STATUTORY RULES OF NORTHERN IRELAND

2007 No. 289

ELECTRICITY

The Electricity (Applications for Licences and Extensions of Licences) (No. 2) Regulations (Northern Ireland) 2007

Made - - - -	*23rd May 2007*
Coming into operation	*24th May 2007*

The Department of Enterprise, Trade & Investment, in exercise of the powers conferred by Articles 10(3) and 64 of the Electricity (Northern Ireland) Order(**1**) and of every other power enabling it in that behalf hereby makes the following Regulations:

Citation and Commencement

1. These Regulations may be cited as the Electricity (Applications for Licences and Extensions of Licences) (No. 2) Regulations (Northern Ireland) 2007 and shall come into operation on 24th May 2007.

Interpretation

2. In these Regulations—

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

"application" means an application for a licence or for an extension;

"extension" means an extension, under Article 10(2)(b) of the Order, of a private electricity supply licence;

"generating licence" means a licence under Article 10(1)(a) of the Order;

"private electricity supply licence" means a licence under Article 10(2)(a) of the Order;

"public electricity supply licence" means a licence under Article 10(1)(c) of the Order;

"transmission licence" means a licence under Article 10(1)(b)(**2**) of the Order;

"SEM operator licence" means a licence under Article 10(1)(d)(**3**) of the Order.

(**1**) S.I. 1992/231 (N.I. 1)
(**2**) as amended by Article 28 of the Energy (Northern Ireland) Order 2003
(**3**) as amended by Article 4 of the Electricity (Single Wholesale Market) (Northern Ireland) Order 2007

Form of applications

3.—(1) An application for a public electricity supply licence shall be in the form, and shall contain the particulars, specified in Part I of Schedule 1.

(2) An application for a private electricity supply licence, or for an extension, shall be in the form, and shall contain the particulars, specified in Part I of Schedule 2.

(3) An application for a transmission licence shall be in the form, and shall contain the particulars, specified in Part I of Schedule 3.

(4) An application for a generating licence shall be in the form, and shall contain the particulars, specified in Part I of Schedule 4.

(5) An application for a SEM operator licence shall be in the form, and shall contain the particulars specified in Part I of Schedule 5.

Documents to accompany applications

4.—(1) An application for a public electricity supply licence shall be accompanied by the documents and particulars specified in Part II of Schedule 1.

(2) An application for a private electricity supply licence, or for an extension, shall be accompanied by the documents and particulars specified in Part II of Schedule 2.

(3) An application for a transmission licence shall be accompanied by the documents and particulars specified in Part II of Schedule 3.

(4) An application for a generating licence shall be accompanied by the documents and particulars specified in Part II of Schedule 4.

(5) An application for a SEM operator licence shall be accompanied by the documents and particulars specified in Part II of Schedule 5.

Lodgement of applications

5. All applications shall be delivered to or sent by prepaid post to the Authority at its principal office.

Manner of publishing applications

6.—(1) A copy of the application shall be published by the applicant—

(a) in the Belfast Gazette; and

(b) in a newspaper or newspapers circulating—

(i) in the case of a public electricity supply licence, a transmission licence or a SEM operator licence, in each part of the area to which the application relates;

(ii) in the case of a private electricity supply licence or an extension, in the area which includes the premises specified or described in the application; and

(iii) in the case of a generating licence, in every area in which is or may be located any generating station to be operated under the licence.

(2) Where a map forms part of the documents and particulars provided in accordance with Regulation 4, there shall be published together with the application a notice stating that a copy of that map is available for inspection by the public at the principal office of the Authority between 10.00 a.m. and 4.00 p.m. on any working day.

(3) A copy of the Belfast Gazette and of each newspaper in which the application is published shall be delivered to or sent by prepaid post to the Authority at its principal office.

Fees payable with applications

7.—(1) The fee payable with an application for a public electricity supply, transmission or SEM operator licence shall be £500.00.

(2) The fee payable with an application for a private electricity supply licence or generating licence shall be £100.00.

(3) The fee payable with an application for an extension shall be £50.00.

(4) All fees shall be paid when the application is lodged.

Revocation

8. The Electricity (Applications for Licences and Extensions of Licences) Regulations (Northern Ireland) 2007(**4**) are hereby revoked.

