

**EXPLANATORY MEMORANDUM TO**  
**THE ELECTRICITY SAFETY, QUALITY AND CONTINUITY**  
**REGULATIONS (NI) 2012**

**SR 2012 No. 381**

**1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department of Enterprise, Trade and Investment to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Articles 32, 33(3) and 64 of the Electricity (Northern Ireland) Order and is subject to the negative resolution procedure.

**2. Purpose**

- 2.1. The Regulations specify safety standards which will enhance the level of protection to the public from the dangers posed by electrical equipment. They will replace the Electricity Supply Regulations (Northern Ireland) 1991.
- 2.2. The most significant changes to the 1991 Regulations are: generators and distributors must assess the foreseeable risk of danger from interference, vandalism and unauthorised access to electrical equipment; classify and record the identified risk and take appropriate measures to safeguard the equipment; inspect networks with sufficient frequency to ensure compliance with Regulations; attach safety signs to supports carrying low voltage lines; warn the public of the dangers which arise from recreational activities near overhead lines; mark and protect all new underground cables. Generators and distributors must also, in so far as it is reasonably practicable, ensure there is no interference with or interruption of supply caused by an insufficient clearance between any of their overhead lines and a tree or other vegetation. The Regulations also apply to agents and contractors of duty holders.

**3. Background**

- 3.1. In Great Britain following the breakup of the electricity industry due to privatisation the Department of Trade and Industry (DTI) introduced the Electricity, Safety, Quality and Continuity Regulations 2002 with subsequent amendments made in 2006 and 2009.
- 3.2. The Department believes the 1991 Regulations should be replaced to enhance the level of public protection and ensure the continuity of the electricity supply by improving the resilience of networks in adverse weather conditions

**4. Consultation**

- 4.1. The Department carried out a 12 week consultation period which ended in October 2012. None of the respondents objected to the Regulations. As a result of the substantive replies some of the phases in periods in

Regulation 2 were changed , Regulation 3(2)(a)(ii) was removed and Regulation 28 was amended to reflect supplier arrangements in Northern Ireland.

## **5. Equality Impact**

- 5.1. DETI has carried out an initial equality impact screening of the proposals for any possible impact on equality of opportunity affecting groups listed in section 75 of the Northern Ireland Act 1998 and no adverse or differential aspects were identified.

## **6. Regulatory Impact**

- 6.1. A Regulatory Impact Assessment was carried out. The businesses most affected by the Regulations will be those engaged in the generation and distribution of electricity and, NIE as Northern Ireland's owner of the transmission and distribution network, will be the principal business affected. As NIE is a regulated business ultimately implementation costs will be borne by Northern Ireland's electricity users. For certain requirements, the Regulations allow for a phased introduction over a period of either 5 or 10 years. Owners of caravan parks and marinas fall within the definition of "distributor" but there is not sufficient information to quantify the implementation costs, at this time, on specific businesses or the sector as whole. There is likely to be some burden on small businesses engaged in electrical installation. Overall the Department believes the enhancement of public and industry safety measures, plus improvements to network resilience, will outweigh costs to consumers and the electricity industry.

## **7. Financial Implications**

- 7.1. Northern Ireland Electricity Ltd (NIE) has applied to the Utility Regulator for extra funding to be spent over a number of years. The Regulator will keep the arrangements under review to monitor the effectiveness of the new measures and associated costs.

## **8. Section 24 of the Northern Ireland Act 1998**

- 8.1. The Regulations are cross cutting with the Department of Justice as they incorporate an offence for non compliance, therefore referral to the Executive as prescribed in paragraph 2.4 of the Ministerial Code was required. The Executive at its 5 July 2012 meeting approved the making of the Regulations.

## **9. EU Implications**

- 9.1. Although Council Directive 98/34/EC (O.J No. L 204, 210701998, p37) as amended by Council Directive 98/48/EC (O.J. No.L. 217, 5.8.1998, p18.) applies, the Commission have already been notified in relation to The Electricity, Safety and Continuity Regulations 2002 .

## **10. Parity or Replicatory Measure**

- 10.1. The Electricity, Safety and Continuity Regulations 2002 as amended .

## **11. Additional Information**

- 11.1. Comprehensive guidance for duty holders will be published before the Regulations come into operation.