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## STATUTORY INSTRUMENTS

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# 1992 No. 231

## The Electricity (Northern Ireland) Order 1992

### PART II

#### ELECTRICITY SUPPLY

##### *Modification of licences*

##### ***[<sup>F1</sup>Modification of conditions of licences***

- 14.**—(1) The Authority may make modifications of—
- (a) the conditions of a particular licence;
  - (b) the standard conditions of licences of any type mentioned in Article 10(1).
- (2) Before making any modifications under this Article, the Authority must give notice—
- (a) stating that it proposes to make modifications;
  - (b) setting out the proposed modifications and their effect;
  - (c) stating the reasons why it proposes to make the modifications; and
  - (d) specifying the time within which representations with respect to the proposed modifications may be made.
- (3) The time specified by virtue of paragraph (2)(d) may not be less than 28 days from the date of the publication of the notice.
- (4) A notice under paragraph (2) must be given—
- (a) by publishing the notice in such manner as the Authority considers appropriate for the purpose of bringing the notice to the attention of persons likely to be affected by the making of the modifications, and
  - (b) by sending a copy of the notice to—
    - (i) each relevant licence holder,
    - (ii) the Department, and
    - (iii) the General Consumer Council for Northern Ireland.
- (5) The Authority must consider any representations which are duly made.
- (6) If, within the time specified by virtue of paragraph (2)(d), the Department directs the Authority not to make any modification, the Authority shall comply with the direction.
- (7) Paragraphs (8) to (10) apply where, having complied with paragraphs (2) to (5), the Authority decides to proceed with the making of modifications of the conditions of any licence under this Article.
- (8) The Authority must—

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**Changes to legislation:** *The Electricity (Northern Ireland) Order 1992, Cross Heading: Modification of licences 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. (See end of Document for details) View outstanding changes*

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- (a) publish the decision and the modifications in such manner as it considers appropriate for the purpose of bringing them to the attention of persons likely to be affected by the making of the modifications;
  - (b) state the effect of the modifications;
  - (c) state how it has taken account of any representations duly made; and
  - (d) state the reason for any differences between the modifications and those set out in the notice by virtue of paragraph (2)(b).
- (9) Each modification has effect from the date specified by the Authority in relation to that modification (subject to the giving of a direction under paragraph 2 of Schedule 5A).
- (10) The date specified by virtue of paragraph (9) may not be less than 56 days from the publication of the decision to proceed with the making of modifications under this Article.
- (11) In this Article “relevant licence holder”—
- (a) in relation to the modification of standard conditions of licences of any type, means the holder of a licence of that type—
    - (i) which is to be modified by the inclusion of any new standard condition, or
    - (ii) which includes any standard conditions to which the modifications relate which are in effect at the time specified by virtue of paragraph (2)(d); or
  - (b) in relation to the modification of a condition of a particular licence (other than a standard condition), means the holder of that particular licence.]

**F1** [Arts. 14-14G](#) substituted (6.2.2015) for art. 14 by [Gas and Electricity Licence Modification and Appeals Regulations \(Northern Ireland\) 2015 \(S.R. 2015/1\)](#), **reg. 4(1)** (with reg. 6)

**Modifications etc. (not altering text)**

**C1** [Art. 14](#) excluded in part (temp.) (25.10.2022 until the end of the “relevant period”) by [Energy Prices Act 2022 \(c. 44\)](#), s. 30(6), **Sch. 4 para. 1(2)** (with s. 29, Sch. 4 para. 3)

**C2** [Art. 14\(2\)](#) applied (6.2.2015) by [Gas and Electricity Licence Modification and Appeals Regulations \(Northern Ireland\) 2015 \(S.R. 2015/1\)](#), **reg. 6(3)(a)** (with reg. 6)

**[<sup>F2</sup>Modification of conditions under Article 14: supplementary**

**14A.**—(1) Paragraph (2) and (3) apply where at any time the Authority modifies the conditions of licences of any type under Article 14.

- (2) If the conditions modified are standard conditions, the Authority must—
  - (a) also make (as nearly as may be) the same modifications of those conditions for the purposes of their incorporation in licences of that type granted after that time; and
  - (b) publish the modifications in such manner as it considers appropriate for the purpose of bringing them to the attention of persons likely to be affected by the making of the modifications.

(3) The Authority may make such incidental or consequential modifications of any conditions of licences of any type as it considers necessary or expedient.

(4) The modification of part of a standard condition of a particular licence under Article 14 does not prevent any other part of the conditions from continuing to be regarded as a standard condition for the purposes of this Part.

(5) The modification of a condition of a licence under this Article has effect subject to the giving of a direction under paragraph 2 of Schedule 5A in relation to the decision to which the modification relates.]

