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## STATUTORY INSTRUMENTS

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# 1992 No. 231

## The Electricity (Northern Ireland) Order 1992

### PART II

#### ELECTRICITY SUPPLY

##### *Enforcement of preceding provisions*

*Arts. 28#30 rep. by 2003 NI 6*

##### ***Power to require information, etc.***

**31.**—(1) Where it appears to the Director that a licence holder may be contravening, or may have contravened, any relevant condition or requirement<sup>[F1]</sup> (as defined in Article 41 of the Energy (Northern Ireland) Order 2003)], the Director may, for any purpose connected with such of his functions under Article<sup>F1</sup> . . . <sup>[F2F1]</sup> . . . 45B] as are exercisable in relation to that matter, serve a notice under paragraph (2) on any person.

(2) A notice under this paragraph is a notice signed by the Director and—

- (a) requiring the person on whom it is served to produce, at a time and place specified in the notice, to the Director or to any person appointed by the Director for the purpose, any documents which are specified or described in the notice and are in that person's custody or under his control; or
- (b) requiring that person, if he is carrying on a business, to furnish, at a time and place and in the form and manner specified in the notice, to the Director such information as may be specified or described in the notice.

(3) No person shall be required under this Article to produce any documents which he could not be compelled to produce in civil proceedings in the High Court or, in complying with any requirement for the furnishing of information, to give any information which he could not be compelled to give in evidence in any such proceedings.

(4) A person who without reasonable excuse fails to do anything required of him by notice under paragraph (2) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(5) A person who intentionally alters, suppresses or destroys any document which he has been required by any notice under paragraph (2) to produce shall be guilty of an offence and shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to a fine.

(6) If a person makes default in complying with a notice under paragraph (2), the High Court may, on the application of the Director, make such order as the Court thinks fit for requiring the default to be made good; and any such order may provide that all the costs of and incidental to the application shall be borne by the person in default or by any officers of a company or other body or association who are responsible for its default.

**Changes to legislation:** *The Electricity (Northern Ireland) Order 1992, Cross Heading: Enforcement of preceding provisions is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**F1** 2003 NI 6  
**F2** 1992 NI 13

### <sup>F3</sup>Dispute resolution

**31A.**—<sup>F4</sup>(1) Any person may make a complaint under this Article (hereinafter referred to as “a complaint”) if—

- (a) the subject matter of the complaint constitutes a dispute between the complainant and—
  - (i) the holder of a transmission licence;
  - (ii) the holder of a distribution licence; <sup>F5</sup> . . .
  - (iii) a distribution exemption holder; <sup>F6</sup>or
  - <sup>F7</sup>(iv) a supply exemption holder;]
- (b) it is wholly or mainly a complaint against that holder regarding an obligation imposed upon him pursuant to the Directive <sup>F8</sup>or [Directive 2009/72/EC](#) of the European Parliament and of the Council of 13th July 2009 concerning common rules for the internal market in electricity and repealing [Directive 2003/54/EC](#); and
- (c) the subject matter of the complaint—
  - (i) does not fall to be dealt with under Article 26 or Article 42A; and
  - (ii) is not capable of being determined pursuant to any other provision of this Order.]

(2) A complaint shall be made in writing to the Authority and shall be accompanied by such information as is necessary or expedient to allow the Authority to make a determination in relation to the complaint.

(3) The Authority shall establish and publish such procedures as it thinks appropriate for the determination by it of a complaint.

(4) The procedures established under paragraph (3) shall provide for the determination of the complaint to be notified to the complainant within the requisite period or such longer period as the Authority may agree with the complainant.

(5) For the purposes of paragraph (4) the requisite period in any case means—

- (a) the period of two months from the date when the complaint was received by the Authority; or
- (b) where the information sent to the Authority under paragraph (2) was in its opinion insufficient to enable it to make a determination, the period of four months from the date the complaint was received by the Authority.

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<sup>F9</sup>(5A) Where the Authority makes a determination under this Article, it may include in the determination an order requiring any party to the dispute to pay such sum in respect of the costs or expenses incurred by the Authority in making the determination as the Authority considers appropriate and this order shall be final and shall be enforceable as if it were a judgement of the county court.

(5B) In making an order under paragraph (5A), the Authority shall have regard to the conduct and means of the parties and other relevant circumstances.]

(6) For the purposes of this Article “determination” in relation to any complaint means a determination about the exercise of any power or duty conferred or imposed on the Authority in relation to electricity under this Order or the Energy (Northern Ireland) Order 2003 insofar as that power or duty relates to the subject matter of the complaint.

