STATUTORY INSTRUMENTS

2003 No. 419

The Energy (Northern Ireland) Order 2003

PART I

INTRODUCTORY

Title and commencement

1.—(1) This Order may be cited as the Energy (Northern Ireland) Order 2003.

(2) Except as provided by paragraph (3), this Order shall come into operation on such day or days as the Department may by order appoint.

(3) The following provisions come into operation on the day after the day on which this Order is made—

(a) this Part;

(b) Articles 59 and 60;

(c) Article 64;

(d) Articles 66 and 67;

(e) paragraph 1(2) of Schedule 3 (and Article 65 so far as relating thereto);

(f) Schedule 4 (and Article 65 so far as relating thereto).

Subordinate Legislation Made

P1 Art. 1(2) power partly exercised: 1.4.2003 appointed for specified provisions by S.R. 2003/203, art. 2, **Sch.**;
2.3.2004 for specified provisions by S.R. 2004/71, art. 2, **Sch.**;
10.2.2005 for specified provisions by S.R. 2005/31, art. 2, **Sch.**;
5.5.2007 for specified provisions by S.R. 2007/283, art. 2, **Sch. 1**;
3.7.2007 for specified provisions by S.R. 2007/320, art. 2, **Sch. 1**

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 (c. 33) applies to this Order as it applies to an Act of the Assembly.

(2) In this Order—

[[F1]"2009 Agency Regulation" means Regulation (EC) 713/2009 of the European Parliament and of the Council of 13 July 2009 establishing an Agency for the Cooperation of Energy Regulators;

[[F2]"the 2009 Electricity Directive" means Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC;**]**

"2009 Electricity Market Regulation" means Regulation (EC) 714/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the network for cross-border exchanges in electricity**]**

[[F3]"the Agency" means the Agency for the Cooperation of Energy Regulators, established under the Agency Regulation;**]**

[[F4]"the Agency Regulation" means Regulation (EU) 2019/942 of the European Parliament and of the Council of 5 June 2019 establishing a European Union Agency for the Cooperation of Energy Regulators (recast);**]**

"authorised supplier"

(a) in relation to electricity, means a person authorised by a licence or exemption to supply electricity;

(b) in relation to gas, means a person authorised by a licence or exemption to supply gas;

"the Authority" means the Northern Ireland Authority for **[**[F5]Utility**]** Regulation;

[[F6]"the CMA" means the Competition and Markets Authority;**]**

"consumers" includes both existing consumers and future consumers;

"the Council" means the General Consumer Council for Northern Ireland;

"the Department" means the Department of Enterprise, Trade and Investment;

[[F7]"designated regulatory authority" means an authority designated in accordance with **[**[F8]Article 57(3)**]** of the Electricity Directive [F9]...;**]**

[F10]…

[F11]…

[F12]…

[[F13]"designated regulatory gas functions" means any function of the Authority conferred by—

(a) a provision of **[**[F14]assimilated**]** law, or

(b) a condition in a licence under Article 8 of the Gas Order, as that condition is modified from time to time on or after IP completion day,

where that function was, immediately before IP completion day, one of its functions as a regulatory authority designated in accordance with Article 39 of the Gas Directive;**]**

[[F15]"the designated regulatory gas objectives" means the objectives set out in Article 40(c) to (h) of the Gas Directive but read with the following modifications—

(a) in Article 40(c), for the words from "between" to the end substitute " , including enabling the development of appropriate cross-border transmission capacities to meet demand; ",

(b) in Article 40(d), omit ", in line with general energy policy objectives,",

(c) in Article 40(f), omit "and foster market integration", and

(d) in Article 40(g) for "their national market," substitute "the market for gas in Northern Ireland**]**

[[F16]"the Electricity Directive" means Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU;**]**

[[F17]"electricity distribution exemption holder" means a person who carries on the activity referred to in Article 8(1)(bb) of the Electricity Order under the authority of an exemption granted pursuant to Article 9 of that Order;**]**

[[F18]"electricity generation exemption holder" means a person who carries on the activity referred to in Article 8(1)(a) of the Electricity Order under the authority of an exemption granted pursuant to Article 9 of that Order;**]**

"electricity licence" means a licence under Article 10 of the Electricity Order;

"the Electricity Order" means the Electricity (Northern Ireland) Order 1992 (NI 1);

[[F19]"Electricity Regulation" means Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (recast);**]**

[[F20]"electricity supply exemption holder" means a person who carries on the activity referred to in Article 8(1)(c) of the Electricity Order under the authority of an exemption granted pursuant to Article 9 of that Order;**]**

[[F21]"the Energy Efficiency Directive" means the European Parliament and Council Directive 2012/27/EU on energy efficiency as amended by European Parliament and Council Directive (EU) 2018/2002 and the Electricity Directive;**]**

[[F22]"exemption holder" means any person who is—

(a) an electricity generation exemption holder;

(b) an electricity distribution exemption holder;

(c) an electricity supply exemption holder;

(d) a gas conveyance exemption holder;

(e) a gas storage exemption holder; [F23]. . .

