
STATUTORY INSTRUMENTS

2003 No. 419

The Energy (Northern Ireland) Order 2003

PART II

NEW REGULATORY ARRANGEMENTS

The Northern Ireland Authority for Energy Regulation

[^{F1}Duty on the authority to have regard to the need for consultation and co-operation with other authorities [^{F2}: electricity]

8A.—(1) When carrying out its functions as designated regulatory authority for Northern Ireland, the Authority shall, to the extent it considers necessary, consider whether there is a need to—

- (a) consult and co-operate with the Agency or the designated regulatory authorities of Great Britain or other Member States;
- (b) provide the Agency or the designated regulatory authorities of Great Britain or other Member States with information they may require in order to carry out their functions under the Electricity Directive, ^{F3}... the Electricity Regulation, ^{F3}... or the Agency Regulation; and
- (c) consult relevant national authorities.

[
^{F4}(1A) When carrying out its functions as designated regulatory authority for Northern Ireland, the Authority shall to the extent it considers necessary, consider whether there is a need to consult and co-operate with any person exercising functions in relation to gas which correspond to any of those of the Authority or the Department in a State to which Article 8(1)(c) applies.]

(2) In meeting its duty under paragraph (1) the Authority shall, wherever it thinks fit, co-operate with [^{F5}the Agency and] the designated regulatory authorities of Great Britain or other Member States within a regions with a view to achieving, within that region, compliance with those requirements of the [^{F6}Electricity Directive][^{F7}, the Agency Regulation and the Electricity Regulation] which apply in relation to regions to provide for regional co-operation.

[
^{F8}(2A) In meeting its duty under paragraph (1) the Authority shall, wherever it thinks fit, co-operate and consult with the Agency or the designated regulatory authorities in Great Britain or the Member States in relation to cross border issues (within the meaning of the Gas Directive) with a view to ensuring that the purposes of the Gas Directive in relation to such issues are achieved.

(2B) In meeting its duty under paragraph (1A) the Authority shall, wherever it thinks fit, co-operate and consult with any person exercising, in relation to a pipe-line to which Article 8(1)(c) applies, functions which correspond to any of those of the Authority or the Department.]

[

^{F9}(2C) In meeting its duty under paragraph (1) the Authority must, wherever it thinks fit, co-operate with the designated regulatory authorities of member States with a view to ensuring compliance by the ENTSO for electricity and the EU DSO entity with the obligations mentioned in Article 59(1) (c) of the Electricity Directive.

(2D) For the purposes of paragraph (2C) “the ENTSO for electricity” and “the EU DSO entity” have the same meaning as in the Electricity Directive.

(2E) Without prejudice to paragraph (2) the Authority must, in particular, to the extent it considers necessary, consider whether there is a need to enter into arrangements with the designated regulatory authorities of member States—

- (a) for the purposes laid down in Articles 59(1)(b), (c) and (f) and 61(2) of the Electricity Directive; and
- (b) for carrying out the functions referred to in Article 62(1) and (2) of the Electricity Directive.

(2F) In exercising its functions under paragraphs (2) and (2E)(a), the Authority must have due regard to any guidelines adopted under Article 61(5) of the Electricity Directive.]

(3) In this Article.—

“region” means—

- (a) ^{F10}... any geographical area defined in accordance with [^{F11}Article 34(3)] of the Electricity Regulation which includes Northern Ireland; ^{F12}...
- (b) ^{F12}...

“relevant national authority” means [^{F13}either] of the following—

- (a) ^{F14}.....
- (b) the Office of Communications; and
- (c) the [^{F15}CMA].

[^{F16}(4) Article 9 of the SEM Order does not apply in relation to the exercise of any function of the Authority under this Article but otherwise the provisions of this Article are without prejudice to any provisions of the SEM Order.]]

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| F1 | Art. 8A inserted (15.4.2011) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011 (S.R. 2011/155) , reg. 38 |
| F2 | Word in art. 8A heading inserted (31.12.2020) by S.I. 2019/530, reg. 134(2) (as substituted by The Electricity and Gas etc. (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1016) , regs. 1(2), 3(47)) |
| F3 | Words in art. 8A(1)(b) omitted (31.12.2020) by virtue of S.I. 2019/530, reg. 134(3) (as substituted by The Electricity and Gas etc. (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1016) , regs. 1(2), 3(47)) |
| F4 | Art. 8A(1A) inserted (temp.) (16.12.2020) by virtue of The Gas (Internal Markets) Regulations (Northern Ireland) 2020 (S.R. 2020/279) , regs. 1, 16(2) (with reg. 19) |
| F5 | Words in art. 8A(2) inserted (31.12.2020) by The Electricity (Internal Markets) Regulations (Northern Ireland) 2020 (S.R. 2020/307) , regs. 1, 24(a) |
| F6 | Words in art. 8A(2) substituted (31.12.2020) by S.I. 2019/530, reg. 134(4) (as substituted by The Electricity and Gas etc. (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1016) , regs. 1(2), 3(47)) |
| F7 | Words in art. 8A(2) inserted (25.2.2020) by The Electricity and Gas (Internal Markets) Regulations 2020 (S.I. 2020/96) , regs. 1, 7(4) |
| F8 | Art. 8A(2A)(2B) inserted (temp.) (16.12.2020) by virtue of The Gas (Internal Markets) Regulations (Northern Ireland) 2020 (S.R. 2020/279) , regs. 1, 16(3) (with reg. 19) |
| F9 | Art. 8A(2C)-(2F) inserted (31.12.2020) by The Electricity (Internal Markets) Regulations (Northern Ireland) 2020 (S.R. 2020/307) , regs. 1, 24(b) |

- F10** Words in art. 8A(3) omitted (31.12.2020) by virtue of S.I. 2019/530, reg. 134(5)(a) (as substituted by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(47)**)
- F11** Words in art. 8A(3) substituted (25.2.2020) by [The Electricity and Gas \(Internal Markets\) Regulations 2020 \(S.I. 2020/96\)](#), regs. 1, **7(5)**
- F12** Words in art. 8A(3) omitted (31.12.2020) by virtue of S.I. 2019/530, reg. 134(5)(b) (as substituted by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(47)**)
- F13** Art. 8A(3): word in the definition of "relevant national authority" substituted (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. 236(a)** (with art. 3)
- F14** Art. 8A(3): words in the definition of "relevant national authority" omitted (1.4.2014) by virtue of [Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 2, **Sch. 1 para. 236(b)** (with art. 3)
- F15** Art. 8A(3): word in the definition of "relevant national authority" substituted (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. 236(c)** (with art. 3)
- F16** Art. 8A(4) substituted (12.4.2013) by [Gas and Electricity \(Internal Markets\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/92\)](#), **reg. 4**

Changes to legislation:

There are currently no known outstanding effects for the The Energy (Northern Ireland) Order 2003, Section 8A.