
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 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 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.

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 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 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.

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 (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 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 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.

General restrictions on disclosure of information

61.—(1) Subject to the following provisions of this Article, no information with respect to any particular business which—

- (a) has been obtained under any of the provisions of this Part (other than Article 59); 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 disclosed without the consent of that individual or the person for the time being carrying on that business.

(2) Paragraph (1) does not apply to any disclosure of information which is made—

- (a) for the purpose of facilitating the carrying out by the Department, the Director or the Monopolies Commission of any of its, his or their, as the case may require, functions under this Part;
- (b) for the purpose of facilitating the carrying out by—
 - (i) any Minister of the Crown;
 - (ii) any Northern Ireland department;
 - (iii) the Director General of Fair Trading;
 - (iv) the Monopolies Commission;
 - (v) the Comptroller and Auditor General for Northern Ireland;
 - (vi) the Director General of Telecommunications;
 - (vii) the Director General of Gas Supply;
 - (viii) the Director General of Water Services;
 - (ix) the Director General of Electricity Supply;
 - (x) the Water Appeals Commission for Northern Ireland; or
 - (xi) the Civil Aviation Authority;

of any of its, his or their, as the case may require, functions under any of the statutory provisions specified in paragraph (3);

- (c) for the purpose of enabling or assisting the Secretary of State to exercise any powers conferred on him by the Financial Services Act 1986 or by the statutory provisions relating to insurance companies;
- (d) for the purpose of enabling or assisting the Department or the Department of Finance and Personnel to exercise any powers conferred on that Department by the statutory provisions relating to companies or insolvency or for the purpose of enabling or assisting any inspector appointed by the Department under the statutory provisions relating to companies to carry out his functions;

- (e) for the purpose of enabling or assisting the official receiver for Northern Ireland to carry out his functions under the statutory provisions relating to insolvency or for the purpose of enabling or assisting a recognised professional body for the purposes of Article 350 of the Insolvency (Northern Ireland) Order 1989 to carry out its functions as such;
 - (f) for the purpose of facilitating the carrying out by the Health and Safety Agency of any of its functions under any statutory provision;
 - (g) for the purpose of facilitating the carrying out by any district council of its functions under the Consumer Protection Act 1987;
 - (h) in connection with the investigation of any criminal offence or for the purposes of any criminal proceedings;
 - (i) for the purposes of any civil proceedings brought under this Part or any of the statutory provisions specified in paragraph (3); or
 - (j) in pursuance of a Community obligation.
- (3) The statutory provisions referred to in paragraph (2) are—
- (a) the Trade Descriptions Act 1968;
 - (b) the Water Act (Northern Ireland) 1972;
 - (c) the 1973 Act;
 - (d) the Water and Sewerage Services (Northern Ireland) Order 1973;
 - (e) the Consumer Credit Act 1974;
 - (f) the Restrictive Trade Practices Act 1976;
 - (g) the Resale Prices Act 1976;
 - (h) the Gas (Northern Ireland) Order 1977;
 - (i) the Estate Agents Act 1979;
 - (j) the 1980 Act;
 - (k) the Telecommunications Act 1984;
 - (l) the Airports Act 1986;
 - (m) the Gas Act 1986;
 - (n) the Audit (Northern Ireland) Order 1987;
 - (o) the Consumer Protection Act 1987;
 - (p) the Consumer Protection (Northern Ireland) Order 1987;
 - (q) the Water Act 1989;
 - (r) the Electricity Act 1989;
 - (s) the Control of Misleading Advertisement Regulations 1988.
- (4) The Department may by order provide that paragraphs (2) and (3) shall have effect subject to such modifications as are specified in the order.
- (5) Nothing in paragraph (1) shall be construed—
- (a) as limiting the matters which may be published under Article 45 or 51 or may be included in, or made public as part of, a report of the Director, the Monopolies Commission or the consumer committee under any provision of this Part; or
 - (b) as applying to any information which has been so published or has been made public as part of such a report.
- (6) Any person who discloses any information in contravention of this Article 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 imprisonment for a term not exceeding two years or to a fine or to both.

Directions restricting the use of certain information

62.—(1) The Department may give to any person who is authorised by a licence to transmit electricity (“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, transmit or supply electricity, 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 section 839 of the Income and Corporation Taxes Act 1988.

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 provision of this Part, or of any regulations made under this Part, 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.

(2) Any person who seeks to obtain entry to any premises by falsely pretending to be—

- (a) an employee of a public electricity supplier;

- (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.