1994 No. 132

ELECTRICITY

Electricity (Non-Fossil Fuel Sources) Order (Northern Ireland) 1994

Made	*31st March 1994*
Coming into operation . .	*31st March 1994*

The Department of Economic Development, in exercise of the powers conferred on it by Article 35(1) of the Electricity (Northern Ireland) Order 1992(**a**) and of every other power enabling it in that behalf, after consultation in accordance with the requirements of that article, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Electricity (Non-Fossil Fuel Sources) Order (Northern Ireland) 1994 and shall come into operation on 31st March 1994.

(2) In this Order—

"the Company" means Northern Ireland Electricity plc;

"condition precedent" means a condition described in the terms set out in Schedule 2 or in terms to the like effect;

"specified period" in relation to the Company means each successive period commencing and ending on the dates specified in Schedule 1 but so that—

(*a*) the first such period shall commence on 31 March 1994 or, where all the relevant arrangements made by the Company make provision as is mentioned in Article 3(1)(*a*), on the date on which all applicable conditions precedent have been satisfied in respect of any such arrangements;

(*b*) on any such day as is mentioned in Article 3(1)(*b*) there shall be substituted, in place of any specified period that would otherwise have commenced on that day, a period commencing on such day and expiring (subject to sub-paragraphs (*d*) and (*e*)) on the day on which the applicable condition precedent is satisifed either wholly or in part;

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

(*c*) upon the expiry of any specified period ascertained in accordance with this sub-paragraph or with sub-paragraph (*b*) the next specified period shall commence on the following day and shall continue, subject to sub-paragraphs (*d*) and (*e*), until the day on which the applicable condition precedent is either wholly satisfied or further satisfied in part;

(*d*) on any such day as is mentioned in Article 3(2)(*b*) the then current specified period shall forthwith terminate and shall be followed by a new period commencing immediately upon such termination; and

(*e*) any specified period which is current on the date of the end of any of the periods specified in Schedule 1 shall expire on that date;

"termination event" means an event described in the terms set out in Schedule 3 or in terms to the like effect.

(3) Any reference in this Order to relevant arrangements shall be construed as a reference to any arrangements evidence of the making of which is produced to the Director General of Electricity Supply for Northern Ireland in accordance with Article 2.

Requirement to make arrangements in relation to generating capacity from non-fossil fuel generating stations

2. The Company shall before 31st March 1994 make (in so far as it has not already done so) and produce to the Director evidence showing that it has made such arrangements as will secure that for each period shown in Schedule 1 (specified aggregate amounts of generating capacity) the aggregate amount of generating capacity available to it from non-fossil fuel generating stations of the descriptions specified in that Schedule will be not less than the amount for that period shown opposite each such description.

3.—(1) Where any relevant arrangements—

(*a*) provide that the availability of some or all of the capacity of the non-fossil fuel generating station in question is conditional upon the satisfaction of any condition precedent; and

(*b*) result, on the first day of any specified period, in part or all of such condition precedent not being satisfied as was due to have been satisfied under those arrangements on or prior to that day,

then, in relation to any day during that specified period or any subsequent specified period ascertained in accordance with Article 1(2), this Order shall have effect as if the relevant aggregate amount specified in relation to that period were the amount specified for the period which includes that day in Schedule 1, less (subject to the following proviso) an amount equal to the sum of any capacity whose availability is at that time conditional upon the satisfaction of such condition precedent and any capacity which has ceased to be available at that time by reason of the occurrence of any termination event:

Provided that the amount so specified shall not be reduced so as to be less than the relevant aggregate amount actually available to the Company under the relevant arrangements during the period in question.

(2) Where any relevant arrangements—

(*a*) provide that some or all of the generating capacity in question may reduce or cease to be available following the occurrence of any termination event; and

(*b*) result in some or all of that capacity not being available to the Company, on any day during any specified period, by reason of the occurrence of any such event,

then the specified period then current shall forthwith terminate and, in relation to any day during any subsequent specified period ascertained in accordance with Article 1(2), this Order shall have effect as if the relevant aggregate amount specified in relation to that period were the amount specified for the period which includes that day in Schedule 1, less an amount equal to the sum of any capacity which has ceased to be available at that time by reason of the occurrence of any such event and any capacity whose availability is at that time conditional upon the satisfaction of any condition precedent, but subject to the proviso contained in paragraph (1).

Sealed with the Official Seal of the Department of Economic Development on 31st March 1994.

(L.S.) *Douglas B. McIldoon*
Assistant Secretary