
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

Power of Authority to require restitution

23.—(1) The Authority may exercise the power in 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 power referred to in paragraph (1) is a power to require FP, in accordance with such arrangements as the Authority considers appropriate, to pay to the appropriate person or distribute among the appropriate persons such amount as appears to the Authority to be just having regard to—

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

(3) In paragraph (2), “appropriate person” means a person appearing to the Authority 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).