Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Energy Efficiency Regulations (Northern Ireland) 2014. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY RULES OF NORTHERN IRELAND

2014 No. 198

ENERGY

The Energy Efficiency Regulations (Northern Ireland) 2014

Made - - - -	*4th July 2014*
Coming into operation	*25th July 2014*

The Department of Enterprise, Trade and Investment, being a Department designated [F1] for the purposes of section 2(2) of the European Communities Act 1972 [F2] in relation to energy and energy sources, in exercise of the powers conferred on it by the said section 2(2), and of every other power enabling it in that behalf, hereby makes the following Regulations:

F1 S.I. 2010/761

F2 1972 c.68; section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51), **section 27(1)** and by the European Union (Amendment) Act 2008 (c.7), **section 3(3)** and Part I of the Schedule

PART 1

INTRODUCTORY

Citation and commencement

1. These Regulations may be cited as the Energy Efficiency Regulations (Northern Ireland) 2014 and shall come into operation on 25th July 2014.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 [F3] shall apply to these Regulations as it applies to an Act of the Assembly.

(2) In these Regulations—

"the Authority" means the Northern Ireland Authority for Utility Regulation;

"the Department" means the Department of Enterprise, Trade and Investment;

"Directive 2012/27/EU" means the European Parliament and Council Directive 2012/27/EU on energy efficiency, amending Directive 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC;

"electricity licence" means a licence granted under Article 10 of the Electricity Order;

"the Electricity Order" means the Electricity (Northern Ireland) Order 1992 [F4];

"the Energy Order" means the Energy (Northern Ireland) Order 2003 [F5];

"gas licence" means a licence granted under Article 8 of the Gas Order; and

"the Gas Order" means the Gas (Northern Ireland) Order 1996 [F6].

F3 1954 c.33 (N.I.1)
F4 S.I. 1992/231 (N.I.1)
F5 S.I. 2003/419 (N.I.6)
F6 S.I. 1996/275 (N.I.2)

PART 2

AMENDMENTS TO THE ENERGY ORDER

Interpretation

3. In Article 2(2) (Interpretation) of the Energy Order, insert at the appropriate place the following definition—

""Energy Efficiency Directive" means the European Parliament and Council Directive 2012/27/EU on energy efficiency, amending Directive 2009/125/EC and 2010/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC;".

Principal objective and general duties in relation to electricity

4. Article 12 of the Energy Order is amended as follows—

(a) in paragraph (5)(a) for the words "on the part of persons authorised by licences or exemptions to supply, distribute or participate in the transmission of electricity" substitute " in the generation, distribution, transmission and supply of electricity ";

(b) after paragraph 12(5) insert:—

"(5A) The duties under paragraph (5) shall, in particular, include—

(a) ensuring the provision of the incentives referred to in Article 15(1) of the Energy Efficiency Directive, where appropriate and having taken into account the costs and benefits, and ensuring that no incentives are provided contrary to Article 15(4) of that Directive; and

(b) the encouragement of demand side resources in accordance with Article 15(8), first and third indents of that Directive.

(5B) Before 30 June 2015, the Authority shall deliver to the Department—

(a) an assessment of the electricity infrastructure which complies with the requirements of Article 15(2)(a) of the Energy Efficiency Directive; and

(b) a list identifying concrete measures and investments which complies with the requirements of Article 15(2)(b) of that Directive.

(5C) For the purpose of paragraph (5B), the Authority may, by notice given to the holder of any electricity licence or any exemption holder, require that person to provide such information, assistance and advice as may be specified in the notice and that holder shall comply with that requirement.".

Principal objective and general duties in relation to gas

5. Article 14 of the Energy Order is amended as follows—

(a) for paragraph (5)(a) substitute—

"(a) to promote the efficient use of gas and efficiency and economy in the conveyance, storage or supply of gas;"; and

(b) after paragraph 14(5A) insert—

"(5B) Before 30 June 2015 the Authority shall deliver to the Department—

(a) an assessment of the gas infrastructure which complies with the requirements of Article 15(2)(a) of the Energy Efficiency Directive; and

(b) a list identifying concrete measures and investments which complies with the requirements of Article 15(2)(b) of that Directive.

(5C) For the purpose of paragraph (5A), the Authority may serve on any holder of a gas licence or any exemption holder a notice requiring that person to provide the Authority with such information, assistance or advice as may be specified in the notice and that holder shall comply with that requirement.".

Penalties

6. Article 41A of the Energy Order is amended as follows—.

(a) in paragraph (4)(i), omit"and";

(b) in paragraph (4)(j), for "," substitute " ; and "; and

(c) after paragraph (4)(j) there shall be inserted the following sub-paragraph—

"(k) paragraph 2(1) and 3(4) of Schedule 7 to the Electricity Order (individual meters),".

7. Article 41B of the Energy Order is amended as follows—.

(a) in paragraph (3)(h) omit"and";

(b) in paragraph (3)(i), for "." substitute " ; and "; and

(c) after paragraph (3)(i) there shall be inserted the following sub-paragraph—

"(j) Article 21A of the Gas Order (individual meters).".