(f) a gas supply exemption holder; **[**[F24]or**]**

(g) **[**[F25]an LNG facility exemption holder;**]]**

[[F26]"gas conveyance exemption holder" means a person who carries on the activity referred to in Article 6(1)(a) of the Gas Order under the authority of an exemption granted pursuant to Article 7 of that Order;**]**

[[F27]"the Gas Directive" means European Parliament and Council Directive 2009/73/EC concerning common rules for the internal market in natural gas as amended by European Parliament and Council Directive 2019/692;**]**

"gas licence" means a licence under Article 8 of the Gas Order;

"the Gas Order" means the Gas (Northern Ireland) Order 1996 (NI 2);

[[F28]"the Gas Regulation" means Regulation (EC) No. 715/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No. 1775/2005**[**[F29]as amended from time to time**];]**

[[F30]"gas storage exemption holder" means a person who carries on the activity referred to in Article 6(1)(b) of the Gas Order under the authority of an exemption granted pursuant to Article 7 of that Order;**]**

[[F31]"gas supply exemption holder" means a person who carries on the activity referred to in Article 6(1)(c) of the Gas Order under the authority of an exemption granted pursuant to Article 7 of that Order;**]**

[[F15]"Great Britain authority" means the Gas and Electricity Markets Authority;**]**

"licence holder" means the holder of an electricity licence or a gas licence;

[[F32]"LNG facility exemption holder" means the person who carries on an activity referred to in Article 6(1)(d) of the Gas Order under the authority of an exemption granted pursuant to Article 7 of that Order;**]**

"Northern Ireland" has the same meaning as in the Northern Ireland Act 1998 (c.47);

[[F33]"the SEM Order" means the Electricity (Single Wholesale Market) (Northern Ireland) Order 2007;**]**

"statutory provision" has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954.

[F34]…

(3) Expressions used in this Order, as regards matters relating to electricity, which are defined in Article 2 or 3 of the Electricity Order or used in Part II of that Order have the same meaning as in that Part of that Order.

(4) Expressions used in this Order, as regards matters relating to gas, which are defined in Article 2 or 3 of the Gas Order or used in Part II of that Order have the same meaning as in that Part of that Order.

F1 Words in art. 2(2) inserted (25.2.2020) by The Electricity and Gas (Internal Markets) Regulations 2020 (S.I. 2020/96), regs. 1, **7(2)(a)**

F2 Words in art. 2(2) inserted (31.12.2020) by The Electricity (Internal Markets) Regulations (Northern Ireland) 2020 (S.R. 2020/307), regs. 1, **18(a)**

F3 Art. 2: definition of "the Agency" inserted (15.4.2011) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011 (S.R. 2011/155), **reg. 83**

F4 Words in art. 2(2) substituted (25.2.2020) by The Electricity and Gas (Internal Markets) Regulations 2020 (S.I. 2020/96), regs. 1, **7(2)(b)**

F5 Art. 2(2): word substituted (1.4.2007) in the definition of "the Authority" by Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21)), arts. 1(2), 308(1), **Sch. 12 para. 48(1)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)

F6 Art. 2(1): definition of "the CMA" inserted (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. 234** (with art. 3)

F7 Art. 2: definition of "designated regulatory authority" inserted (15.4.2011) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011 (S.R. 2011/155), **reg. 83**

F8 Words in art. 2(2) substituted (31.12.2020) by The Electricity (Internal Markets) Regulations (Northern Ireland) 2020 (S.R. 2020/307), regs. 1, **18(b)**

F9 Words in art. 2(2) omitted (31.12.2020) by virtue of S.I. 2019/530, reg. 128(c) (as substituted by The Electricity and Gas etc. (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1016), regs. 1(2), **3(41)(b)**)

F10 Words in art. 2(2) omitted in earlier amending provision S.I. 2019/530, reg. 128(d) (31.12.2020) by virtue of The Electricity and Gas etc. (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1016), regs. 1(2), **3(41)(d)(i)**

