



Department of

**Enterprise, Trade
and Investment**

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Consultation

Energy

Proposed Amendment to the Gas (Applications for Licence and Extensions) Regulations (Northern Ireland) 1996



Department of
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and Investment**
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Trade and Investment**

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Regulations (Northern Ireland) 1996**

July 2010

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INTRODUCTION

1

This paper seeks views and comments on proposed legislative amendments to the Gas (Applications for Licences and Extensions) Regulations (Northern Ireland) 1996 to assist with implementation of Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market ('The Services Directive').

The Services Directive seeks to promote the elimination of barriers to the development of service activities between EU Member States and also to promote balanced and sustainable economic and social progress.

The Services Directive was implemented on 28 December 2009 and its main aim is to facilitate the cross border provision and receipt of services, through freedom of establishment for providers and the freedom of provision of services in the EU, to strengthen rights of recipients of services as users of the latter, to promote the quality of services, and to establish effective administrative co-operation among the EU Member States.

The full text of the Directive can be found at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:376:0036:0068:EN:PDF>

ARTICLE 16 OF THE DIRECTIVE

A particular element of the Directive, Article 16, relates to the freedom to provide services, and states that Member States may not restrict the freedom to provide services in the case of a service provider established in another Member State.

In particular Article 16(2)(a) states that restrictions cannot be imposed by placing an obligation on the service provider to have an establishment in their territory.

IMPLEMENTATION INTO NORTHERN IRELAND LEGISLATION

This paper outlines the proposals put forward by the Department on planned amendments to the Gas (Applications for Licences and Extensions) Regulations (Northern Ireland) 1996 through changes to secondary legislation in Northern Ireland. The paper also considers the impact of the legislative proposals on particular groups.

This consultation will be of primary interest to those natural gas companies wishing to apply for a licence to operate in Northern Ireland, and particularly those companies based outside of Northern Ireland.

HOW TO RESPOND

1.1 This paper considers the proposals, identifies those areas where the present arrangements for the Northern Ireland gas market do not comply, and proposes ways in which compliance may be achieved. It is proposed to amend the following legislation -

- Gas (Applications for Licences and Extensions) Regulations (Northern Ireland) 1996.

1.2 The original text of the above Regulations can be found at:

http://www.opsi.gov.uk/sr/sr1996/Nisr_19960447_en_1.htm

The Consultation document will address the issue in more detail in **Chapter 2**.

Chapter 3 outlines the impact of the proposals.

Annex A will detail the draft legislative amendments.

Annex B sets out the draft Regulatory Impact Assessment which considers how the implementation of the proposals will affect potential natural gas licence holders.

Annex C sets out the Equality screening form, which assesses the

impact of the proposals and regulations on the Section 75 equality groups.

- 1.3** Your views and comments are sought on the issues raised in the paper and on the draft legislation, Regulatory Impact Assessment and EQIA screening form attached at **Annexes A, B and C** respectively.

Responses to this consultation should be forwarded to DETI on or before **Tuesday 7 September 2010** and should be sent by email to susan.stewart@detini.gov.uk

By post to:

**Susan Stewart
Energy Division
Department of Enterprise, Trade and Investment
Netherleigh
Massey Avenue
BELFAST
BT4 2JP**

**Telephone: 02890529279
Fax Number: 02890 529549
Textphone: 02890529304**

All responses should include the name and postal address of the respondent.

Copies of this consultation paper may be accessed on the DETI Energy website at www.energy.detini.gov.uk

If you require access to this consultation paper in hard copy, or in a different format, such as Braille, disc, audio cassette or in a minority ethnic language please contact the Department and appropriate arrangements will be made as soon as possible.

CONFIDENTIALITY AND DATA PROTECTION

- 1.4** Your response may be made public by the Department. If you do not want all or part of your response or name made public, please state this clearly in the response by marking your response as '**CONFIDENTIAL**'. Any confidentially disclaimer that may be generated by your organisation's IT system or included as a general statement in you fax cover sheet will be taken to apply

to information in your response for which confidentiality had been specifically requested.

- 1.5** Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 1998 (DPA)). If you want other information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

- 1.6** In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

PROPOSALS FOR LEGISLATION

2

EU SERVICES DIRECTIVE 2006/123

2.1 The EU Services Directive aims to remove barriers to competition for companies or other providers wishing to provide a service which would extend beyond the national borders of the Member State in which they are established, while at the same time increasing transparency and information for consumers, therefore providing consumers with a wider choice and potential for increased standards of service and lower prices.

ARTICLE 16 OF THE DIRECTIVE

2.2 Article 16 of the Directive is related to the freedom to provide services, and states that Member States shall respect the right of providers to provide services in a Member State other than that in which they are established. The Member State in which the service is provided shall ensure free access to and free exercise of a service activity within its territory and that Member States shall not make access to or exercise of a service activity in their territory subject to compliance with any requirements which do not respect the following principles:

- (a) Non-discrimination
- (b) Necessity
- (c) Proportionality

Further to this, Article 16 (2) (a) specifically states that Member States may not restrict the freedom to provide services in the case of a provider established in another Member State

by imposing an obligation on the provider to have an establishment in their territory.

GAS (APPLICATIONS FOR LICENCES AND EXTENSIONS) REGULATIONS (NORTHERN IRELAND) 1996

2.3 The Gas (Applications for Licence and Extensions) Regulations (Northern Ireland) 1996 ('The Gas Regulations') were established to provide a structured and regulated system for natural gas companies wishing to be licensed to operate in Northern Ireland.

2.4 Schedule 1 of the Gas Regulations states that there is a requirement for a company wishing to apply for a gas licence in Northern Ireland to provide a Northern Ireland contact address for the duration of the application process.