Sealed with the Official Seal of the Department of Enterprise, Trade and Enterprise on 23rd May 2007.

L.S.

Jenny Pyper
A senior officer of the
Department of Enterprise, Trade and Investment

(**4**) S.R. 2007 No. 285

SCHEDULE 1 Regulations 3(1) and 4(1)

PART I

FORM OF APPLICATION FOR A PUBLIC ELECTRICITY SUPPLY LICENCE

1. Full name of the applicant(s).

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2. Address of the applicant(s) or, in the case of a body corporate, the registered or principal office.

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3. Where the applicant is a company, the full names of the current Directors and the company's registered number.

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4. Where a holding of 20 per cent, or more of the shares (see Note) of the applicant is held by a body corporate or partnership or an unincorporated association carrying on a trade or business with or without a view to profit, the name(s) and address(es) of the holder(s) of such shares shall be provided.

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5. Desired date from which the licence is to take effect.

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6. A list of the local government districts included (in whole or in part) in the area to which the application relates.

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7. Details of any licences held, applied for, or being applied for by the applicant in respect of the generation, participation in transmission or supply of electricity.

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Note
References to shares—

(a) in relation to an applicant with a share capital, are to allotted shares;
(b) in relation to an applicant with capital but no share capital, are to rights to share in the capital of the applicant;
(c) in relation to an applicant without capital, are to interests—
  (i) conferring any right to share in the profits or liability to contribute to the losses of the applicant; or
  (ii) giving rise to an obligation to contribute to the debts or expenses of the applicant in the event of a winding up.

PART II

DOCUMENTS AND PARTICLARS TO ACCOMPANY AN APPLICATION FOR A PUBLIC ELECTRICITY SUPPLY LICENCE

1. Current statements of the accounts kept by the applicant in respect of any undertaking carried on by him, showing the financial state of affairs of that undertaking and its profit or loss, and the statements for the most recent period, together with copies of the latest audited annual accounts where such have been prepared.

2. An outline statement of the business proposals, for that business of the applicant to which the application relates, for the next five years, which includes:

(a) particulars of the person or persons from whom the applicant intends to acquire the electricity which he will supply, and particulars of the arrangements made for the transmission and distribution of that electricity;

(b) forecast annual maximum demand (MW) to be supplied, giving a breakdown of the demand for each type of customer, eg. industrial, commercial etc. and energy (GWh) to be supplied;

SCHEDULE 2 Regulations 3(2) and 4(2)

PART I

FORM OF APPLICATION FOR A PRIVATE ELECTRICITY SUPPLY LICENCE OR EXTENSION

1. Full name of the applicant(s).

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2. Address of the applicant(s) or, in the case of a body corporate, the registered or principal office.

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3. Where the applicant is a company, the full names of the current Directors and the company's registered number.

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4. Where a holding of 20 per cent, or more of the shares (see Note) of an applicant is held by a body corporate or partnership or an unincorporated association carrying on a trade or business with or without a view to profit, the name(s) and address(es) of the holder(s) of such shares shall be provided.

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(c) annual forecasts of costs, sales and revenues and project financing stating the assumptions underlying the figures provided;

(d) detailed map or maps, to a scale sufficient to show clearly—
  (i) the area to which the application relates;
  (ii) the distribution system above 11kV, showing overhead lines, cable routes and associated substations; and
  (iii) which lines, cables and substations are to be constructed and which are already in existence;

(e) single line diagram of the distribution system, showing what is to be constructed and what is already in existence.

5. Details of any expected subsequent substantial capital outflows including major decommissioning costs.

6. Estimates of net annual cash flows for subsequent periods sufficient to demonstrate the financial security and feasibility of the project(s) to which the application relates.

7. A list of the names and addresses of customers to be supplied.

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8. A statement of the extent (if any) to which the applicant considers it necessary for powers under Schedule 3 (compulsory acquisition of land etc.) and under Schedule 4 (other powers etc.) to the Order to be given through the licence for which he is applying, together with a statement of a specific purposes for which those powers are felt to be necessary.

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9. Details of any licences held, applied for or being applied for by the applicant in respect of the generation, participation in transmission or supply of electricity.

