

S.I. No. 49 of 2000

Electricity Regulation Act, 1999
(Trading Arrangements in Electricity)
Regulations, 2000

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**Electricity Regulation Act, 1999 (Trading Arrangements in Electricity)
Regulations, 2000**

The Commission for Electricity Regulation, in exercise of the powers conferred on it under section 9(1)(d) of the Electricity Regulation Act, 1999 (No. 23 of 1999) (hereinafter referred to as the “Act”), makes the following Regulations for the purpose of establishing a system of trading in electricity, (having taking into account the matters raised in the public consultation process carried out under section 9(1)(b) of the Act).

1. Citation

These Regulations may be cited as the Electricity Regulation Act, 1999 (Trading Arrangements in Electricity) Regulations, 2000.

2. Interpretation

- (1) A word or expression that is used in these Regulations and is also used in the Act has, unless the contrary intention appears, the same meaning in these Regulations as in the Act.
- (2) In these Regulations, except where the context otherwise requires:

‘Commission’ means the Commission for Electricity Regulation, established under the Act;

‘Trading and Settlement Code’ means the code and agreement that sets out the details of the electricity trading and settlement arrangements to be established pursuant to section 9(1)(d) of the Act;

‘Transmission System Operator’ means the operator for the time being of the transmission system, being at the date of these Regulations, the Board (National Grid Business Unit);

‘Settlement System Administrator’ means the operator for the time being of the electricity settlement system described in the Trading and Settlement Code, being at the date of these regulations the Board (National Grid Business Unit); and

‘vertically integrated electricity undertaking’ means an undertaking (whether a single person or a connected group of persons) performing two or more of the functions of generation, transmission, distribution and supply of electricity.

- (3) References in these Regulations to an enactment shall include primary and subordinate legislation and in both cases any modification or re-enactment thereof after the date when these Regulations come into force.

3. Trading and Settlement Code

- (1) The system of trading in electricity and of settling energy imbalances to be established pursuant to section 9(1)(d) of the Act shall be set out in a 'Trading and Settlement Code', to be designated under these Regulations by the Commission.
- (2) The Trading and Settlement Code shall be in such form and contain such detail as the Commission shall decide.
- (3) The Commission shall supervise and review the Trading and Settlement Code in such manner and at such times as the Commission shall decide.
- (4) The Commission may from time to time modify, revise, amend, suspend (in whole or in part), supplement, extend or replace the Trading and Settlement Code to such extent and in such manner as the Commission shall decide.
- (5) No modification, revision, amendment, suspension, supplement, extension or replacement of the Trading and Settlement Code shall have effect unless made by or with the approval of the Commission.
- (6) Trading and settlement of electricity imbalances with the Board shall be carried on only by entities who are party to the Trading and Settlement Code.

4. Adoption of the Trading and Settlement Code by the Board

- (1) The Board shall adopt, be a party to, and comply with the Trading and Settlement Code and shall implement, maintain and operate a settlement system in accordance with the terms of the Trading and Settlement Code.
- (2) The Commission may from time to time give directions to the Board in respect of any aspect of the performance and implementation of the Board's duties, functions and obligations under the Trading and Settlement Code, and any matters related thereto, and the Board shall comply with the Commission's directions forthwith.

5. Management independence of the Transmission System Operator and the Settlement System Administrator.

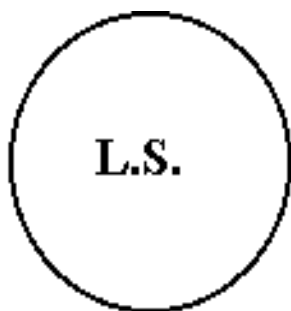
- (1) For so long as the Board remains a vertically integrated electricity undertaking, the Board shall conduct its activities as Transmission System Operator and as Settlement System Administrator in accordance with arrangements to be developed by the Board to ensure the Transmission System Operator and Settlement System Administrator are independent at least in management terms from other activities not related to the transmission system.

- (2) The arrangements referred to in paragraph 5(1) above shall be subject to the approval of the Commission.
- (3) The Trading and Settlement Code shall not come into effect unless and until the Commission has approved the arrangements to be introduced under paragraph 5(1) above.

6. Coming into force

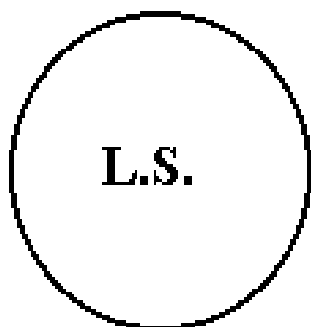
These Regulations come into force on the date hereof.

Sealed with the common seal of the Commission for Electricity Regulation on 17 February 2000.



Tom Reeves
Member of the Commission

Eugene Coughlan
Member of staff of the Commission



The Minister for Public Enterprise
hereby consents to the foregoing Order

Dated this 17 day of February 2000

Mary O'Rourke T.D.

Minister for Public Enterprise

Explanatory Note

(This note is not part of the Instrument and does not purpose to be a legal interpretation.)

This regulation, made with the consent of the Minister for Public Enterprise, establishes a system of trading in electricity, having taken into account the matters raised in the public consultation process carried out under section 9(1)(b) of the Act.