STATUTORY RULES OF NORTHERN IRELAND

2007 No. 321

ELECTRICITY

Electricity Regulations (Northern Ireland) 2007

Made - - - - 3rd July 2007

The Department of Enterprise, Trade and Investment, being a Department designated for the purposes of section 2(2) of the European Communities Act 1972(**1**) in relation to measures relating to the regulation of the electricity sector(**2**), 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:

PART I

INTRODUCTORY

Citation and commencement

1.—(1) These Regulations may be cited as the Electricity Regulations (Northern Ireland) 2007 and, subject to paragraphs (2) and (3) shall come into operation forthwith.

(2) Part II and regulation 61 shall, subject to paragraph (3) come into operation on 1 November 2007.

(3) Article 43B of the 1992 Order (as inserted by regulation 10) shall have effect forthwith insofar as it authorises the Authority to issue a notice under paragraph (1)(b) thereof.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(**3**) 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 1992 Order" means the Electricity (Northern Ireland) Order 1992(**4**);

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

(**1**) 1972 c. 68
(**2**) S.I.1998/745
(**3**) 1954 c. 33 (N.I.)
(**4**) S.I. 1992/231 (N.I. 1)

"the Energy Order" means the Energy (Northern Ireland) Order 2003(**5**).

PART II

AMENDMENTS TO THE 1992 ORDER

Revocation and replacement

3. The 1992 Order shall be amended as provided by this Part.

Interpretation

4. In Article 3 (Interpretation of Part II) —

(a) the definition of "authorised area" shall be deleted;

(b) after the definition of "Directive" there shall be inserted the following definition:

"distribute" in relation to electricity, means distribute by means of a distribution system, that is to say, a system which consists (wholly or mainly) of low voltage lines and electrical plant and is used for conveying electricity to any premises or to any other distribution system;

(c) after the definition of "electric line" there shall be inserted the following definitions:

"electricity distributor" means any person who is authorised by a licence under Article 10(1)(b) except where he is acting otherwise than for purposes connected with the distribution by him of electricity;

"electricity supplier" means any person who is authorised by a licence under Article 10(1)(c) to supply electricity except where he is acting otherwise than for purposes connected with the carrying on of activities authorised by the licence;

(d) in the definition of "electrical plant" after "transmission" there shall be inserted ", distribution";

(e) the definitions of "private electricity supplier", "public electricity supplier" and "tariff customer" shall be deleted.

Electricity Supply Code

5.—(1) For Article 27 (Public Electricity Supply Code) there shall be substituted—

"**Electricity Supply Code**

27. Schedule 6 (which relates to the distribution and supply of electricity) shall have effect.".

(2) For Schedule 6 (Public Electricity Supply Code) there shall be substituted the Schedule set out in Schedule 1 to these Regulations.

Licences

6.—(1) For Article 10(1)(c) there shall be substituted the following sub-paragraph—

"(c) to supply electricity to any premises."

(2) For Article 10(2) there shall be substituted the following paragraphs—

"(2) A licence under Article 10(1)(c) may authorise the holder to supply electricity—

(**5**) S.I. 2003/419 (N.I. 6)

(a) to any premises;

(b) only to premises specified in the licence, or to premises of a description so specified; or

(c) only to any premises situated in a specified area, or to premises of a specified description which are so situated.

(2A) The grantor may, with the consent of the holder of a supply licence, modify terms included in the licence in pursuance of paragraph (2) so as to extend or restrict the premises to which the licence holder may give a supply of electricity."

(3) In Article 10(3) the words "or extension" shall be deleted.

(4) For Article 10(7) and (8) there shall be substituted—

"(7) As soon as practicable after granting a licence, the Department shall send a copy of the licence to the Authority and, in the case of a licence under paragraph (1)(b), to any licence holder under that sub-paragraph whose interests may be affected by the grant.

(8) As soon as practicable after granting any licence under paragraph (1)(b) the Authority shall send a copy of the licence to any licence holder under that sub-paragraph whose interests may be affected by the grant.".

Licence holders

7. For Article 12 there shall be substituted:

"**General duties of electricity distributors and transmission licence holders**

12.—(1) It shall be the duty of an electricity distributor to—

(a) develop and maintain an efficient, coordinated and economical system of electricity distribution; and

(b) facilitate competition in the supply and generation of electricity.

(2) It shall be the duty of the holder of a licence under Article 10(1)(b), as appropriate having regard to the activities authorised by the licence, to—

(a) take such steps as are reasonably practicable to—

(i) ensure the development and maintenance of an efficient, co-ordinated and economical system of electricity transmission which has the long-term ability to meet reasonable demands for the transmission of electricity; and

(ii) contribute to security of supply through adequate transmission capacity and system reliability; and

(b) facilitate competition in the supply and generation of electricity.".

