STATUTORY INSTRUMENTS

1990 No. 245 (N.I. 1)

NORTHERN IRELAND

The Electricity Supply (Amendment) (Northern Ireland) Order 1990

Made - - - -	*14th February 1990*
Coming into operation	*15th April 1990*

At the Court of Saint James, the 14th day of February 1990

Present,

The Counsellors of State in Council

Whereas Her Majesty in pursuance of the Regency Acts 1937 to 1953 was pleased, by Letters Patent dated the 18th day of January 1990, to delegate to the six Counsellors of State therein named or any two or more of them full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

And whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and His Royal Highness The Prince Charles, Prince of Wales, being authorised thereto by the said Letters Patent, and in pursuance of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974(**1**), and all other powers enabling Her Majesty, and by and with the advice of Her Majesty's Privy Council, do on Her Majesty's behalf order, and it is hereby ordered, as follows:—

Title and commencement

1.—(1) This Order may be cited as the Electricity Supply (Amendment) (Northern Ireland) Order 1990.

(2) This Order shall come into operation on the expiration of 2 months from the day on which it is made.

(**1**) 1974 c. 28

Interpretation

2. The Interpretation Act (Northern Ireland) 1954(**2**) shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

Power to act in relation to proposals for privatisation etc.

3. After Article 5 of the Electricity Supply (Northern Ireland) Order 1972(**3**) there shall be inserted the following Article—

"**Power to act in relation to proposals for privatisation etc.**

5A.—(1) Where the Department is at any time proposing that any assets or functions of Northern Ireland Electricity should be transferred to another body corporate, Northern Ireland Electricity may do anything which in its opinion is appropriate for the purpose of—

(a) facilitating the implementation of the proposal for the transfer; or

(b) facilitating the implementation of, or securing a modification of, any related proposals of the Department.

(2) The proposals which are to be treated for the purposes of this Article as related to a proposal of the Department for the transfer of anything from Northern Ireland Electricity to a body corporate shall include any proposal relating to, or to any matter connected with—

(a) any of the assets or liabilities of Northern Ireland Electricity which would be affected by the transfer, or any such assets or liabilities after their proposed transfer;

(b) the exercise, whether before or after the transfer, of any function which it is proposed to transfer to or otherwise vest in that body corporate; or

(c) the establishment or formation, flotation, control, finances or employees of that body corporate or of any other body corporate which is, or in pursuance of any proposal of the Department may become, a member of the same group as that body corporate.

(3) In relation to a proposal for the transfer of any assets or functions of Northern Ireland Electricity it may also do anything which in its opinion is appropriate for the purpose of promoting the interests of—

(a) any body corporate to which it is proposed to transfer the assets or functions of Northern Ireland Electricity; or

(b) any body corporate which is, or in pursuance of any proposal of the Department may become, a member of the same group as a body corporate to which it is proposed to transfer the assets or functions of Northern Ireland Electricity.

(4) The powers conferred by this Article shall be without prejudice to any power conferred otherwise than by virtue of this Article.

(5) For the purposes of this Article a body corporate is a member of the same group as another body corporate if it is a holding company or subsidiary of that other body corporate or if it is another subsidiary of that other body corporate's holding company; and in this paragraph "holding company" and "subsidiary" have the same meaning as in the Companies (Northern Ireland) Order 1986(**4**).

(**2**) 1954 c. 33 (N.I.)
(**3**) 1972 NI 9
(**4**) 1986 NI 6