
DRAFT STATUTORY INSTRUMENTS

2019 No.

**The Electricity and Gas etc. (Amendment
etc.) (EU Exit) Regulations 2019**

PART 4

Amendment of Northern Ireland legislation

The Gas (Northern Ireland) Order 1996

- 111.**—(1) Article 8F (grounds for certification) is amended as follows.
- (2) For paragraph (1) substitute—
- “(1) This Article applies to a decision under Article 8E as to whether to certify an applicant.”.
- (3) In paragraph (2)—
- (a) for “decide that the applicant should be certified, or decide to certify the applicant,” substitute “decide to certify the applicant”;
- (b) omit “four”.
- (4) Omit paragraph (5).
- (5) In paragraph (6), omit the words from “in accordance” to the end.
- (6) In paragraph (7), omit “preliminary”.
- (7) For paragraph (8) substitute—
- “(8) But, regardless of whether a certification ground applies under paragraph (2), the Authority must not certify the applicant if a report prepared by the Department under Article 8D states that the certification of the applicant would put at risk the security of gas supplies in the United Kingdom.”.
- (8) At the end add—
- “(9) The references in paragraph (4) to Article 14(1) and (2) and 15(1) of the Directive are to be treated as references to those provisions with the following modifications—
- (a) any reference to “Member State” (howsoever expressed) in paragraphs (1) and (2) of Article 14 is to be read as if it were a reference to “the Authority”;
- (b) paragraph (1) of Article 14 is to be read as if the reference to “Such designation shall be subject to approval by the Commission” were omitted;
- (c) paragraph (2)(b) of Article 14 is to be read as if after “Article 13” there were inserted “as implemented in relation to Northern Ireland immediately before exit day, disregarding for this purpose—
- (i) paragraph 2,
- (ii) paragraph 3 so far as relating to Article 41(6)(c), and

- (iii) paragraph 4 except as it relates to such minimum standards, if any, as apply in Northern Ireland”;
- (d) paragraph (2)(e) of Article 14 is to be read as if—
 - (i) the words “Regulation (EC) No. 715/2009” were a reference to the Gas Regulation, and
 - (ii) the words from “including” to the end were omitted;
- (e) paragraph (1) of Article 15 is to be read as if, in the second sentence, “pursuant to Article 33” were omitted.”.