;
- (c) the Agency Regulation;
- (d) the Electricity Regulation; and
- (e) the Gas Regulation.]

(3) Expressions used in this Order, as regards matters relating to electricity, which are defined in Article 2 or 3 of the Electricity Order or used in Part II of that Order have the same meaning as in that Part of that Order.

(4) Expressions used in this Order, as regards matters relating to gas, which are defined in Article 2 or 3 of the Gas Order or used in Part II of that Order have the same meaning as in that Part of that Order.

- F1** Art. 2: definition of "the Agency" inserted (15.4.2011) by [Gas and Electricity \(Internal Markets\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/155\)](#), **reg. 83**
- F2** Art. 2: definition of "the Agency Regulation" inserted (15.4.2011) by [Gas and Electricity \(Internal Markets\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/155\)](#), **reg. 83**
- F3** Art. 2(2): word substituted (1.4.2007) in the definition of "the Authority" 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(1)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)
- F4** Art. 2(1): definition of "the CMA" inserted (1.4.2014) by virtue of [Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 2, **Sch. 1 para. 234** (with art. 3)
- F5** Art. 2: definition of "designated regulatory authority" inserted (15.4.2011) by [Gas and Electricity \(Internal Markets\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/155\)](#), **reg. 83**

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- F6** Art. 2: definition of "the Electricity Directive" inserted (15.4.2011) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011 (S.R. 2011/155), **reg. 83**
- F7** Art. 2: definition of "electricity distribution exemption holder" inserted (15.4.2011) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011 (S.R. 2011/155), **reg. 83**
- F8** Art. 2: definition of "electricity generation exemption holder" inserted (15.4.2011) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011 (S.R. 2011/155), **reg. 83**
- F9** Art. 2: definition of "the Electricity Regulation" inserted (15.4.2011) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011 (S.R. 2011/155), **reg. 83**
- F10** Art. 2(2): words in the definition of "the Electricity Regulation" inserted (12.4.2013) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2013 (S.R. 2013/92), **reg. 3(a)**
- F11** Art. 2: definition of "electricity supply exemption holder" inserted (15.4.2011) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011 (S.R. 2011/155), **reg. 83**
- F12** Art. 2: definition of "exemption holder" inserted (15.4.2011) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011 (S.R. 2011/155), **reg. 83**
- F13** Art. 2(2): word in the definition of "exemption holder" omitted (12.4.2013) by virtue of Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2013 (S.R. 2013/92), **reg. 3(b)**
- F14** Art. 2(2): word in the definition of "exemption holder" inserted (12.4.2013) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2013 (S.R. 2013/92), **reg. 3(b)**
- F15** Art. 2(2): words in the definition of "exemption holder" added (12.4.2013) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2013 (S.R. 2013/92), **reg. 3(b)**
- F16** Art. 2: definition of "gas conveyance exemption holder" inserted (15.4.2011) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011 (S.R. 2011/155), **reg. 83**
- F17** Art. 2: definition of "the Gas Directive" inserted (15.4.2011) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011 (S.R. 2011/155), **reg. 83**
- F18** Art. 2: definition of "the Gas Regulation" inserted (15.4.2011) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011 (S.R. 2011/155), **reg. 83**
- F19** Art. 2(2): words in the definition of "the Gas Regulation" inserted (12.4.2013) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2013 (S.R. 2013/92), **reg. 3(a)**
- F20** Art. 2: definition of "gas storage exemption holder" inserted (15.4.2011) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011 (S.R. 2011/155), **reg. 83**
- F21** Art. 2: definition of "gas supply exemption holder" inserted (15.4.2011) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011 (S.R. 2011/155), **reg. 83**
- F22** Art. 2(2): definition of "LNG facility exemption holder" inserted (12.4.2013) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2013 (S.R. 2013/92), **reg. 3(c)**
- F23** Art. 2(2): definition of "the SEM Order" inserted (12.4.2013) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2013 (S.R. 2013/92), **reg. 3(d)**
- F24** Art. 2: definition of "Third Package" inserted (15.4.2011) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011 (S.R. 2011/155), **reg. 83**

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