
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 249

**The Electricity and Gas (Ownership Unbundling)
Regulations (Northern Ireland) 2015**

Gas transmission: independence

4.—(1) The Gas (Northern Ireland) Order 1996(1) is amended as follows.

(2) In Article 8G(1) (the ownership unbundling requirement) for the words “the Authority considers that each of the following tests is passed” substitute—

“in relation to each of the five tests below—

- (a) the Authority considers that it is passed; or
- (b) it is treated as passed by virtue of paragraphs (5), (7) or (13A)”.

(3) After Article 8G(13) insert—

“(13A) The Authority may treat one or more of the five tests in this Article as passed if—

- (a) the test or tests are not passed in relation to a relevant producer or supplier;
- (b) the applicant has demonstrated to the Authority’s satisfaction that the applicant does not have a relationship with the relevant producer or supplier which might lead the applicant to discriminate in favour of the relevant producer or supplier; and
- (c) the Authority thinks it appropriate to treat the test or tests as passed.”.

(4) After Article 8I(12) (monitoring and review of certification) insert—

“(12A) If, before any of the deadlines mentioned in paragraphs (5) or (7) (or before such deadline as previously extended under this paragraph), the Authority asks the certified person or a relevant producer or supplier for information under paragraph (10) or (11), the relevant deadline is the end of the 4 months beginning with the day on which the last of that information is received.”.

(5) In Article 8L(1) (interpretation) substitute the definition of “review period” with—

““review period” in relation to a review under Article 8I means the period specified in paragraph (5) or (7) of that Article as extended, if appropriate, by—

- (a) any period of suspension under paragraph (8) of that Article, or
- (b) the 4 months mentioned in paragraph (12A) of that Article;”.