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STATUTORY INSTRUMENTS

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**1992 No. 1024**

**ELECTRICITY**

**The Electricity (Restrictive Trade Practices Act 1976) (Exemptions) Order 1992**

<i>Made</i>	- - - -	<i>2nd April 1992</i>
<i>Laid before Parliament</i>		<i>27th April 1992</i>
<i>Coming into force</i>	- -	<i>18th May 1992</i>

The Secretary of State, in exercise of the powers conferred upon him by section 100(2)(b) of the Electricity Act 1989<sup>(1)</sup> and after consultation with the Director General of Electricity Supply for Northern Ireland and the Director General of Fair Trading<sup>(2)</sup>, hereby makes the following Order:—

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Electricity (Restrictive Trade Practices Act 1976) (Exemptions) Order 1992 and shall come into force on 18th May 1992.

(2) In this Order—

“the 1976 Act” means the Restrictive Trade Practices Act 1976<sup>(3)</sup> and “agreement”,

“information provision” and “restriction” have the same meanings as in that Act;

“the 1989 Act” means the Electricity Act 1989; and

“the Department” means the Department of Trade and Industry.

(3) Any reference in the Schedule to this Order to an agreement includes a reference to that agreement as subsequently varied or amended by an agreement to which paragraph 41 in Part II of that Schedule applies.

**Exemptions from the 1976 Act**

2. Agreements relating to the generation, transmission or supply of electricity which are specified in Part I of the Schedule to this Order and such agreements which meet the description of agreements specified in Part II of that Schedule and satisfy the condition specified therein in connection with

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(1) 1989 c. 29.

(2) See section 100(3) and (6) of the Electricity Act 1989. Subsection (6) of that section was inserted by article 5 of the Electricity (Northern Ireland Consequential Amendments) Order 1992 (S.I. 1992/232).

(3) 1976 c. 34.

that description are specified as agreements to which, by virtue of section 100(2) of the 1989 Act, the 1976 Act does not apply and is deemed never to have applied.

### **Amendment of the Electricity (Restrictive Trade Practices Act 1976) (Exemptions) Order 1990**

3. The following amendments shall be made to article 1(2) of the Electricity (Restrictive Trade Practices Act 1976) (Exemptions) Order 1990<sup>(4)</sup> (interpretation)—

- (a) after the definition of “the 1989 Act” there shall be inserted the following definition—  
    ““the 1992 Order” means the Electricity (Northern Ireland) Order 1992<sup>(5)</sup>”;
- (b) in the definition of “exempted person”, after the words “the 1989 Act” there shall be inserted the words “or under article 9 of the 1992 Order,” and after the words “that Act” there shall be inserted the words “or, as the case may be, that Order”;
- (c) in the definition of “grid systems code”, after the words “the 1989 Act” there shall be inserted the words “or under article 10(1)(b) of the 1992 Order”;
- (d) in the definition of “licence holder”, after the words “the 1989 Act” there shall be inserted the words “or as in Part II of the 1992 Order”.

2nd April 1992

*Reay*  
Parliamentary Under-Secretary of State,  
Department of Trade and Industry

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(4) S.I. 1990/759.

(5) S.I. 1992/231 (N.I. 1).

