

---

STATUTORY RULES OF NORTHERN IRELAND

---

**2013 No. 208**

The Electricity and Gas (Market Integrity and Transparency)  
(Enforcement etc.) Regulations (Northern Ireland) 2013

PART 4

Injunctions and Restitution

*Restitution*

**Restitution orders**

**22.**—(1) The court may, on the application of the Authority, make an order under paragraph (2) if it is satisfied that a person (“FP”) has failed to comply with a REMIT requirement, and

- (a) that profits have accrued to FP as a result of the failure to comply; or
- (b) that one or more persons have suffered loss or been otherwise adversely affected as a result of the failure to comply.

(2) The court may order FP to pay to the Authority such sum as appears to the court to be just having regard to—

- (a) in a case within paragraph (1)(a), the profits appearing to the court to have accrued;
- (b) in a case within paragraph (1)(b), the extent of the loss or other adverse effect;
- (c) in a case within both paragraph (1)(a) and (b), the profits appearing to the court to have accrued and to the extent of the loss or other adverse effect.

(3) Any amount paid to the Authority in pursuance of an order under paragraph (2) must be paid by it to such qualifying person or distributed by it among such qualifying persons as the court may direct.

(4) In paragraph (3), “qualifying person” means a person appearing to the court to be someone—

- (a) to whom the profits mentioned in paragraph (1)(a) are attributable; or
- (b) who has suffered the loss or adverse effect mentioned in paragraph (1)(b).

(5) On an application under paragraph (1) the court may require FP to supply it with such accounts or other information as it may require for any one or more of the following purposes—

- (a) establishing whether any and, if so, what profits have accrued to FP as mentioned in paragraph (1)(a);
- (b) establishing whether any person or persons have suffered any loss or adverse effect as mentioned in paragraph (1)(b) and, if so, the extent of that loss or adverse effect; and
- (c) determining how any amounts are to be paid or distributed under paragraph (3).

(6) The court may require any accounts or other information supplied under paragraph (4) to be verified in such manner as it may direct.

(7) The jurisdiction conferred by this regulation is exercisable by the High Court.

(8) Nothing in this regulation affects the right of any person other than the Authority to bring proceedings in respect of the matters to which this regulation applies.