

2010 No. 27

ELECTRICITY AND GAS

**Electricity and Gas (Billing) (No. 2) Regulations (Northern
Ireland) 2010**

Made - - - - - *5th February 2010*

Coming into operation - *8th March 2010*

The Department of Enterprise, Trade and Investment, is designated for the purposes of section 2(2) of the European Communities Act 1972(a) in relation to measures relating to the regulation of the electricity sector and measures relating to natural gas and oil.

The Department makes the following Regulations in exercise of the powers conferred by that section.

Citation and commencement

1. These Regulations may be cited as the Electricity and Gas (Billing) (No 2) Regulations (Northern Ireland) 2010 and shall come into operation on 8th March 2010.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(b) shall apply to these Regulations as it applies to an Act of the Assembly.

(2) In these Regulations—

“electricity supplier” shall be construed in accordance with regulation 3(1);

“Energy Order” means The Energy (Northern Ireland) Order 2003(c);

“gas supplier” shall be construed in accordance with the regulation 3(2);

“domestic consumer” means—

(a) in relation to a gas supplier, any person who has contracted with that supplier for a supply of gas which is reasonably expected not to exceed 2,500 therms in each year; and

(b) in relation to an electricity supplier, any person who has contracted with the supplier for a supply of electricity at any premises used wholly or mainly for domestic purposes;

“domestic premises” in relation to any domestic consumer means the premises where the supply of gas or electricity to that person is taken;

(a) 1972 c.68
(b) 1954 c.23 (N.I.)
(c) S.I. 2003 1419 (N.1.6)

“corresponding period” shall be construed—

- (a) in relation to a bill or statement of account sent by an electricity supplier, in accordance with regulation 4; and
- (b) in relation to a bill or statement of account sent by a gas supplier, in accordance with regulation 5.

Billing information

3.—(1) Any person who holds a licence under Article 10(1)(c) of the Electricity (Northern Ireland) Order 1992^(a) (“an electricity supplier”) shall provide each domestic consumer supplied by that person with electricity with the information referred to in regulation 4.

(2) Any person who holds a licence under Article 9(1)(c) of the Gas (Northern Ireland) Order 1996^(b) (“a gas supplier”) shall provide each domestic consumer supplied by that person with gas with the information referred to in regulation 5.

(3) The requirement in paragraph (1) only applies if the supplier has been contracted to give a supply of electricity to the same domestic consumer at the same domestic premises throughout the period—

- (a) commencing with the start of the corresponding period; and
- (b) ending with the end of the period to which the bill or statement of account relates.

(4) The requirement in paragraph (2) only applies if the supplier has been contracted to give a supply of gas to the same domestic consumer at the same domestic premises throughout the period—

- (a) commencing with the start of the corresponding period; and
- (b) ending with the end of the period to which the bill or statement of account relates.

(5) The requirement in paragraph (1) does not apply if the domestic consumer has been supplied with a meter which provides that consumer with accurate information about their actual electricity consumption and its actual time of use throughout—

- (a) the period covered by the bill or statement of account; and
- (b) the corresponding period in the previous year.

(6) The requirement in paragraph (2) does not apply if the domestic consumer has been supplied with a meter which provides that consumer with accurate information about their actual gas consumption and its actual time of use throughout—

- (a) the period covered by the bill or statement of account; and
- (b) the corresponding period in the previous year.

4. The information referred to in regulation 3(1) is a comparison of the consumer’s consumption of electricity in the period covered by the bill or statement of account with the same consumer’s consumption of electricity for the corresponding period in the previous year (“the corresponding period”).

5. The information referred to in regulation 3(2) is a comparison of the consumer’s consumption of gas in the period covered by the bill or statement of account with the same consumer’s consumption of gas for the corresponding period in the previous year (“the corresponding period”).

(a) S.I. 1993/231 (N.I.1)
(b) S.I. 1996/275 (N.I.2)

6. Each bill or statement of account containing information in accordance with the requirements of these Regulations must—

- (a) present that comparison in a form that is clear and easy to understand; and
- (b) make it clear whether any estimates of the domestic consumer’s consumption of gas or electricity, as the case may be, had been used in producing the comparison.

Amendment to Energy Order

7. In Article 41(2) of the Energy Order, in the definition of “relevant requirement”—

- (a) at the end of sub-paragraph (a)(iii) insert—

“or the Electricity and Gas (Billing) (No 2) Regulations (Northern Ireland) 2010”; and

at the end of sub-paragraph (b) insert—

“or the Electricity and Gas (Billing) (No 2) Regulations (Northern Ireland) 2010”.

8. In Article 45 of the Energy Order—

- (a) In paragraph (1) for “the Community Regulation” substitute “a Community Regulation”; and

- (b) For paragraph (11) substitute

““Community Regulation” means Regulation 1228/2003 of the European Parliament and Council on conditions for access to the network for cross-border exchanges of electricity or Regulation 1775/05 of the European Parliament and Council on conditions for access to the natural gas transmission network.”.

Revocation

9. The Electricity and Gas Billing Regulations (Northern Ireland) 2009^(a) are revoked.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 5th February 2010.



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

(a) SR 2009 No. 215

EXPLANATORY NOTE

(This note is not part of the Order)

This Statutory Rule revokes and replaces the earlier Statutory Rule (2009 No. 215) to correct a number of errors and accordingly it is being issued free of charge to all known recipients of the earlier Statutory Rules.

The Regulations require electricity and gas suppliers to provide information to domestic consumers comparing their gas or electricity use in one period with the same period in the previous year. These requirements do not apply in cases where either the supplier has not been contracted to give a supply of gas or electricity to the consumer throughout both of these periods or the consumer has already been provided with a meter which provides him with all the relevant information.

These provisions give effect to Article 13(3)(b) of Directive 2006/32/EC of the European Parliament and of the Council on Energy end use efficiency and energy services and repealing Council Directive 93/76/EEC.

The Regulations also give effect to Article 13 of the EC Regulation No. 1775/05 which requires that Member States establish provisions to penalise infringements of the requirements of that Regulation in relation to conditions for access to the natural gas transmission network. The Regulations amend the Energy Order (NI) 2003 to extend the enforcement powers of the Northern Ireland Authority for Utility Regulations to contraventions of the requirements of that Regulation.

The Explanatory Memorandum is available alongside the instrument on the OPSI website.

© Crown Copyright 2010

Printed in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office being the Government Printer for Northern Ireland and the Officer appointed to print the Acts of the Northern Ireland Assembly.

£4.00

Dd. N4275. C2. 2/10. Gp. 130. 14567.