## SCHEDULE

Article 2

### PART I

#### SPECIFIED AGREEMENTS

1. The Power Station Agreement dated 1st April 1992 between Ballylumford Power Limited and Northern Ireland Electricity plc.
2. The Power Station Agreement dated 1st April 1992 between Belfast West Power Limited and Northern Ireland Electricity plc.
3. The Power Station Agreement dated 1st April 1992 between Coolkeeragh Power Limited and Northern Ireland Electricity plc.
4. The Power Station Agreement dated 1st April 1992 between Kilroot Power Limited and Northern Ireland Electricity plc.
5. The Agreement in respect of Ballylumford Power Station Generating Unit No. 1 dated 1st April 1992 between Ballylumford Power Limited and Northern Ireland Electricity plc.
6. The Agreement in respect of Ballylumford Power Station Generating Unit No. 2 dated 1st April 1992 between Ballylumford Power Limited and Northern Ireland Electricity plc.
7. The Agreement in respect of Ballylumford Power Station Generating Unit No. 3 dated 1st April 1992 between Ballylumford Power Limited and Northern Ireland Electricity plc.
8. The Agreement in respect of Ballylumford Power Station Generating Unit No. 4 dated 1st April 1992 between Ballylumford Power Limited and Northern Ireland Electricity plc.
9. The Agreement in respect of Ballylumford Power Station Generating Unit No. 5 dated 1st April 1992 between Ballylumford Power Limited and Northern Ireland Electricity plc.
10. The Agreement in respect of Ballylumford Power Station Generating Unit No. 6 dated 1st April 1992 between Ballylumford Power Limited and Northern Ireland Electricity plc.
11. The Agreement in respect of Ballylumford Power Station Generating Unit GT1 dated 1st April 1992 between Ballylumford Power Limited and Northern Ireland Electricity plc.
12. The Agreement in respect of Ballylumford Power Station Generating Unit GT2 dated 1st April 1992 between Ballylumford Power Limited and Northern Ireland Electricity plc.
13. The Agreement in respect of Belfast West Power Station Generating Unit No. 1 dated 1st April 1992 between Belfast West Power Limited and Northern Ireland Electricity plc.
14. The Agreement in respect of Belfast West Power Station Generating Unit No. 2 dated 1st April 1992 between Belfast West Power Limited and Northern Ireland Electricity plc.
15. The Agreement in respect of Belfast West Power Station Generating Unit No. 3 dated 1st April 1992 between Belfast West Power Limited and Northern Ireland Electricity plc.
16. The Agreement in respect of Belfast West Power Station Generating Unit No. 4 dated 1st April 1992 between Belfast West Power Limited and Northern Ireland Electricity plc.
17. The Agreement in respect of Belfast West Power Station Generating Unit No. 5 dated 1st April 1992 between Belfast West Power Limited and Northern Ireland Electricity plc.
18. The Agreement in respect of Coolkeeragh Power Station Generating Unit No. 3 dated 1st April 1992 between Coolkeeragh Power Limited and Northern Ireland Electricity plc.

