

2016 No. 129

ELECTRICITY

**The Electricity (Single Wholesale Market) Order (Amendment)
Regulations (Northern Ireland) 2016**

Made - - - - - *8th March 2016*

Coming into operation - *31st March 2016*

The Department of Enterprise, Trade and Investment (“the Department”) makes the following Regulations in exercise of the powers conferred upon it by section 2(2) of the European Communities Act 1972(a) (“the 1972 Act”) as read with paragraph 1A of Schedule 2 to the 1972 Act.

The Department is designated for the purposes of section 2(2) of the 1972 Act in relation to energy and energy sources(b).

These Regulations amend the Electricity (Single Wholesale Market) (Northern Ireland) Order 2007(c) to make provision for a purpose mentioned in section 2(2) of the 1972 Act and it appears to the Department that it is expedient for references to EU instruments in that Order to be construed as references to those instruments as amended from time to time.

Citation and commencement

1. These Regulations may be cited as the Electricity (Single Wholesale Market) Order (Amendment) Regulations (Northern Ireland) 2016 and come into operation on 31st March 2016.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954(d) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Amendment of the Electricity (Single Wholesale Market) (Northern Ireland) Order 2007

3. The Electricity (Single Wholesale Market) (Northern Ireland) Order 2007 is amended in accordance with regulations 4 and 5.

(a) 1972 c.68.

(b) The European Communities (Designation) Order 2010 S.I. 2010/761

(c) 2007 No. 913 (N.I. 7)

(d) 1954 C.33 (NI)

4. In Article 2(2)—

- (a) after the definition of “the Electricity Order” insert—

““the Electricity Market Regulation” means Regulation (EC) 714/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the network for cross-border exchanges in electricity;”

- (b) For the definition of “the SEM” substitute—

““the SEM” means the Single Electricity Market, that is to say the arrangements in Northern Ireland and Ireland—

- (a) initially described in the Memorandum of Understanding mentioned in paragraph (3);
- (b) designed to promote the establishment and operation of a single competitive wholesale electricity market in Northern Ireland and Ireland; and
- (c) which allow for the efficient application of the EU rules for cross border trade in electricity contained within or adopted pursuant to the Electricity Market Regulation as supplemented by—
- (i) network codes established under Article 6 of that Regulation, and
- (ii) guidelines adopted under Article 18 of that Regulation;”

5. After Article 2(6) insert—

“(7) In this Order, any reference to the Electricity Market Regulation, to network codes established under Article 6 of that Regulation or to guidelines adopted under Article 18 of that Regulation shall be construed as references to those instruments as amended from time to time.”

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 8th March 2016.



J Mills
A senior officer of the
Department of Enterprise, Trade and Investment

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Electricity (Single Wholesale Market) (Northern Ireland) Order 2007 to clarify the functioning of the Single Electricity Market (SEM) within the EU legal framework, specifically the Electricity Market Regulation and the network codes and guidelines developed under that Regulation. The first of these is Regulation (EU) 2015/1222 of 24 July 2015 establishing a Guideline on Capacity Allocation and Congestion Management. Article 83 of that Regulation requires Northern Ireland to implement preparatory transitional measures to facilitate full implementation of and full compliance with that Regulation by 31 December 2017.

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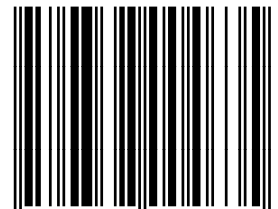
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