

**2007 No. 322**

**ELECTRICITY**

**The Electricity (Class Exemptions from the Requirement for a Licence) Order (Northern Ireland) 2007**

*Made* - - - - - *3rd July 2007*

*Coming into operation* - *3rd July 2007*

The Department of Enterprise, Trade and Investment<sup>(a)</sup> makes the following Order in exercise of the powers conferred on it by Article 9(1) of the Electricity (Northern Ireland) Order 1992<sup>(b)</sup> and of every other power enabling it in that behalf, after consultation with the Northern Ireland Authority for Utility Regulation:

**Citation and commencement**

1. This Order may be cited as the Electricity (Class Exemptions from the Requirement for a Licence) Order (Northern Ireland) 2007 and shall come into operation on 3 July 2007.

**Interpretation**

2. In this Order—

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

“the Irish Act” means the Electricity Regulation Act 1999<sup>(c)</sup>, being an Act of the Oireachtas;

“Northern Ireland licensee” shall be construed in accordance with Article 3(2); and

“the SEM Memorandum” means the Memorandum of Understanding referred to in Article 2(3) of the Electricity (Single Wholesale Market) (Northern Ireland) Order 2007<sup>(d)</sup>.

**Exemptions from Article 8(1)(d) of the Order**

3.—(1) Subject to paragraph (2) exemption is granted from Article 8(1)(d) of the 1992 Order to persons of the class specified in Article 4.

(2) A person shall only be regarded as falling within that class for as long as

(a) he is not the holder of a licence under Article 10(1)(d) of the 1992 Order; but

(b) at least one other person does hold such a licence (and such a person shall be referred to as “a Northern Ireland licensee”).

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(a) Formerly the Department of Economic Development; see S.I. 1999/283 (N.I. 1), Article 3(5)

(b) S.I. 1992/231 (N.I. 1); relevant amendments to this Order were made by Article 4 of S.I. 2007/913 (N.I. 7)

(c) Number 23 of 1999

(d) S.I. 2007/913 (N.I. 7)

4.—(1) The class of person referred to in Article 3(1) is any person who has—

- (a) been granted a licence under section 14(1)(j) of the Irish Act; and
- (b) who has entered into an agreement or arrangement with all Northern Ireland licensees in relation to the discharge of their responsibilities, pursuant to the trading and settlement code referred to in the SEM Memorandum, for calculating charges and other payments due under that code.

(2) For the purposes of this Article any reference to a provision of the Irish Act includes a reference to that provision as for the time being amended or substituted so far as it remains consistent therewith.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment  
on 3rd July 2007.



*Jenny Pyper*  
A senior officer of the  
Department

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order grants exemption from the requirements of Article 8(1)(d) of the Electricity (Northern Ireland) Order 1992 (“the 1992 Order”), which prohibits a person from acting as an SEM operator, to persons of particular classes.

Under Article 8(6) of the 1992 Order, a person acts as an SEM operator if his responsibilities include responsibility pursuant to the trading and settlement code referred to in that paragraph for calculating charges and other payments due under it.

The class of persons who are exempt is set out in Article 4. It consists of any person who

- (a) is licensed to act as an SEM operator under the Electricity Regulation Act 1999, being an Act of the Oireachtas,
- (b) enters an agreement or arrangement with a person licensed as an SEM operator under Article 10(1)(d) of the 1992 Order.

where that agreement or arrangement relates to the discharge of their responsibilities under the trading and settlement code as referred to above.