STATUTORY INSTRUMENTS

1987 No. 1275 (N.I. 12)

NORTHERN IRELAND

The Electricity Supply (Amendment) (Northern Ireland) Order 1987

Made - - - -	*21st July 1987*
Coming into Operation	*22nd September 1987*

At the Court at Buckingham Palace, the 21st day of July 1987

Present,

The Queen's Most Excellent Majesty in Council

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

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act1974 and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to 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 1987.

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

Interpretation

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

(2) In this Order "the Electricity Supply Order" means the Electricity Supply (Northern Ireland) Order1972.

Northern Ireland Electricity

3.—(1) The Northern Ireland Electricity Service established under Article 4 of the Electricity Supply Order is renamed Northern Ireland Electricity.

(2) In part II of Schedule 1 to the Northern Ireland Assembly Disqualification Act1975 for the entry "The Northern Ireland Electricity Service" there shall be substituted— "Northern Ireland Electricity".

Private generating station

4. In Article 2(2) of the Electricity Supply Order (interpretation)—

(a) in the definition of "generation" the words "by the Service" shall cease to have effect;

(b) in the definition of "private generating station" the words from "for use" to the end of sub-paragraph (c) shall cease to have effect;

(c) after the definition of "private generating station" there shall be inserted the following definition— "private generator" means a person, other than the Service, who generates or proposes to generate electricity;

Additional functions of Northern Ireland Electricity

5. At the end of Article 5(3) of the Electricity Supply Order (functions of the Service) there shall be added—

"(4) The Service, with the consent of the Department, may—

(a) enter into an agreement with a private generator to acquire supplies of electricity from that private generator; or

(b) enter into an agreement, or make arrangements, with any person to ensure continuity of electricity supplies.

(5) The Service may—

(a) make grants; or

(b) make a loan, whether secured or unsecured, and whether or not carrying interest or interest at a commercial rate;

for the purposes of any agreement or arrangement under paragraph (4)(b).

(6) An agreement or arrangement under paragraph (4)(b)—

(a) may include provision to—

(i) acquire, hold and dispose of shares in,

(ii) acquire the business and assets of, any undertaking which, in the opinion of the Service, is necessary for the continuity of electricity supplies;

(b) shall contain such terms and conditions as may be agreed with the consent of the Department.".

Combined heat and power

6. After Article 6 of the Electricity Supply Order there shall be inserted—

"**Production and use of heat and electricity**

6A.—(1) The Service shall adopt and support schemes—

(a) for the combined production of heat and electricity, and

(b) for the use of heat produced in combination with electricity, or incidentally from its generation, for the heating of buildings or for other useful purposes.

(2) Nothing in paragraph (1) shall require the Service to undertake expenditure in connection with a scheme which does not meet the financial criteria applied by the Service in relation to other expenditure of the Service.".

Compulsory acquisition of land

7.—(1) In Article 8 of the Electricity Supply Order (compulsory acquisition of land)—

(a) after paragraph (2) there shall be inserted—

"(2A) In order to facilitate the provision in Northern Ireland of an efficient and economical system of electricity supply, the Department may, for the purpose of selling land to a private generator for the construction or extension of a private generating station to which Article 33 applies, being a generating station which generates or will generate electricity which the Service intends to purchase,—

(a) acquire any land by agreement or compulsorily;

(b) dispose of any land so acquired.

(2B) Where the Department in exercise of the power conferred by paragraph (2A) desires to acquire any land otherwise than by agreement the Department may make an order (in this Article referred to as a "vesting order") vesting the land in the Department.";

(b) in paragraph (3)—

(i) at the beginning there shall be inserted "Subject to the following provisions of this Article,";

(ii) after "shall" there shall be inserted ", subject to the modifications specified in Schedule 1A";

(iii) the words from "subject to" onwards shall cease to have effect;

(c) after paragraph (3) there shall be inserted—

"(3A) The power to make a vesting order in respect of any land includes power to create and vest in the Service or, as the case may be, in the Department new rights over the land as well as to vest existing rights.";

(d) after paragraph (6) there shall be inserted—

"(6A) Section 5 of the Stormont Regulation and Government Property Act (Northern Ireland)1933 shall not affect the disposal of any land acquired by the Department under this Article.".

(2) After Schedule 1 to the Electricity Supply Order there shall be inserted—

"SCHEDULE 1A

MODIFICATIONS OF SCHEDULE 6 TO THE LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1972 FOR THE PURPOSES OF ARTICLE 8

PART I

MODIFICATIONS FOR THE PURPOSES OF A VESTING ORDER MADE UNDER ARTICLE 8(2)

1. References to the district council shall be construed as references to the Service.

2. References to the Department concerned shall be construed as references to the Department within the meaning of this Order.