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19. The Agreement in respect of Coolkeeragh Power Station Generating Unit No. 4 dated 1st April 1992 between Coolkeeragh Power Limited and Northern Ireland Electricity plc.
20. The Agreement in respect of Coolkeeragh Power Station Generating Unit No. 5 dated 1st April 1992 between Coolkeeragh Power Limited and Northern Ireland Electricity plc.
21. The Agreement in respect of Coolkeeragh Power Station Generating Unit No. 6 dated 1st April 1992 between Coolkeeragh Power Limited and Northern Ireland Electricity plc.
22. The Agreement in respect of Coolkeeragh Power Station Generating Unit No. 7 dated 1st April 1992 between Coolkeeragh Power Limited and Northern Ireland Electricity plc.
23. The Agreement in respect of Coolkeeragh Power Station Generating Unit GT8 dated 1st April 1992 between Coolkeeragh Power Limited and Northern Ireland Electricity plc.
24. The Agreement in respect of Kilroot Power Station Generating Unit No. 1 dated 1st April 1992 between Kilroot Power Limited and Northern Ireland Electricity plc.
25. The Agreement in respect of Kilroot Power Station Generating Unit No. 2 dated 1st April 1992 between Kilroot Power Limited and Northern Ireland Electricity plc.
26. The Agreement in respect of Kilroot Power Station Generating Unit GT1 dated 1st April 1992 between Kilroot Power Limited and Northern Ireland Electricity plc.
27. The Agreement in respect of Kilroot Power Station Generating Unit GT2 dated 1st April 1992 between Kilroot Power Limited and Northern Ireland Electricity plc.
28. The Connection Agreement for Ballylumford Power Station dated 1st April 1992 between Northern Ireland Electricity plc and Ballylumford Power Limited.
29. The Connection Agreement for Belfast West Power Station dated 1st April 1992 between Northern Ireland Electricity plc and Belfast West Power Limited.
30. The Connection Agreement for Coolkeeragh Power Station dated 1st April 1992 between Northern Ireland Electricity plc and Coolkeeragh Power Limited.
31. The Connection Agreement for Kilroot Power Station dated 1st April 1992 between Northern Ireland Electricity plc and Kilroot Power Limited.
32. The Site Services Agreement dated 1st April 1992 between Northern Ireland -Electricity plc and Ballylumford Power Limited.
33. The Site Services Agreement dated 1st April 1992 between Northern Ireland -Electricity plc and Belfast West Power Limited.
34. The Site Services Agreement dated 1st April 1992 between Northern Ireland -Electricity plc and Coolkeeragh Power Limited.
35. The Site Services Agreement dated 1st April 1992 between Northern Ireland -Electricity plc and Kilroot Power Limited.
36. The Agreement in respect of the Conversion to Gas Firing of Ballylumford Power Station dated 1st April 1992 between Ballylumford Power Limited and Northern Ireland Electricity plc.
37. The RTPA Savings Agreement dated 1st April 1992 between Northern Ireland -Electricity plc and Ballylumford Power Limited.
38. The RTPA Savings Agreement dated 1st April 1992 between Northern Ireland -Electricity plc and Belfast West Power Limited.
39. The RTPA Savings Agreement dated 1st April 1992 between Northern Ireland -Electricity plc and Coolkeeragh Power Limited.

40. The RTPA Savings Agreement dated 1st April 1992 between Northern Ireland -Electricity plc and Kilroot Power Limited.

## PART II

### DESCRIPTIONS OF AGREEMENTS

41.—(1) Any agreement which constitutes a variation of or an amendment to any one or more of the agreements specified in Part I of this Schedule or which constitutes a variation of or an amendment to any other agreement to which this paragraph applies.

(2) The condition which must be satisfied by an agreement of a description specified in subparagraph (1) above is that—

- (a) it does not add to or extend any restrictions or information provisions contained in the agreement which it varies or amends; or
- (b) it is in the terms of a draft of which a copy is provided to the Department not less than 21 days before the date on which the agreement is made and in respect of which the Department does not, within 21 days of the provision of the copy, give notice of objection to the party providing it; or
- (c) it contains a provision that any restrictions or information provisions which it contains or any provision adding to or extending any restrictions or information provisions contained in the agreement which it varies or amends shall not take effect or shall cease to have effect—
  - (i) if a copy of the agreement is not provided to the Department within 14 days of the date on which the agreement is made, or
  - (ii) if, within 28 days of the provision of the copy, the Department gives notice of objection to the party providing it.

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### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order specifies agreements, and a description of agreements, relating to the generation, transmission or supply of electricity in Northern Ireland to which the Restrictive Trade Practices Act 1976 (“the 1976 Act”) is deemed not to apply and never to have applied. By virtue of section 100(1) of the Electricity Act 1989, electricity is treated as goods for the purposes of the 1976 Act and therefore agreements relating to the generation, transmission or supply of electricity may fall within the scope of the 1976 Act. This Order provides that the agreements specified in Part I of the Schedule to the Order, together with agreements meeting the description specified in Part II of the Schedule and satisfying the condition specified therein, will nevertheless fall outside the provisions of the 1976 Act.

The Order also amends the Electricity (Restrictive Trade Practices Act 1976) (Exemptions) Order 1990 (S.I.1990/759) (which exempts from the 1976 Act certain agreements containing restrictions

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or information provisions relating to compliance with specified codes of practice) so as to extend the effect of that Order to agreements relating to Northern Ireland.