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**F2** Arts. 14-14G substituted (6.2.2015) for art. 14 by Gas and Electricity Licence Modification and Appeals Regulations (Northern Ireland) 2015 (S.R. 2015/1), **reg. 4(1)** (with reg. 6)

**Modification references to<sup>F3</sup>CMA]**

**15.** <sup>F4</sup> .....

**F3** Word in art. 15 heading substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), ss. 26(4), 103(3), **Sch. 6 para. 151(11)**; S.I. 2014/416, **art. 2(1)(d)** (with Sch.)

**F4** Arts. 15-17A omitted (6.2.2015) by virtue of Gas and Electricity Licence Modification and Appeals Regulations (Northern Ireland) 2015 (S.R. 2015/1), **reg. 4(2)** (with reg. 6)

**[<sup>F5</sup>References under Article 15: time limits**

**15A** <sup>F6</sup> .....

**F5** 2002 c. 40

**F6** Arts. 15-17A omitted (6.2.2015) by virtue of Gas and Electricity Licence Modification and Appeals Regulations (Northern Ireland) 2015 (S.R. 2015/1), **reg. 4(2)** (with reg. 6)

**References under Article 15: powers of investigation**

**15B** <sup>F7</sup> .....

**F7** Arts. 15-17A omitted (6.2.2015) by virtue of Gas and Electricity Licence Modification and Appeals Regulations (Northern Ireland) 2015 (S.R. 2015/1), **reg. 4(2)** (with reg. 6)

**Reports on modification references**

**16.** <sup>F8</sup> .....

**F8** Arts. 15-17A omitted (6.2.2015) by virtue of Gas and Electricity Licence Modification and Appeals Regulations (Northern Ireland) 2015 (S.R. 2015/1), **reg. 4(2)** (with reg. 6)

**Modification following report**

**17.** <sup>F9</sup> .....

**F9** Arts. 15-17A omitted (6.2.2015) by virtue of Gas and Electricity Licence Modification and Appeals Regulations (Northern Ireland) 2015 (S.R. 2015/1), **reg. 4(2)** (with reg. 6)

**[<sup>F10</sup>[<sup>F11</sup>CMA's] power to veto modifications following report**

**17A.** <sup>F12</sup> .....

**F10** 2003 NI 6

**Changes to legislation:** The Electricity (Northern Ireland) Order 1992, Cross Heading: Modification of licences 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. (See end of Document for details) View outstanding changes

- F11** Word in art. 17A heading substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), ss. 26(4), 103(3), **Sch. 6 para. 155(4)**; S.I. 2014/416, **art. 2(1)(d)** (with Sch.)
- F12** Arts. 15-17A omitted (6.2.2015) by virtue of Gas and Electricity Licence Modification and Appeals Regulations (Northern Ireland) 2015 (S.R. 2015/1), **reg. 4(2)** (with reg. 6)

### Modification by order under other statutory provisions

**18**<sup>F13</sup>.—(1) Where the [<sup>F14</sup>CMA] or (as the case may be) the Secretary of State (in this Article “the relevant authority”) makes a relevant order, the order may also provide for the modification of the conditions of a licence to such extent as may appear to the relevant authority to be requisite or expedient for the purpose of giving effect to, or taking account of, any provision made by the order.

(2) In paragraph (1) “relevant order” means—

- (a) an order under section 75, 83 or 84 of, or paragraph 5, 10 or 11 of Schedule 7 to, the Enterprise Act 2002 where—
- (i) one or more than one of the enterprises which have, or may have, ceased to be distinct enterprises was engaged in the carrying on of activities authorised or regulated by a licence; or
  - (ii) one or more than one of the enterprises which will or may cease to be distinct enterprises is engaged in the carrying on of activities authorised or regulated by a licence; or
- (b) an order under section 160 or 161 of that Act where the feature, or combination of features, of the market [<sup>F15</sup>or markets] in the United Kingdom for goods or services which prevents, restricts or distorts competition relates to the generation, transmission [<sup>F16</sup>, distribution] or supply of electricity.

(3) In paragraph (2) expressions which are also used in Part 3 or, as the case may be, Part 4 of the Enterprise Act 2002 have the same meanings as in that Part of that Act.

- F13** mod. by SI 2003/1592
- F14** Word in art. 18(1) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), ss. 26(4), 103(3), **Sch. 6 para. 156**; S.I. 2014/416, **art. 2(1)(d)** (with Sch.)
- F15** Words in art. 18(2)(b) inserted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 2, **Sch. 1 para. 215** (with art. 3)
- F16** Words in art. 18(2)(b) inserted (1.11.2007) by Electricity Regulations (Northern Ireland) 2007 (S.R. 2007/321), regs. 1(2), 11(1), **Sch. 2 para. 4** (with transitional provisions in Pt. IV)

*Art. 18A rep. by 2003 NI 6*

**Changes to legislation:**

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**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\(3\)](#)