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STATUTORY RULES OF NORTHERN IRELAND

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**2013 No. 208**

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

**PART 6**

Notices

*The Authority's procedures*

**The Authority's procedures**

**42.**—(1) The Authority must determine the procedure that it proposes to follow in relation to the following—

- (a) a decision which gives rise to an obligation for it to give a warning notice or decision notice, and
  - (b) a decision under regulation 39(1)(c) to publish information about the matter to which a warning notice relates.
- (2) That procedure must be designed to secure, amongst other things, that—
- (a) a decision falling within paragraph (1)(a) is taken—
    - (i) by a person not directly involved in establishing the evidence on which the decision is based, or
    - (ii) by 2 or more persons who include a person not directly involved in establishing that evidence,
  - (b) a decision falling within paragraph (1)(b) is taken—
    - (i) by a person other than the person by whom the decision was first proposed, or
    - (ii) by 2 or more persons not including the person by whom the decision was first proposed, and
  - (c) a decision falling within paragraph (1)(b) is taken in accordance with a procedure which is, as far as possible, the same as that applicable to a decision which gives rise to an obligation to give a warning notice and which falls within paragraph (1)(a).
- (3) The Authority must issue a statement of the procedure.
- (4) The statement must be published in the way appearing to the Authority to be best calculated to bring it to the attention of the public.
- (5) The Authority must, without delay, give the Department a copy of the statement.
- (6) When giving a warning notice or a decision notice, the Authority must follow its stated procedure.
- (7) If the Authority changes the procedure in a material way, it must publish a revised statement.

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**Changes to legislation:** *There are currently no known outstanding effects for the The Electricity and Gas (Market Integrity and Transparency) (Enforcement etc.) Regulations (Northern Ireland) 2013, Section 42. (See end of Document for details)*

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(8) The Authority's failure in a particular case to follow its procedure as set out in the latest published statement does not affect the validity of a notice given in that case.

(9) Paragraph (8) does not prevent the Tribunal from taking into account any such failure in considering a matter referred to it.

**Changes to legislation:**

There are currently no known outstanding effects for the The Electricity and Gas (Market Integrity and Transparency) (Enforcement etc.) Regulations (Northern Ireland) 2013, Section 42.