STATUTORY INSTRUMENTS

1992 No. 231

The Electricity (Northern Ireland) Order 1992

PART II ELECTRICITY SUPPLY

Miscellaneous

Directions for preserving security of electricity supplies, etc.

- **58.**—(1) The Department may, after consultation with a person to whom this Article applies, give to that person such directions of a general character as appear to the Department to be requisite or expedient for the purpose of—
 - (a) preserving the security of buildings or installations used for, or for purposes connected with, the generation, transmission [F1, distribution] or supply of electricity; or
 - (b) mitigating the effects of any civil emergency which may occur.
- (2) If it appears to the Department to be requisite or expedient to do so for any such purpose as is mentioned in paragraph (1), the Department may, after consultation with a person to whom this Article applies, give to that person a direction requiring him (according to the circumstances of the case) to do, or not to do, a particular thing specified in the direction.
- (3) A person to whom this Article applies shall give effect to any direction given to him by the Department under this Article notwithstanding any other duty imposed on him by or under this Order.
- (4) A copy of every direction given under this Article shall be laid before the Assembly unless the Department is of the opinion that disclosure of the direction is against the interests of national security or the commercial interests of any person.
- (5) A person shall not disclose, or be required under any statutory provision or otherwise to disclose, anything done by virtue of this Article if the Department has notified him that the Department is of the opinion that disclosure of that thing is against the interests of national security or the commercial interests of some other person.
- (6) This Article applies to any licence holder and any person authorised by an exemption to generate [F2, distribute] or supply electricity.
- (7) In this Article "civil emergency" means any natural disaster or other emergency which, in the opinion of the Department, is or may be likely to disrupt electricity supplies.
 - F1 Word in art. 58(1)(a) inserted (15.4.2011) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011 (S.R. 2011/155), reg. 27(a)
 - **F2** Word in art. 58(6) inserted (15.4.2011) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011 (S.R. 2011/155), reg. 27(b)

Provision of statistical information

- **59.**—(1) The Department may, if the Department considers it expedient for the purpose of obtaining statistical information relating to the generation, transmission [F3, distribution] or supply of electricity, serve a notice under this Article on any licence holder or any person who is authorised by an exemption to generate [F4, distribute] or supply electricity.
- (2) A notice under this Article may require the person on whom it is served to furnish, at a time and place specified in the notice, to the Department such statistical information about that person's business as may be so specified.
- (3) Subject to paragraphs (4) and (5), no information with respect to any particular business which—
 - (a) has been obtained under this Article; and
 - (b) relates to the affairs of any individual or to any particular business,
- shall, during the lifetime of that individual or so long as that business continues to be carried on, be published or otherwise disclosed without the consent of that individual or the person for the time being carrying on that business.
- (4) Paragraph (3) does not apply in relation to any disclosure which is made after consultation with the individual concerned, or the person for the time being carrying on the business concerned, and is of information relating to—
 - (a) the quantities of electricity generated by particular methods or by the use of particular fuels;
 - (b) the quantities of particular fuels used for the generation of electricity;
 - (c) the quantities of electricity transferred between Northern Ireland and countries or territories outside Northern Ireland; or
 - (d) the quantities of electricity supplied in Northern Ireland either generally or to persons of any particular class or description.
- (5) Paragraph (3) does not apply in relation to any disclosure which is made to any Northern Ireland department or any department of the Government of the United Kingdom or for the purposes of any proceedings under this Article.
- (6) The Department may, after consultation with persons or bodies appearing to the Department to be representative of persons likely to be affected, by order amend paragraph (4) so as to add other descriptions of information which may be disclosed notwithstanding that it may relate to a particular person or business.
- (7) Any person who without reasonable excuse fails to furnish information in compliance with a requirement under this Article shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.
- (8) Any person who publishes or discloses any information in contravention of paragraph (3) or, in purported compliance with a requirement under this Article, knowingly or recklessly furnishes any information which is false in any material particular shall be guilty of an offence and shall be liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding 3 months or to a fine not exceeding the statutory maximum or to both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine or to both.
 - (9) In this Article "information" does not include estimates as to future matters.

- Word in art. 59(1) inserted (15.4.2011) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011 (S.R. 2011/155), reg. 28(a)
- **F4** Word in art. 59(1) inserted (15.4.2011) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011 (S.R. 2011/155), **reg. 28(b)**

Promotion of new techniques in national interest

- **60.**—(1) The Secretary of State shall exercise the power conferred on him by section 5 of the Science and Technology Act 1965^{F5} (expenditure on research and development in science or technology) for the purpose of promoting such research into, and such development of, new techniques relating to the generation, transmission [F6, distribution] or supply of electricity as appears to him to be necessary in the national interest.
- (2) The Secretary of State may, if he considers it expedient for purposes connected with the performance of his duty under this Article, serve notice under this paragraph on any licence holder or any person who is authorised by an exemption to generate [F7, distribute] or supply electricity.
- (3) A notice under paragraph (2) may require the person on whom it is served to furnish, at a time and place specified in the notice, to the Secretary of State such information about that person's business as may be so specified.
- (4) Paragraphs (3), (5) and (7) to (9) of Article 59 shall apply for the purposes of this Article as they apply for the purposes of that Article.
 - **F5** 1965 c. 4
 - **F6** Word in art. 60(1) inserted (15.4.2011) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011 (S.R. 2011/155), **reg. 29(a)**
 - F7 Word in art. 60(2) inserted (15.4.2011) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011 (S.R. 2011/155), reg. 29(b)