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Note

References to shares—

(a) in relation to an applicant with a share capital, are to allotted shares;

(b) in relation to an applicant with capital but no share capital, are to rights to share in the capital of the applicant;

(c) in relation to an applicant without capital, are to interests—
  (i) conferring any right to share in the profits or liability to contribute to the losses of the applicant; or
  (ii) giving rise to an obligation to contribute to the debts or expenses of the applicant in the event of a winding up.

PART II

DOCUMENTS AND PARTICULARS TO ACCOMPANY AN APPLICATION OR EXTENSION FOR A PRIVATE ELECTRICITY SUPPLY LICENCE

1. Current statements of the accounts kept by the applicant in respect of any undertaking carried on by him, showing the financial state of affairs of that undertaking and its profit or loss, and the statements for the most recent period, together with copies of the latest audited annual accounts where such have been prepared.

2. An outline statement of the business proposals, for that business of the applicant to which the application relates, for the next five years, which includes:

(a) particulars of the person or persons from whom the applicant intends to acquire the electricity which he will supply, and particulars of the arrangements made for the transmission and distribution of that electricity and approximate number and expected maximum demand of customers;

(b) the total number of premises to be supplied, giving a breakdown for each type of customer, eg, industrial, commercial, etc.;

(c) forecast annual maximum demand (MW) and energy (GWh) to be supplied giving a breakdown for the demand of, and energy to be supplied to, each type of customer, eg, industrial, commercial, etc.;

(d) annual forecasts of costs, sales and revenues and project financing stating the assumptions underlying the figures provided;

(e) detailed map or maps to a scale sufficient to show clearly—

(i) the situation of those premises to be supplied;

(ii) the distribution system about 11kV (and, where necessary to indicate the extent of the system, down to 6.6 kV), showing overhead lines, cable routes and associated substations; and

(iii) which lines, cables and substations are to be constructed and which are already in existence;

(f) single line diagram of the distribution system showing what is to be constructed and what is already in existence; and

(g) where the applicant is applying for an extension the annual quantity of electricity supplied by the applicant under all existing licences.

3. Details of any expected subsequent capital outflows including major decommissioning costs.

4. Estimates of net annual cash flows for subsequent periods sufficient to demonstrate the financial security and feasibility of the project(s) to which the application relates.

SCHEDULE 3 Regulations 3(3) and 4(3)

PART 1

FORM OF APPLICATION FOR A TRANSMISSION LICENCE

1. Full name of the applicant(s)

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2. Address of the applicant(s) or, in the case of a body corporate, the registered or principal office.

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3. Where the applicant is a company, the full names of the current Directors and the company's registered number.

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4. Where a holding of 20 per cent, or more of the shares (see Note) of an applicant is held by a body corporate or partnership or an unincorporated association carrying on a trade or business with or without a view to profit, the name(s) and address(es) of the holder(s) of such shares shall be provided.

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5. Desired date from which the licence is to take effect.

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6. A list of the local government districts included (in whole or in part) in the area to which the application relates.

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7. An identification of the voltages of the electric lines forming part of the intended transmission system.

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8. Details of any licences held, applied for or being applied for by the applicant in respect of the generation, participation in transmission or supply of electricity.

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Note

References to shares—

(a) in relation to an applicant with a share capital, are to allotted shares;

(b) in relation to an applicant with capital but no share capital, are to rights to share in the capital of the applicant;

(c) in relation to an applicant without capital, are to interests—

(i) conferring any right to share in the profits or liability to contribute to the losses of the applicant; or

(ii) giving rise to an obligation to contribute to the debts or expenses of the applicant in the event of a winding up.

PART II

DOCUMENTS AND PARTICULARS TO ACCOMPANY AN APPLICATION FOR A TRANSMISSION LICENCE

1. Current statements of the accounts kept by the applicant in respect of any undertaking carried on by him, showing the financial state of affairs of that undertaking and its profit or loss, and the statements for the most recent period, together with copies of the latest audited annual accounts where such have been prepared.

