



Number 5 of 2007

**ELECTRICITY REGULATION (AMENDMENT) (SINGLE
ELECTRICITY MARKET) ACT 2007**

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[No. 5.] *Electricity Regulation (Amendment) [2007.]
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18. Amendment of Schedule 1 to Act of 1999.
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SCHEDULE

SCHEDULE 1A TO ACT OF 1999

ACTS REFERRED TO

Electricity and Gas Regulation Acts 1999 to 2002	
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Energy (Miscellaneous Provisions) Act 2006	2006, No. 40



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**ELECTRICITY REGULATION (AMENDMENT) (SINGLE
ELECTRICITY MARKET) ACT 2007**

AN ACT TO AMEND THE ELECTRICITY REGULATION
ACT 1999 TO PROVIDE FOR THE ESTABLISHMENT
AND OPERATION OF A SINGLE COMPETITIVE
WHOLESALE ELECTRICITY MARKET ON THE ISLAND
OF IRELAND AND ITS ISLANDS AND TO PROVIDE
FOR RELATED MATTERS.

[5th March, 2007]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—(1) This Act may be cited as the Electricity Regulation (Amendment) (Single Electricity Market) Act 2007. Citation and commencement.

(2) This Act comes into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or provisions.

2.—In this Act—

Definitions.

“Act of 1999” means Electricity Regulation Act 1999;

“Minister” means Minister for Communications, Marine and Natural Resources.

3.—Section 2 of the Act of 1999 is amended—

Amendment of section 2 of Act of 1999.

(a) in subsection (1) by the insertion of the following definitions:

“ ‘Authority’ means Northern Ireland Authority for Utility Regulation;

‘Internal Market Regulations’ means the European Communities (Internal Market in Electricity) Regulations 2000 and 2005;

‘the Department’ means the Department of Enterprise, Trade and Investment in Northern Ireland;

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‘the Memorandum of Understanding’ means the Memorandum of Understanding relating to the establishment and operation of a single competitive wholesale electricity market in the State and in Northern Ireland entered into between the Government of Ireland and the Government of the United Kingdom of Great Britain and Northern Ireland signed on behalf of the Government of Ireland on 5 December 2006 and on behalf of the Government of the United Kingdom of Great Britain and Northern Ireland on 6 December 2006;

‘public electricity supplier’ means the holder of a licence under section 14(1)(h);

‘the SEM Committee’ means the committee referred to in Section 8A;

‘SEM matter’ shall be construed in accordance with section 8A(5);

‘the Single Electricity Market’ means the new arrangements in the State and Northern Ireland which are—

- (a) described in the Memorandum of Understanding, and
- (b) designed to promote the establishment and operation of a single competitive wholesale electricity market in the State and Northern Ireland;

‘Single Electricity Market operator’ means the holder of a licence under section 14(1)(j) or a person exempted from the requirement to hold such a licence;”,

and

- (b) by the insertion of the following subsection after subsection (1):

“(1A) (a) Notwithstanding the definition of ‘Department’ in subsection (1) where the electricity functions of the Department of Enterprise, Trade and Investment in Northern Ireland are, under the law for the time being in force in Northern Ireland, exercisable by any other Department, Ministry or authority, references to the Department in this Act shall be construed as references to such other Department, Ministry or authority, as the case may be.

- (b) Notwithstanding the definition of ‘Authority’ in subsection (1) where the electricity functions of the Authority are, under the law for the time being in force in Northern Ireland, exercisable by any other authority, Department, Ministry, person or statutory body, references to the Authority in this Act shall be construed as references to such other authority, Department, Ministry, person or statutory body, as the case may be.

- (c) In this subsection ‘electricity functions’ has the same meaning as it has in Article 9 of the Electricity (Single Wholesale Market) (Northern Ireland) Order 2007.”.

4.—The Act of 1999 is amended by the insertion after section 8 of the following: Single Electricity Market Committee.

“Single Electricity Market Committee.

8A.—(1) There shall be a committee of the Commission to be known as the Single Electricity Market Committee or as the SEM Committee.

(2) The SEM Committee shall comprise such members as stand appointed to it from time to time.

(3) Schedule 1A applies to the SEM Committee.

(4) Any decision as to the exercise of a relevant function of the Commission in relation to a SEM matter shall be taken on behalf of the Commission by the SEM Committee.

(5) For the purposes of this Act a matter is a SEM matter if the SEM Committee determines that the exercise of a relevant function of the Commission in relation to that matter materially affects, or is likely materially to affect, the Single Electricity Market.

(6) For the purposes of this section ‘relevant function’ means—

- (a) a function under this Act relating to electricity,
- (b) a function under the Internal Market Regulations.”.

5.—The Act of 1999 is amended by the insertion after section 8A (inserted by *section 4* of this Act) of the following: Commission and working arrangements as respects Single Electricity Market.

“Commission and working arrangements as respects Single Electricity Market.

8B.—(1) The Commission shall publish a statement—

- (a) setting out the procedures and working arrangements adopted by the Commission for ensuring compliance with section 8A(4), and
- (b) describing how the Commission will work together with the Authority in the exercise of their respective statutory functions in relation to the Single Electricity Market.

(2) A statement under this section may be amended from time to time and the Commission