

**2011 No. 95 (C. 5)**

**ENERGY**

**The Energy (2011 Act) (Commencement) Order (Northern  
Ireland) 2011**

*Made* - - - -

*11th March 2011*

The Department of Enterprise, Trade and Investment, in exercise of the powers conferred by Section 36(1) of the Energy Act (Northern Ireland) 2011<sup>(a)</sup> and of every other power enabling it in that behalf, hereby makes the following Order:

**Citation and interpretation**

1.—(1) This Order may be cited as the Energy (2011 Act) (Commencement) Order (Northern Ireland) 2011.

(2) In this Order—

“the 2011 Act” means the Energy Act (Northern Ireland) 2011.

**Appointed Day**

2.—(1) 21st March 2011 is a day appointed for the coming into operation of the provisions of the Energy Act (Northern Ireland) 2011 other than those listed in paragraph (2).

(2) Those provisions are Sections 31 and 32.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on  
11th March 2011.



*A F Hepper*  
A senior officer of the  
Department of Enterprise, Trade and Investment

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order provides for the coming into operation on 21st March 2011 of the following provisions of the Energy Act (Northern Ireland) 2011—

- (a) Sections 1 to 8 of the Act provide gas customers in Northern Ireland with an enhanced level of consumer protection, primarily by empowering the Utility Regulator and the Department to determine standards of performance in connection with the activities of those companies that convey (transport) gas and those companies that supply it to end-users.
- (b) Section 9 of the Act makes certain amendments to the Energy (Northern Ireland) Order 2003. These amendments are consequential to the new provisions on standards of performance.
- (c) Section 10 establishes a criminal offence in respect of persons who intentionally or recklessly damage or allow to be damaged gas equipment used for conveying, storing or supplying gas; it also allows gas companies to disconnect premises and/or remove gas meters where the offence is committed.
- (d) Section 11 exempts gas plant owned by gas companies from certain legal processes, where a customer in possession of that gas plant is subject to judgement or bankruptcy processes.
- (e) Section 12 creates a regime to provide for deemed contracts to arise in situations where customers take a supply of gas without having first agreed a supply contract with a supplier.
- (f) Section 13 enables the Utility Regulator to Modify the conditions of supply licences in order to regulate the terms and conditions of deemed contracts.
- (g) Section 14 extends gas companies existing powers of entry to customer premises.
- (h) Section 15 clarifies the meaning of gas storage for the purposes of the Gas (Northern Ireland) Order 1996 (“the Gas Order”).
- (i) Section 16 amends the Gas Order so that the Utility Regulator does not have to appoint meter examiners from members of its staff.
- (j) Sections 17 to 31 create a special administration regime for licensed energy network companies. Where a gas conveyance or an electricity transmission or distribution company faces actual or threatened insolvency, the new regime will seek to ensure the continuance of the operation of the relevant network for the benefit of customers.
- (k) Section 33 defines the terms used in Part 2, and how certain references are to be interpreted.
- (l) Part 3 of the Act contains supplementary provisions.
- (m) The Schedule covers the content and effect of transfer schemes which can be made as described in section 18(3) i.e. transfers to another company or companies as a going concern of so much of the protected energy company’s assets as are necessary to ensure that the objective of the energy administration is met.

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