2. An outline statement of the business proposals, for the business of the applicant to which the application relates, for the next five years which includes:

(a) particulars of the person or persons from whom, and the points at which, the applicant expects to receive the electricity which he will transmit; particulars of transmission of the electricity; particulars of the expected points of off-take, and quantities;

(b) interconnections to other transmission systems;

(c) proposed metering arrangements;

(d) schedule of generating plant owned by the applicant including;

(i) pumped storage

(ii) clutched gas turbine generators/synchronous compensators;

(e) forecast annual maximum demands in his transmission system (GW) and energy (GWh) to be transmitted;

(f) summary large scale map, together with detailed maps providing information on areas where activities are concentrated as necessary;

(g) a single line diagram of the transmission system showing all transmission voltage levels and distinguishing from overhead lines, electric lines which are or will be placed underground; and

(h) annual forecasts of costs, sales and revenues and project financing, stating the assumptions underlying the figures provided.

3. Details of any expected subsequent substantial capital outflows including major decommissioning costs.

4. Estimates of net annual cash flows for subsequent period sufficient to demonstrate the financial security and feasibility of the project(s) to which the application relates.

5. For the purposes of paragraph 2(a) any reference to the transmission of electricity by the applicant is a reference to his participation in such transmission.

SCHEDULE 4 Regulations 3(4) and 4(4)

PART 1

FORM OF APPLICATION FOR A GENERATING LICENCE

1. Full name of the applicant(s).

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2. Address of the applicant(s), or in the case of a body corporate, the registered or principal office.

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3. Where the applicant is a company, the full names of the current Directors and the company's registered number.

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4. Where a holding of 20 per cent, or more of the shares (see Note) of an applicant is held by a body corporate or partnership or an unincorporated association carrying on a trade or business with or without a view to profit, the name(s) and address(es) of the holder(s) of such shares shall be provided.

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5. Desired date from which the licence is to take effect.

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6. The number of generating stations intended to be operated under the licence (if granted).

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7. A sufficient description specifying the actual or proposed locations of those stations, eg, by reference to townlands, local government districts, postal address, etc.

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8. A description of how those stations will, in each case, be fuelled or driven.

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9. The date when any proposed generating stations are expected to be commissioned.

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10. The capacity and type of each unit within the generating station (MW).

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11. A statement of the extent (if any) to which the applicant considers it necessary for powers under Schedule 3 (compulsory acquisition of land etc.) and under Schedule 4 (other powers etc.) to the Order to be given through the licence for which he is applying, together with a statement of any specific purposes for which those powers are felt to be necessary.

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12. Details of any licences held, applied for or being applied for by the applicant in respect of the generation, participation in transmission or supply of electricity.

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Note
References to shares—

(a) in relation to an applicant with a share capital, are to allotted shares;

(b) in relation to an applicant with capital but no share capital, are to interests—

(i) conferring any right to share in the profits or liability to contribute to the losses of the applicant; or

(ii) giving rise to an obligation to contribute to the debts or expenses of the applicant in the event of a winding up.

PART II

DOCUMENTS AND PARTICULARS TO ACCOMPANY AN APPLICATION FOR A GENERATING LICENCE

1. Current statements of the accounts kept by the applicant in respect of any undertaking carried on by him, showing the financial state of affairs of that undertaking and its profit or loss and the statements for the most recent period, together with copies of the latest audited annual accounts where such have been prepared.

2. An outline statement of the business proposals, for that business of the applicant to which the application relates, for the next five years which includes;

(a) particulars of the person or persons to whom the applicant intends to provide electricity and particulars of the distribution of that electricity, including details of lines to be constructed;

(b) the maximum power (MW) expected to be available from each generating station at any one time and the aggregate power (MW) expected to be available from each generating station during any year, excluding in each case such wattage as is expected to be consumed at the station;

(c) the expected life of each generating station;

(d) for each generating station, the number of generating units and the capacity of each generating unit;

(e) map or maps sufficient to identify the location of all generating stations to which the application relates; and

(f) annual forecasts of costs, sales and revenues and project financing, stating the assumptions underlying the figures provided.

3. Details of any expected subsequent substantial capital outflows including major decommissioning costs.

4. Estimates of net annual cash flows for subsequent periods sufficient to demonstrate the financial security and feasibility of the project(s) to which the application relates.

