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DRAFT STATUTORY INSTRUMENTS

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**2003 No. (N.I. )**

**NORTHERN IRELAND**

**The Energy (Northern Ireland) Order 2003**

*Made - - - - 2003  
Coming into operation in accordance with Article  
1(2) and (3)*

**THE ENERGY (NORTHERN IRELAND) ORDER 2003**

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**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Energy (Northern Ireland) Order 2003 No. 419*

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Signature

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## SCHEDULES

### SCHEDULE 1 — THE NORTHERN IRELAND AUTHORITY FOR ENERGY REGULATION

#### *Membership*

- 1. (1) The Authority shall consist of a chairman, and no...

#### *Terms of appointment, remuneration, pensions, etc.*

- 2. (1) Subject to this Schedule, the chairman and other members...
- 3. (1) An appointment of a person to hold office as...
- 4. (1) The Authority shall pay to the chairman and other...

#### *Staff*

- 5. The Authority may, with the approval of the Department of...

#### *Committees*

- 6. (1) The Authority may establish committees and any committee of...

#### *Proceedings, etc.*

- 7. (1) The Authority may regulate its own procedure (including quorum)...
- 8. (1) The application of the seal of the Authority shall...

#### *Performance of functions*

- 9. (1) Anything authorised or required to be done by the...

#### *Rule-making authority*

- 10. In the Statutory Rules (Northern Ireland) Order 1979 (NI 12)...

#### *Supplementary powers*

- 11. (1) The Authority has power to do anything which is...

#### *Assembly disqualification*

- 12. In the Northern Ireland Assembly Disqualification Act 1975 (c. 25),...

#### *Assembly Ombudsman*

- 13. In the Ombudsman (Northern Ireland) Order 1996 (NI 8), in...

### SCHEDULE 2 — ORDERS ALTERING LICENSABLE ACTIVITIES

#### *Introductory*

- 1. (1) In this Schedule references to an order are to...

*Application by Authority for order including new activities*

2. (1) If the Authority proposes to make an application for...

*References to Competition Commission*

3. (1) A reference to the Competition Commission under this paragraph...

*References under paragraph 3: time limits*

4. (1) Every reference under paragraph 3 shall specify a period...

*References under paragraph 3: application of Enterprise Act 2002*

5. (1) The following sections of Part 3 of the Enterprise...

*Reports on references*

6. (1) In making a report on a reference under paragraph...

*Application by Authority for order excluding activities*

7. (1) Before making an application for an order providing for...

*Consultation by Department about order excluding activities*

8. (1) If the Department proposes to make an order providing...

SCHEDULE 3 — AMENDMENTS

*The Electricity (Northern Ireland) Order 1992 (NI 1)*

1. (1) In Article 3, in the definition of “authorised area”,...
2. In Article 10(7)(a) for the words from “whose authorised area”...
3. (1) In Article 11(1)(a) for “Articles 4 and 6” substitute...
4. In Article 11A(2) in sub-paragraph (a) omit the words “(b)”...
5. In Article 12 for paragraphs (2) to (4) substitute—
6. (1) In Article 13, in paragraph (1)(a) for the words...
7. (1) In Article 15(1)(a)(i) for “generation, transmission or supply of...”
8. In Article 16(1A) for “Article 17” substitute “Articles 17 and...”
9. In Article 31(1) after “relevant condition or requirement” insert “(as...”
10. In Article 32(2)(c) for “transmit” substitute “participate in the transmission...”
11. In Article 33(2)(a) and (3)(b) for “transmit or supply” substitute...
12. In Article 35(1) for “each holder” substitute “any holder”.
13. In Article 38 for paragraphs (1) to (3) substitute—
14. In Article 42(5)(b) for “consumer committee or any sub-committee of...”
15. In Article 45B(2)(a) for “consumer committee” substitute “General Consumer Council”....
16. (1) In Article 50(1)(b) and (2)(b) for “functions under this...”
17. In Article 52(2) for sub-paragraph (d) and the word “and”...
18. (1) In Article 62(1) for “any person who is authorised...”
19. In Article 63 in paragraph (1) for the words “provision...”
20. In Article 66(1) for the words from “any matter arising”...

*The Gas (Northern Ireland) Order 1996 (NI 2)*

21. In Article 8(2)(a) omit the words “(a) or”.
22. (1) In Article 9(1) for “Article 5” substitute “Article 14...”
23. In Article 10 in paragraphs (1)(a) and (3)(e) for “Article...”
24. In Article 10A(2) in sub-paragraphs (b) and (c) omit the...
25. In Article 11(2) after “18(2)” insert “and to Article 60(5)...”
26. In Article 12(1)(a) for “an authorised area” substitute “the area...”
27. In Article 14 after paragraph (6) insert—
28. (1) In Article 15(1)(a)(i) and (2)(a)(i) for “required” substitute “regulated”....
29. In Article 16(1A) for “Article 17” substitute “Articles 17 and...”
30. In Article 17 after paragraph (6) insert—
31. (1) In Article 18 after paragraph (1) insert—
32. (1) In Article 27(1)(b) and (2)(b) for “functions under this...”
33. (1) In Article 29(2) for sub-paragraph (d) and the word...
34. In Article 30 (2) for “Article 5” substitute “Article 14...”
35. (1) In Article 36 for paragraph (1) substitute—
36. In Article 45(1) and (2) for “convey” substitute “participate in...”
37. In Article 46 in paragraph (1) for the words “provision...”
38. In Article 48(1) for the words from “any matter arising”...
39. In Schedule 5, renumber paragraph 1 as sub-paragraph (1) of...

SCHEDULE 4 — TRANSITIONAL AND TRANSITORY PROVISIONS AND SAVINGS

*Abolition of Consumer Committee for Electricity*

1. (1) The Consumer Committee for Electricity shall provide the Council...

*First financial year of Authority*

2. (1) If the period beginning with the day on which...

*First forward work programmes of Authority and Council*

3. (1) The Authority’s first work programme required by Article 5(1)...

*Last annual reports of the Directors*

4. (1) After the abolition of the offices of Director General...

*Investigations being carried out under the Electricity Order*

5. (1) This paragraph applies to any matter—

*Investigations being carried out under the Gas Order*

6. (1) This paragraph applies to any matter—

*Grant of new electricity transmission licence*

7. (1) This paragraph applies in relation to any licence which—...
8. (1) This paragraph applies in relation to any licence granted...

*Grant of new licence under Article 8(1)(a) of Gas Order*

9. (1) This paragraph applies in relation to any licence granted...

*Modification of licences following Competition Commission report*

10. Article 36 does not apply in relation to the modification...  
11. Article 37 does not apply in relation to the modification...

*Enforcement*

12. (1) Articles 42 to 44 and 51 (and the related...

*Financial penalties*

13. The power of the Authority under Article 45(1) or (2)...

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14. Any consultation undertaken by the Department or the Director General...

*Modification of existing licences*

15. (1) The Department after consultation with the Authority, or the...

*References to Directors General*

16. (1) This paragraph applies to any provision of this Order...

*References to Office of Fair Trading*

17. (1) This paragraph applies to any provision of this Order...

*References to provisions of the Enterprise Act 2002*

18. (1) Until the commencement of section 186 of the Enterprise...

SCHEDULE 5 — REPEALS

Explanatory Note