3. References to that Act shall be construed as references to this Order.

PART II

MODIFICATIONS FOR THE PURPOSES OF A VESTING ORDER MADE UNDER ARTICLE 8(2B)

4. References to the Department or to the council shall be construed as references to the Department within the meaning of this Order.

5. References to the said Schedule 6 shall be construed as references to that Schedule as modified by this Schedule.

6. Paragraph 1 shall be omitted.

7. In paragraph 2—

(a) for the words from the beginning to "directs," there shall be substituted the words "Where the Department proposes to acquire land otherwise than by agreement, it shall give notice of its intention to do so and such notice";

(b) in sub-paragraph (c) for the words "as may be prescribed" there shall be substituted the words "as the Department considers fit".

8. In paragraph 3(1)(ii) for the word "refuse" there shall be substituted the words "decide not".

9. In paragraph 4 the words from "and may provide" to the end of the paragraph shall be omitted.

10. In paragraph 5—

(a) in sub-paragraph (1)(a) the words "in the prescribed form and manner" shall be omitted;

(b) in sub-paragraph (1)(b) the two references to the said Act of 1972 shall be construed as references to this Order;

(c) in sub-paragraph (1)(d) the words "in the prescribed form" shall be omitted;

(d) in sub-paragraph (2) for the words "as may be prescribed" there shall be substituted the words "as the Department considers fit".

11. In paragraph 6(2) for the words "fund out of which the expenses of the council in acquiring the land are to be defrayed" there shall be substituted the words "Consolidated Fund" and for the words "out of the compensation fund" there shall be substituted the words "made by the Department".

12. In paragraph 11(3) the words "in the prescribed form" shall be omitted.

13. In paragraph 12—

(a) in sub-paragraph (1) the word "such" and the words "as may be prescribed" shall be omitted;

(b) in sub-paragraph (2) for the words from "clerk" to "directs" there shall be substituted the words "Department as correct, and shall publish".

14. In paragraph 14(1) the words "in the prescribed form" shall be omitted.

15. In paragraph 15(1) for the words "in the prescribed form" there shall be substituted the words "in such form as may be approved by the Department".

16. Paragraph 19 shall be omitted.

17. In paragraph 20, sub-paragraph (2) shall be omitted.".

Powers of entry

8. For Article 9 of the Electricity Supply Order (power to enter on lands) there shall be substituted —

"**Powers of entry, etc.**

9.—(1) Subject to Articles 9A and 9B, a person authorised in writing by the Service may, on production if required of his credentials, at any reasonable time enter—

(a) any premises to which electricity is or has been supplied by the Service,—

(i) subject to paragraph (2), to inspect, remove or replace the electric fittings belonging to the Service which are on the premises;

(ii) to ascertain the quantity of electricity consumed or supplied;

(iii) where a supply of electricity or hire of the electric fittings belonging to the Service is no longer required, or where the Service is authorised to cut off or disconnect the supply of electricity from the premises, to cut off or disconnect the supply of electricity or to remove the electric fittings belonging to the Service which are on the premises;

(b) any land for the purpose of survey, valuation or examination—

(i) where the Service proposes to acquire the land otherwise than by agreement, or

(ii) where it appears to the Service that survey, valuation or examination is necessary in order to determine whether any functions of the Service should be exercised on or with respect to the land;

(c) any land for the purpose of exercising any function that the Service has power to exercise on or with respect to that or any other land.

(2) The powers of inspection mentioned in paragraph (1)(a)(i) shall, in relation to any premises or part of any premises which are or is wholly occupied as a factory within the meaning of the Factories Act (Northern Ireland)1965, extend only to the inspection of—

(a) such of the matters on the premises or on that part of the premises, as the case may be, as are used by the Service for measuring electricity supplied by the Service; and

(b) the service lines by which those meters are connected.

(3) The power to survey land mentioned in paragraph (1)(b) shall include power to search and bore for the purpose of ascertaining the course of any sewers or drains or of ascertaining the nature of the subsoil, and to take and carry away for examination specimens of the subsoil.

Exercise of powers of entry

9A. A power of entry under Article 9(1) or under regulations made under Article 36 shall not be exercisable except—

(a) with consent given by or on behalf of the occupier of the premises or, as the case may be, the land; or

(b) the following notice of the intended entry has been served upon the occupier of the premises or, as the case may be, the land that is to say—

(i) without prejudice to paragraph 22(1) of Schedule 3, where entry is sought under Article 9(1)(a), 24 hours; or