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F10(7) In this Article—

- (a) “distribution exemption holder” means a person who carries on the activity referred to in Article 8(1)(bb) under the authority of an exemption granted pursuant to Article 9; and
- (b) “supply exemption holder” means a person who carries on the activity referred to in Article 8(1)(c) under the authority of an exemption granted pursuant to Article 9.]]

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| <p><b>F3</b> SR 2005/335</p> <p><b>F4</b> Art. 31A(1) substituted (15.4.2011) by <a href="#">Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011 (S.R. 2011/155)</a>, <b>reg. 55</b></p> <p><b>F5</b> Word in art. 31A(1)(a)(ii) omitted (29.4.2013) by virtue of <a href="#">Electricity (Dispute Resolution) Regulations (Northern Ireland) 2013 (S.R. 2013/94)</a>, <b>reg. 3(2)(a)</b></p> <p><b>F6</b> Word in art. 31A(1)(a)(iii) inserted (29.4.2013) by <a href="#">Electricity (Dispute Resolution) Regulations (Northern Ireland) 2013 (S.R. 2013/94)</a>, <b>reg. 3(2)(b)</b></p> <p><b>F7</b> Art. 31A(1)(a)(iv) inserted (29.4.2013) by <a href="#">Electricity (Dispute Resolution) Regulations (Northern Ireland) 2013 (S.R. 2013/94)</a>, <b>reg. 3(2)(b)</b></p> <p><b>F8</b> Words in art. 31A(1)(b) inserted (31.12.2020) by <a href="#">The Electricity (Internal Markets) Regulations (Northern Ireland) 2020 (S.R. 2020/307)</a>, regs. 1, <b>12</b></p> <p><b>F9</b> Art. 31A(5A)(5B) inserted (29.4.2013) by <a href="#">Electricity (Dispute Resolution) Regulations (Northern Ireland) 2013 (S.R. 2013/94)</a>, <b>reg. 3(3)</b></p> <p><b>F10</b> Art. 31A(7) inserted (29.4.2013) by <a href="#">Electricity (Dispute Resolution) Regulations (Northern Ireland) 2013 (S.R. 2013/94)</a>, <b>reg. 3(4)</b></p> |
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**Changes to legislation:**

The Electricity (Northern Ireland) Order 1992, Cross Heading: Enforcement of preceding provisions is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- Instrument am. (ot.prosp.) by [1998 c. 41 s.66\(5\)Sch.10 Pt.III para.7](#)
- Instrument am. (prosp.) by [1998 c. 41 s.66\(5\)Sch.10 Pt.V para.17](#)
- Instrument rev. in pt. (prosp.) by [1998 c. 41 ss.66\(5\),74\(3\), Sch.10, Pt.V, para.17, Sch.14, Pt.II](#)

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 10E(7) inserted by [S.I. 2019/530 reg. 89\(6\)](#) (This amendment not applied to [legislation.gov.uk](#). Regs. 84-103 omitted (15.9.2020) by virtue of S.I. 2020/1016, regs. 1(2), 3(30))
- art. 10F(9)(10) inserted by [S.I. 2019/530 reg. 90\(6\)](#) (This amendment not applied to [legislation.gov.uk](#). Regs. 84-103 omitted (15.9.2020) by virtue of S.I. 2020/1016, regs. 1(2), 3(30))
- art. 10K(8A) inserted by [S.I. 2019/530 reg. 94\(7\)](#) (This amendment not applied to [legislation.gov.uk](#). Regs. 84-103 omitted (15.9.2020) by virtue of S.I. 2020/1016, regs. 1(2), 3(30))
- art. 11B(6)(7) inserted by [S.I. 2019/530 reg. 99\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). Regs. 84-103 omitted (15.9.2020) by virtue of S.I. 2020/1016, regs. 1(2), 3(30))
- art. 18(2)(aa) inserted by S.I. 2019/93, Sch. 1 para. 5(2)(b) (as substituted) by [S.I. 2019/1245 reg. 22](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- art. 31A(1A) inserted by [S.I. 2019/530 reg. 100\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). Regs. 84-103 omitted (15.9.2020) by virtue of S.I. 2020/1016, regs. 1(2), 3(30))
- art. 65(1A) inserted by [S.I. 2006/2955 \(N.I.\) art. 3\(2\)](#)
- art. 65(3)-(5) added by [S.I. 2006/2955 \(N.I.\) art. 3\(3\)](#)