F11 Words in art. 2(2) omitted in earlier amending provision S.I. 2019/530, reg. 128(d) (31.12.2020) by virtue of The Electricity and Gas etc. (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1016), regs. 1(2), **3(41)(d)(ii)**

F12 Words in art. 2(2) omitted in earlier amending provision S.I. 2019/530, reg. 128(d) (31.12.2020) by virtue of The Electricity and Gas etc. (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1016), regs. 1(2), **3(41)(d)(iii)**

F13 Words in art. 2(2) substituted in earlier amending provision S.I. 2019/530, reg. 128(d) (31.12.2020) by The Electricity and Gas etc. (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1016), regs. 1(2), **3(41)(d)(iv)**

F14 Word in art. 2(2) substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424), reg. 1(2), **Sch. para. 52(2)**

F15 Words in art. 2(2) inserted (31.12.2020) by The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/530), regs. 1(1), **128(d)**; 2020 c. 1, Sch. 5 para. 1(1)

F16 Words in art. 2(2) substituted (31.12.2020) by The Electricity (Internal Markets) Regulations (Northern Ireland) 2020 (S.R. 2020/307), regs. 1, **18(c)**

F17 Art. 2: definition of "electricity distribution exemption holder" inserted (15.4.2011) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011 (S.R. 2011/155), **reg. 83**

F18 Art. 2: definition of "electricity generation exemption holder" inserted (15.4.2011) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011 (S.R. 2011/155), **reg. 83**

F19 Words in art. 2(2) substituted (25.2.2020) by The Electricity and Gas (Internal Markets) Regulations 2020 (S.I. 2020/96), regs. 1, **7(2)(c)**

F20 Art. 2: definition of "electricity supply exemption holder" inserted (15.4.2011) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011 (S.R. 2011/155), **reg. 83**

F21 Words in art. 2(2) substituted (31.12.2020) by The Electricity (Internal Markets) Regulations (Northern Ireland) 2020 (S.R. 2020/307), regs. 1, **18(d)**

F22 Art. 2: definition of "exemption holder" inserted (15.4.2011) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011 (S.R. 2011/155), **reg. 83**

F23 Art. 2(2): word in the definition of "exemption holder" omitted (12.4.2013) by virtue of Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2013 (S.R. 2013/92), **reg. 3(b)**

F24 Art. 2(2): word in the definition of "exemption holder" inserted (12.4.2013) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2013 (S.R. 2013/92), **reg. 3(b)**

F25 Art. 2(2): words in the definition of "exemption holder" added (12.4.2013) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2013 (S.R. 2013/92), **reg. 3(b)**

F26 Art. 2: definition of "gas conveyance exemption holder" inserted (15.4.2011) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011 (S.R. 2011/155), **reg. 83**

F27 Words in art. 2(2) substituted (16.12.2020) by The Gas (Internal Markets) Regulations (Northern Ireland) 2020 (S.R. 2020/279), regs. 1, **14**

F28 Art. 2: definition of "the Gas Regulation" inserted (15.4.2011) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011 (S.R. 2011/155), **reg. 83**

F29 Art. 2(2): words in the definition of "the Gas Regulation" inserted (12.4.2013) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2013 (S.R. 2013/92), **reg. 3(a)**

F30 Art. 2: definition of "gas storage exemption holder" inserted (15.4.2011) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011 (S.R. 2011/155), **reg. 83**

F31 Art. 2: definition of "gas supply exemption holder" inserted (15.4.2011) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011 (S.R. 2011/155), **reg. 83**

F32 Art. 2(2): definition of "LNG facility exemption holder" inserted (12.4.2013) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2013 (S.R. 2013/92), **reg. 3(c)**

F33 Art. 2(2): definition of "the SEM Order" inserted (12.4.2013) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2013 (S.R. 2013/92), **reg. 3(d)**

F34 Words in art. 2(2) omitted (31.12.2020) by virtue of S.I. 2019/530, reg. 128(ca) (as inserted by The Electricity and Gas etc. (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1016), regs. 1(2), **3(41)(c)**)

Changes to legislation:
The Energy (Northern Ireland) Order 2003, PART I is up to date with all changes known to be in force on or before 25 July 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 the whole Order associated Parts and Chapters:
Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 2 para. 5(7) inserted by 2024 c. 13 Sch. 30 para. 36(5)
- art. 12(5AA) inserted by S.I. 2019/530 reg. 135(4) (This amendment not applied to legislation.gov.uk. Reg. 135 omitted (15.9.2020) by virtue of S.I. 2020/1016, regs. 1(2), 3(49))
- art. 63(6)(y) inserted by 2024 c. 13 Sch. 30 para. 35(b)