8.—(1) For Article 13(1) there shall be substituted the following paragraph—

"(1) Subject to paragraph (2), Schedule 3 (which makes provision with respect to the compulsory acquisition of land) and Schedule 4 (which confers other powers and makes other provision) shall have effect—

(a) in relation to the holder of a licence under Article 10(1)(b) except where he is acting for purposes connected with the distribution of electricity;

(b) in relation to the holder of a licence under Article 10(1)(b) to the extent that his licence so provides where he is acting for purposes connected with the distribution of electricity; and

(c) to the extent that his licence so provides, in relation to any other licence holder;

and references in those Schedules to a licence holder shall be construed accordingly.".

(2) Article 13(4) is repealed.

Duty to connect

9. For Articles 19 to 26 there shall be substituted the following Articles—

"**Duty to connect on request**

19.—(1) An electricity distributor is under a duty—

(a) to make a connection between a distribution system of his and any premises, when required to do so by—

(i) the owner or occupier of the premises; or

(ii) an electricity supplier or person supplying electricity under an exemption acting with the consent of the owner or occupier of the premises, for the purpose of enabling electricity to be conveyed to or from the premises;

(b) to make a connection between a distribution system of his and any distribution system of another electricity distributor, when required to do so by that distributor for the purpose of enabling electricity to be conveyed to or from that other system.

(2) Any duty under paragraph (1) includes a duty to provide such electric lines or electrical plant as may be necessary to enable the connection to be used for the purpose for which it is required.

(3) The duties under this Article shall be performed subject to such terms as may be agreed under Article 20 for so long as the connection is required.

(4) In this Article and Articles 20 to 26—

(a) any reference to making a connection includes a reference to maintaining the connection (and continuing to provide the necessary electric lines or electrical plant);

(b) any reference to requiring a connection includes a reference to requiring the connection to be maintained (and the continued provision of the necessary electric lines and electrical plant); and

(c) any reference to the provision of any electric line or electrical plant is a reference to the provision of such a line or an item of electrical plant either by the installation of a new one or by the modification of an existing one.

(5) The duties under this Article are subject to the following provisions of this Part and any regulations made under those provisions.

Procedure for requiring a connection

20.—(1) Where a person requires a connection to be made by an electricity distributor in pursuance of Article 19(1), he shall give the distributor a notice requiring him to offer terms for making the connection.

(2) That notice must specify—

(a) the premises or distribution system to which a connection to the distributor's system is required;

(b) the date on or by which the connection is to be made; and

(c) the maximum power at which electricity may be required to be conveyed through the connection.

(3) The person requiring a connection shall also give the distributor such other information in relation to the required connection as the distributor may reasonably request.

(4) A request under paragraph (3) shall be made as soon as practicable after the notice under paragraph (1) is given (if not made before that time).

(5) As soon as practicable after receiving the notice under paragraph (1) and any information requested under paragraph (3) the distributor shall give to the person requiring the connection a notice—

(a) stating the extent to which the proposals specified in the other person's notice under paragraph (1) are acceptable to the distributor and specifying any counter proposals made by the distributor;

(b) specifying any payment which that person will be required to make under Article 22(1), or under regulations made under Article 22(2);

(c) specifying any security which that person will be required to give under Article 23;

(d) specifying any other terms which that person will be required to accept under Article 24; and

(e) stating the effect of Article 26.

Exceptions from duty to connect

21.—(1) Nothing in Article 19(1) requires an electricity distributor to make a connection if and to the extent that—

(a) he is prevented from doing so by circumstances beyond his control;

(b) circumstances exist by reason of which his doing so would or might involve his being in breach of regulations under Article 32, and he has taken all such steps as it was reasonable to take both to prevent the circumstances from occurring and to prevent them from having that effect; or

(c) there is a lack of capacity or there are exceptional circumstances which render it impracticable for him to do so.

(2) Without prejudice to the generality of paragraph (1) an electricity distributor is not required to make a connection if—

(a) making the connection involves the distributor doing something which, without the consent of another person, would require the exercise of a power conferred on him by any provision of Schedule 3 or 4;

(b) those provisions do not have effect in relation to him; and

(c) any necessary consent has not, at the time the request is made, been given.

(3) Paragraph (1)(c) does not permit an electricity distributor to disconnect any premises or distribution system to which a connection is being maintained by him unless the distributor gives—

(a) where the connection is to premises, to the occupier or to the owner if the premises are not occupied;

(b) where the connection is to another distribution system, to the electricity distributor who runs that system,

not less than seven working days' notice of his intention to disconnect the premises or distribution system.