
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 250

**Electricity Order 1992 (Amendment)
Regulations (Northern Ireland) 1999**

PART II

AMENDMENT TO THE ELECTRICITY (NORTHERN IRELAND) ORDER 1992

Amendments

3. The 1992 Order shall be amended as provided in this Part.

Interpretation of Part II

4. In Article 3, after the definition of “authorised area” there shall be inserted the following definition—

““Directive” means European Parliament and Council Directive 96/92 EC concerning common rules for the internal market in electricity;”.

Conditions of licences

5. After Article 11 there shall be inserted—

“Compliance with Community obligations

11A.—(1) Without prejudice to the generality of Article 11(1), a licence shall include such conditions as appear to the grantor to be requisite or expedient to ensure any activity authorised by it is carried out in compliance with the relevant requirements and prohibitions laid down by the Directive.

(2) The conditions referred to in paragraph (1) shall in particular—

- (a) in the case of a licence under Article 10(1)(b) or (c), require the holder to comply with the requirements for system access laid down by Article 17 or 18 of the Directive, as the case may be;
- (b) in the case of a licence under Article 10(1)(b), require the holder to develop and publish the technical rules described in Article 7.2 of the Directive and to comply with Articles 7.3 to 7.6, 8.1 and 8.2 and 9 of the Directive;
- (c) in the case of a licence under Article 10(1)(c), require the holder to act in accordance with Articles 11 and 12 of the Directive; and
- (d) require a licence holder, who is a single buyer within the meaning of the Directive, to comply with Article 15 thereof.

(3) In including conditions in a licence under Article 11 and this Article, the grantor shall comply with the requirements of Article 3.1 of the Directive.”.

Restriction on powers of Director and Department

6. After Article 18 there shall be inserted the following Article—

“**18A.** Nothing in Article 14, 17 or 18 shall authorise the modification of any condition in a licence if that modification is inconsistent with the requirements or prohibitions laid down by the Directive.”.

Consent required for constructing etc generating stations

7.—(1) After Article 39(2) there shall be inserted the following paragraphs—

“(2A) The Department shall only grant a consent under paragraph (1) in relation to the construction or extension of a generating station where it is satisfied that the station to which the consent relates will meet the specified criteria.

(2B) Where the Department refuses to grant to any person a consent under paragraph (1), it shall by notice in writing—

- (a) inform him of the fact;
- (b) give him the reasons for that refusal; and
- (c) inform him of his right to challenge the refusal.”.

(2) After Article 39(8) there shall be added the following paragraph—

“(9) In this Article, “specified criteria” means the criteria specified by the Department from time to time in accordance with and for the purposes of Article 5.1 of the Directive and published by it.”.