

## SCHEDULES

### SCHEDULE 8

#### CONSENTS UNDER ARTICLES 39 AND 40

PROSPECTIVE

#### *<sup>F1</sup>Objections*

**F1** Sch. 8 paras. 1A-1C and preceding cross heading inserted (prosp.) by Electricity Consents (Planning) (Northern Ireland) Order 2006 (S.I. 2006/2955 (N.I. 19), arts. 1(2), 2(3))

**1A.—**(1) Regulations shall make provision for securing—

- (a) that notice of any application for consent under Article 39 or 40 is, in such circumstances as may be prescribed, published in such manner as may be prescribed;
- (b) that notice of any such application is served—
  - (i) by the Department on the Department of the Environment;
  - (ii) on such district council or councils as the Department may direct; and
  - (iii) in such circumstances as may be prescribed or where the Department so directs, on such other persons as may be prescribed or, as the case may be, specified in the direction;
- (c) that every notice published or served in pursuance of the regulations states the period (not being less than such minimum period as may be prescribed) within which, and the manner in which, objections to the application may be made to the Department.

(2) In relation to applications for consent under Article 39 to the extension of a generating station or to the operation of such a station in a different manner, regulations under this paragraph may include provision for enabling the Department to give directions dispensing with the requirements of the regulations in such cases as it thinks fit.

(3) Where in the case of an application for consent under Article 39 or 40 objections have been sent to the Department in pursuance of regulations made under this paragraph, the Department shall—

- (a) consider those objections, together with all other material considerations; and
- (b) determine whether an inquiry should be held with respect to the application.

(4) If the Department thinks it appropriate to do so, the Department shall (in exercise of its powers under Article 66), cause an inquiry to be held.

(5) If the Planning Appeals Commission is appointed to conduct the inquiry, the inquiry shall be conducted—

- (a) if rules under Article 66(2) so provide, in accordance with such rules;
- (b) in any other case, in accordance with [<sup>F2</sup>section 204(5) of the Planning Act(Northern Ireland) 2011].

**Status:** This version of this part contains provisions that are prospective.

**Changes to legislation:** The Electricity (Northern Ireland) Order 1992, Paragraph 1A is up to date with all changes known to be in force on or before 09 April 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

(6) Before determining whether to grant any consent under Article 39 or 40 the Department shall consider—

- (a) any objections which have been sent to the Department in pursuance of regulations made under this paragraph; and
- (b) where an inquiry has been held in respect of the application for the consent, the report of the inquiry.]

**F2** Words in [Sch. 8 para. 1A\(5\)\(b\)](#) substituted (13.2.2015 for certain purposes otherwise 1.4.2015) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), ss. 252, 254(1), [Sch. 6 para. 63\(a\)](#) (with s. 211); [S.R. 2015/49](#), [arts 2, 3](#), [Sch. 1](#) (with transitional provisions in [Sch. 2](#)) (but this amendment cannot take effect until the commencement of [S.I. 1992/231 \(N.I. 1\)](#), [Sch. 8 para. 1A](#))

**Status:**

This version of this part contains provisions that are prospective.

**Changes to legislation:**

The Electricity (Northern Ireland) Order 1992, Paragraph 1A is up to date with all changes known to be in force on or before 09 April 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.

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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\(3\)](#)