
DRAFT STATUTORY INSTRUMENTS

2019 No.

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

PART 4

Amendment of Northern Ireland legislation

The Electricity (Northern Ireland) Order 1992

94.—(1) Article 10K (continuation or withdrawal of certification) is amended as set out in paragraphs (2) to (8).

(2) In paragraph (1)—

- (a) omit “preliminary”;
- (b) omit “that either”;
- (c) in sub-paragraph (a), for “the certification should be continued” substitute “to continue the certification”;
- (d) for sub-paragraph (b) substitute—

“**(b)** to withdraw the certification;”.

(3) In paragraph (2), for “that the certification should be continued” substitute “to continue the certification”.

(4) Omit paragraphs (3) to (5).

(5) In paragraph (6)—

- (a) omit “final”;
- (b) after sub-paragraph (b) insert “and”;
- (c) omit sub-paragraph (d) and the “and” before it.

(6) In paragraphs (7) omit “final”.

(7) After paragraph (8) insert—

“(8A) The Authority must publish its decision to continue a certification, or to withdraw a certification, together with the reasons for it, in such manner as it considers appropriate.”.

(8) In paragraph (9)—

- (a) for “Article 10F(8)(a) and (b)” substitute “Article 10F(8)”;
- (b) for “Article 10F(8)(b)” substitute “Article 10F(8)”.

(9) Where, immediately before exit day, the Northern Ireland Authority for Utility Regulation has made a preliminary decision under Article 10K of the Electricity (Northern Ireland) Order 1992 on a review under Article 10I(2), (4) or (6) but not a final decision under Article 3 of Regulation [\(EC\) No. 714/2009](#) of the European Parliament and of the Council of 13 July 2009 on conditions for access to the network of cross-border exchanges in electricity and repealing Regulation [\(EC\)](#)

No. 1228/2003, the Authority's preliminary decision is to be treated on and after exit day as if it were a final decision under Article 3 made immediately before exit day.

(10) If a preliminary decision of the Northern Ireland Authority for Utility Regulation is treated as a final decision to continue a certification, or to withdraw a certification, because of paragraph (9), the Authority must publish, in such manner as it considers appropriate, a document setting out that decision and the reasons for it.