SCHEDULE 5 Regulations 3(5) and 4(5)

FORM OF APPLICATION FOR A SEM OPERATOR LICENCE

1. Full name of the applicant.

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2. Address of the applicant(s) or, in the case of a body corporate, the registered or principal office.

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3. Where the applicant is a company, the full names of the current Directors and the company's registered number.

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4. Where a holding of 20 per cent, or more of the shares (see Note) of an applicant is held by a body corporate or partnership or an incorporated association carrying on a trade or business with or without a view to profit, the name(s) and address(es) of the holder(s) of such shares shall be provided.

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5. Details of any licences held, applied for or being applied for by the applicant in respect of the generation, participation in transmission or supply of electricity.

Note
References to shares—

(a) in relation to an applicant with a share capital are to allotted shares.
(b) in relation to an applicant with capital but no share capital, are to rights to share in the capital of the applicant:
(c) in relation to an applicant without capital, are to interests—
  (i) conferring any right to share in the profits or liability to contribute to the losses of the applicant or;
  (ii) giving rise to an obligation to contribute to the debts or expenses of the applicant in the event of a winding up.

PART II

Documents and Particulars to Accompany an application for a SEM Operator Licence

1. Current statements of the accounts kept by the applicant in respect of any undertaking carried on by him, showing the financial state of affairs of that undertaking and its profit or loss, and the statement for the most recent period, together with copies of the latest audited annual accounts where such have been prepared.

2. An outline statement of the business proposals, for that business of the applicant to which the application relates, for the next five years, which includes:

(a) particulars of the person or persons the applicant intends to oversee within the SEM in Northern Ireland

(b) the total estimated number of participants to be administered

(c) annual forecasts of costs and revenues and project financing stating the assumptions underlying the figures provided.

3. Details of any expected subsequent capital outflows.

4. Estimates of net annual cash flows for subsequent periods sufficient to demonstrate the financial security and feasibility of the project(s) to which the application relates.

5. Application fee £500.

6. A copy of the application to be published in the Belfast Gazette and in a newspaper or newspapers circulating in Northern Ireland. A copy of the Belfast Gazette and of each newspaper in which the application is published shall be delivered to or sent by prepaid post to the Northern Ireland Authority for Utility Regulation, Queens House, 14 Queen Street, BELFAST BT1 6ER.

7. Name(s) of person or persons to contact regarding information contained in or accompanying this application.

EXPLANATORY NOTE

(This note is not part of the Order)

The Electricity (Single Wholesale Market) (2007 Order) (Commencement No. 1) Order (Northern Ireland) 2007 brought into operation on 5th May 2007 Article 4 of the Electricity (Single Wholesale Market) (Northern Ireland) Order 2007 ("the SEM Order") for certain purposes. That Article introduced new provisions into the Electricity (Northern Ireland) Order 1992 ("the 1992 Order") relating to the licensing of an SEM Operator, that is to say a person whose responsibilities include responsibility pursuant to the trading and settlement code referred to in that paragraph for calculating charges and other payments due under it.

The Energy (2003 Order) (Commencement No. 4) Order (Northern Ireland) 2007 provided for the coming into operation on the same date of Article 28 of the Energy (Northern Ireland) Order 2003 ("the 2003 Order") also for certain purposes. That Article amended the 1992 Order to provide for a change in the licensable activity under Article 10(1)(b) of the 1992 Order from transmission of electricity to participation in the transmission of electricity.

These amendments made by Article 4 of the SEM Order and Article 28 of the 2003 Order were partly brought into operation to enable Regulations under Article 10(3) of the 1992 Order to be made which provide for the form of applications, the documents to accompany such applications and the fee payable therewith, and for the lodgement of applications—

(a) for the new licence of acting as an SEM Operator; and

(b) for participation in the transmission of electricity which take account of the change in the licensable activity.

For this purpose the Electricity (Applications for Licences and Extensions of Licences) Regulations (Northern Ireland) 2007 ("the first 2007 Regulations") were made in part by virtue of these amendments to the 1992 Order. Those Regulations were made in error on 4th May 2007, the day before the amendments came into operation. These Regulations therefore revoke and replace the first 2007 Regulations and include the necessary provision.