STATUTORY RULES OF NORTHERN IRELAND

1999 No. 250

ELECTRICITY

Electricity Order 1992 (Amendment) Regulations (Northern Ireland) 1999

Made - - - -	*3rd June 1999*
Coming into operation	*1st July 1999*

The Department of Economic Development, 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. These Regulations may be cited as the Electricity Order 1992 (Amendment) Regulations (Northern Ireland) 1999 and shall come into operation on 1 July 1999.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(**3**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

(2) In these Regulations "the 1992 Order" means the Electricity (Northern Ireland) Order 1992(**4**).

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

PART II

AMENDMENT TO THE ELECTRICITY (NORTHERN IRELAND) ORDER 1992

Amendments

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

Interpretation of Part II

4. In Article 3, after the definition of "authorised area" there shall be inserted the following definition—

""Directive" means European Parliament and Council Directive 96/92 EC concerning common rules for the internal market in electricity;".

Conditions of licences

5. After Article 11 there shall be inserted—

"**Compliance with Community obligations**

11A.—(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 any activity authorised by it is carried out in compliance with the relevant requirements and prohibitions laid down by the Directive.

(2) The conditions referred to in paragraph (1) shall in particular—

(a) in the case of a licence under Article 10(1)(b) or (c), require the holder to comply with the requirements for system access laid down by Article 17 or 18 of the Directive, as the case may be;

(b) in the case of a licence under Article 10(1)(b), require the holder to develop and publish the technical rules described in Article 7.2 of the Directive and to comply with Articles 7.3 to 7.6, 8.1 and 8.2 and 9 of the Directive;

(c) in the case of a licence under Article 10(1)(c), require the holder to act in accordance with Articles 11 and 12 of the Directive; and

(d) require a licence holder, who is a single buyer within the meaning of the Directive, to comply with Article 15 thereof.

(3) In including conditions in a licence under Article 11 and this Article, the grantor shall comply with the requirements of Article 3.1 of the Directive.".

Restriction on powers of Director and Department

6. After Article 18 there shall be inserted the following Article—

"**18A.** Nothing in Article 14, 17 or 18 shall authorise the modification of any condition in a licence if that modification is inconsistent with the requirements or prohibitions laid down by the Directive.".

Consent required for constructing etc generating stations

7.—(1) After Article 39(2) there shall be inserted the following paragraphs—