Art. 61 rep. by 2003 NI 6

Directions restricting the use of certain information

- **62.**—(1) The Department may give to [F8 the holder of a transmission licence] ("the authorised person") such directions as appear to the Department to be requisite or expedient for the purpose of securing that, in any case where paragraph (2) applies, neither the person by whom the information mentioned in that paragraph is acquired nor any other person obtains any unfair commercial advantage from his possession of the information.
- (2) This paragraph applies where, in the course of any dealings with an outside person who is, or is an associate of, a person authorised by a licence or exemption to generate, [F9 supply [F10, distribute] or participate in the transmission of] electricity [F11 or to act as SEM operator], the authorised person or any associate of his is furnished with or otherwise acquires any information which relates to the affairs of that outside person or any associate of his.
- (3) As soon as practicable after giving any directions under paragraph (1), the Department shall publish a copy of the directions in such manner as the Department considers appropriate for the purpose of bringing the directions to the attention of persons likely to be affected by a contravention of them.
- (4) The obligation to comply with any directions under paragraph (1) is a duty owed to any person who may be affected by a contravention of them.
- (5) Where a duty is owed under paragraph (4) to any person any breach of the duty which causes that person to sustain loss or damage shall be actionable at the suit of that person.

- (6) In any proceedings brought against any person under paragraph (5), it shall be a defence for him to prove that he took all reasonable steps and exercised all due diligence to avoid contravening the directions.
- (7) Without prejudice to any right which any person may have by virtue of paragraph (5) to bring civil proceedings in respect of any contravention or apprehended contravention of any directions under this Article, compliance with any such directions shall be enforceable by civil proceedings by the Department for an injunction or for any other appropriate relief.
 - (8) In this Article—

"dealings" includes dealings entered into otherwise than for purposes connected with the transmission of electricity;

"outside person", in relation to any person, means any person who is not an associate of his; and for the purposes of this Article a person is an associate of another if he and that other are connected with each other within the meaning of [F12 section 1122 of the Corporation Tax Act 2010].

- **F8** Words in art. 62(1) substituted (3.7.2007) by Energy (Northern Ireland) Order 2003 (S.I. 2003/419 (N.I. 6)), arts. 1(2), 65, Sch. 3 para. 18(1); S.R. 2007/320, art. 2, Sch. 1
- **F9** Words in art. 62(2) substituted (3.7.2007) by Energy (Northern Ireland) Order 2003 (S.I. 2003/419 (N.I. 6)), arts. 1(2), 65, **Sch. 3 para. 18(2)**; S.R. 2007/320, **art. 2**, Sch. 1
- **F10** Word in art. 62(2) inserted (15.4.2011) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011 (S.R. 2011/155), **reg. 30**
- **F11** Words in art. 62(2) inserted (20.6.2007) by Electricity (Single Wholesale Market) (Northern Ireland) Order 2007 (S.I. 2007/913 (N.I. 7)), arts. 1(3), 12, Sch. 4 para. 7; S.R. 2007/303, art. 2, Sch.
- F12 Words in art. 62(8) substituted (1.4.2010 with effect as mentioned in s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), ss. 1177, 1184(1), Sch. 1 para. 271 (subject to Sch. 2)

Making of false statements, etc.

- **63.**—(1) If any person, in giving any information or making any application under or for the purposes of any [F13] relevant provision], makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, he 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.
 - [F13(1A) In paragraph (1) "relevant provision" means—
 - (a) any provision of this Part or of any regulations made under this Part; and
 - (b) any provision of the Energy (Northern Ireland) Order 2003 or of any regulations made under that Order.]
 - (2) Any person who seeks to obtain entry to any premises by falsely pretending to be—
 - [F14(a) an employee of, or other person acting on behalf of, an electricity supplier or electricity distributor;]
 - (b) an electrical inspector; or
 - (c) a meter examiner,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(3) No proceedings shall be instituted in respect of an offence under paragraph (1) except by or with the consent of the Department or the Director of Public Prosecutions for Northern Ireland.

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F14 Art. 63(2)(a) substituted (1.11.2007) by Electricity Regulations (Northern Ireland) 2007 (S.R. 2007/321), regs. 1(2), 11(1), **Sch. 2 para. 14** (with transitional provisions in Pt. IV)

Changes to legislation:

The Electricity (Northern Ireland) Order 1992, Cross Heading: Miscellaneous is up to date with all changes known to be in force on or before 26 May 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)