PART 3

AMENDMENTS TO THE ELECTRICITY ORDER

Electricity Licensing and Energy Efficiency

8. After Article 11AB of the Electricity Order insert the following Article—

"**Licensing and Energy Efficiency**

11AC.—(1) Without prejudice to the generality of Article 11(1), a licence shall include such conditions as appear to the grantor to be requisite or expedient to ensure that any activity authorised by it is carried out in accordance with the requirements and prohibitions laid down by the Energy Efficiency Directive and referred to in the following paragraphs.

(2) Subject to paragraph (7), the conditions included in a licence in accordance with paragraph (1) shall in particular in the case of a licence under Article 10(1)(c) include such conditions as appear to the grantor to be requisite or expedient to require, where a customer of the licence holder takes a supply of electricity through a smart meter, that the licence holder ensures that—

(a) the meter complies with the relevant requirements of Article 9(2)(a) and 10(2) and, where the customer so requests, Article 9(2)(c) of the Energy Efficiency Directive;

(b) the customer is provided with the information required by Article 9(2)(a) and 10(2) of the Energy Efficiency Directive;

(c) the information required by Article 10(2)(b) of the Energy Efficiency Directive is provided in the format so required;

(d) where the customer so requests, the customer or another person acting on the customer's behalf is provided with the information required by Article 9(2)(d) of the Energy Efficiency Directive in a format so required;

(e) the meter and any information provided by it is secure as required by Article 9(2)(b) of the Energy Efficiency Directive; and

(f) the advice and information required by Article 9(2)(e) of the Energy Efficiency Directive is provided to the customer.

(3) The conditions included in the licence in accordance with paragraph (1) shall in particular in the case of a licence under Article 10(1)(c) also include such conditions as appear to the grantor to be requisite or expedient to require, where a customer of the licence holder does not take a supply of electricity through a smart meter, that the licence holder ensures that any bill or statement of account provided to the customer complies with the requirements of Article 10(1) of and paragraph 1.1 of Annex VII to the Energy Efficiency Directive.

(4) The conditions included in the licence in accordance with paragraph (1) shall in particular in the case of a licence under Article 10(1)(c) also include such conditions as appear to the grantor to be requisite or expedient to require that the licence holder ensures that—

(a) the information required by Article 10(3)(a) of the Energy Efficiency Directive is provided, where it is available and the customer to whom it relates so requests, to an energy service provider designated by the customer;

(b) any bill or statement of account sent to a customer—

(i) contains the information required by Article 10(3)(c) of and paragraph 1.2 and 1.3 of Annex VII to the Energy Efficiency Directive;

(ii) complies with the guidance issued and published by the Authority, in particular for the purposes referred to in Article 10(3)(d) of the Energy Efficiency Directive; and

(iii) if the customer so requests, is in an electronic format.

(c) where a customer so requests, the information required by Article 10(3)(b) of the Energy Efficiency Directive is provided to the customer;

(d) any customer taking a supply of electricity from the licence holder is provided with the information required by paragraph 1.3 of Annex VII to the Energy Efficiency Directive in contract documentation;

(e) any information provided to a customer in accordance with any conditions included under this paragraph is provided in a timely manner and in an easily

understandable format for the purposes referred to in Article 10(3)(e) of the Energy Efficiency Directive; and

(f) a charge is not made in respect of any bill or statement of account sent to a customer or in respect of any information provided to the customer (whether in the bill or statement of account or otherwise) contrary to Article 11(1) of the Energy Efficiency Directive.

(5) The conditions included in a licence in accordance with paragraph (1) shall, in particular, in the case of a transmission licence include such conditions as appear to the grantor to be requisite or expedient to ensure that—

(a) in relation to network regulation and network tariffs, the requirements of Article 15(1) fourth indent of and Annex XI to the Energy Efficiency Directive are complied with;

(b) the licence holder complies with the requirements of Article 15(5), third indent of and Annex XII to the Energy Efficiency Directive in relation to electricity from high efficiency co generation;

(c) where Article 15(6) of the Energy Efficiency Directive requires the licence holder to be responsible for conducting balancing services and other operational services—

(i) such services are part of a service bidding process which is transparent, non discriminatory and open to scrutiny in accordance with the requirements of that provision; and

(ii) in meeting the requirements for such services and ancillary services, the licence holder complies with Article 15(8), second indent of the Energy Efficiency Directive;

(d) the licence holder carries out the tasks required by Article 15(8), third indent of the Energy Efficiency Directive for the purposes set out therein.

(6) The conditions included in a licence in accordance with paragraph (1) shall in particular in the case of a distribution licence include such conditions as appear to the grantor to be requisite or expedient to ensure that—

(a) any customer taking a supply of electricity distributed by the licence holder is provided with the information required by paragraph 1.3 of Annex VII to the Energy Efficiency Directive in contract documentation;

(b) in relation to network regulation and network tariffs, the requirements of Article 15(1), fourth indent of and Annex XI to the Energy Efficiency Directive are complied with;

(c) the licence holder complies with the requirements of Article 15(5), third indent and Annex XII to the Energy Efficiency Directive in relation to electricity from high efficiency co generation;

(d) where Article 15(6) of the Energy Efficiency Directive requires the licence holder to be responsible for conducting balancing services and other operational services—

(i) such services are part of a service bidding process which is transparent, non discriminatory and open to scrutiny in accordance with the requirements of that provision; and

(ii) in meeting the requirements for such services and ancillary services, the licence holder, complies with Article 15(8), second indent of the Energy Efficiency Directive;