2.5 Although provision of a contact address is only required for a temporary period, i.e. for the duration of the application process, the Department is proposing to amend the Gas Regulations by removing this restriction in order to avoid any uncertainty and bring them fully into line with the EU Services Directive.

2.6 The Department therefore proposes to amend the Gas Regulations, to remove the requirement for a company wishing to apply for a licence to provide a contact address within Northern Ireland.

2.7 There is no requirement to amend similar legislation in electricity as the Electricity (Applications for Licences

and Extensions of Licences)
Regulations (Northern Ireland) 2007
do not require a Northern Ireland
contact address to be provided for the
application process.

QUESTIONS FOR CONSIDERATION

- (a) Do you agree with the Department's assessment of the actions required to be taken in order to meet the requirements of the EU Services Directive?**
- (b) Do you think removal of the territorial restrictions in the Gas Regulations will have any adverse effect on the natural gas sector in Northern Ireland?**
- (c) Are there any other areas to consider that we have not anticipated in this consultation?**

IMPACT OF IMPLEMENTATION OF PROPOSALS

3

The Department had considered the impact of the implementation of the proposals in relation to a number of key groups.

REGULATORY IMPACT

The Department has prepared a Regulatory Impact Assessment (RIA) to assess the impact that implementation of the primary proposals will have on businesses, and in particular small businesses. This is attached at **Annex B**.

IMPACT ON THE EQUALITY GROUPS UNDER SECTION 75 OF THE NORTHERN IRELAND ACT 1998

The Department is required, under Section 75 of the Northern Ireland Act 1998, to have due regard to the need to promote equality of opportunity between persons of religious belief, political opinion, racial group, marital status or sexual orientation; between men and women and women generally; between persons with a disability and persons without; and between persons with dependants and persons without.

Without prejudice to these obligations, the Department is also required, in carrying out its functions, to have regard to the desirability of promoting good relations between persons of different religious beliefs, political opinion or racial group.

The Department recognises that some of the groups under Section 75 may have particular needs in relation to gas and

electricity matters, and the policy proposals acknowledge the importance of ensuring that the rights of customers are protected.

The Department conducted a screening exercise to assess the impact of these Regulations on the Section 75 groups and the completed screening form is attached at **Annex C**.

The Department has concluded that implementation of the secondary legislation proposals should ultimately bring benefits and more competition to the natural gas industry in Northern Ireland.

The issues addressed in these legislative proposals relate mainly to the natural gas market in Northern Ireland and are therefore technical in nature. As such it is felt that the Regulations themselves will not have a significant differential impact on any of the Section 75 equality groups.

IMPACT ON RURAL COMMUNITIES

The Department has considered, as part of the process of rural proofing new policies, how implementation of the proposals might impact on rural areas or communities. It has been concluded that there is no significant differential impact, in that the policy proposals relate to changes in the natural gas market application process in Northern Ireland, will apply to gas licence applicants, and will have no differential effect on any regions or communities, rural or otherwise.

GAS

Gas (Applications for Licences and Extensions) (Amendment) Regulations (Northern Ireland) 2010

Made - - - - - 0000
Coming into operation - - - - - ***

The Department of Enterprise, Trade and Investment in exercise of the powers conferred by Article 8(3) of the Gas (Northern Ireland) Order 1996(a) 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 Gas (Applications for Licences and Extensions) (Amendment) Regulations (Northern Ireland) 2010 and shall come into operation on [**].

Interpretation

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

Amendments

3. Schedule 1 to the Gas (Applications for Licences and Extensions) Regulations (Northern Ireland) 1996(c) shall be amended by —

- (a) in paragraph 4, omitting “in Northern Ireland”; and
- (b) for paragraph 8(d) substituting

“The name, address and telephone number of a person or persons authorised to accept service of any notices or processes required to be served on the applicant.”.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on [***].

L.S.

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

- (a) S.I. 1996/275 (N.I.2)
- (b) 1954 c.33 (N.I)
- (c) S.R. 1996/447

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Gas (Applications for Licences and Extensions) Regulations (Northern Ireland) 1996 (the principal Regulations).

The amendments are intended to ensure that the principal Regulations comply with Directive 2006/123/EC of the European Parliament and of the Council on services in the internal market by enabling an applicant for a natural gas conveyance, storage or supply licence to nominate persons outside Northern Ireland –

- (a) to accept correspondence or enquiries concerning the application ; and
- (b) where the applicant is a body corporate, to accept services of any notices or processes required to be served on the applicant in connection with the application.

DRAFT REGULATORY IMPACT ASSESSMENT

GAS (APPLICATIONS FOR LICENCES AND EXTENSIONS) (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2010

1. Title of proposal

The Gas (Applications for Licence and Extensions) (Amendment) Regulations (Northern Ireland) 2010

2. Introduction

2.1 This draft Regulatory Impact Assessment supports the implementation in Northern Ireland of the EU Services Directive 2006/123 ('The Services Directive') which aims to remove barriers to competition for companies or other providers wishing to provide a service which would extend beyond the national borders of the Member State in which they are established, while at the same time increasing transparency and information for consumers, therefore providing consumers with a wider choice and potential for increased standards of service and lower prices.

2.2 In particular Article 16 (2)(a) of the Services Directive requires that Member States may not restrict the freedom to provide services in the case of a provider established in another Member State. In particular it states restrictions cannot be imposed by placing an obligation on the provider to have an establishment in their territory.

2.3 This Directive should not be confused with the Energy End Use Efficiency and Energy Services Directive 2006/32/EC.

2.4 Schedule 1 of the Gas (Applications for Licence and Extensions) Regulations (Northern Ireland) 1996 ('The Gas Regulations') states that there is a requirement for a

company wishing to apply for a gas licence in Northern Ireland to provide a Northern Ireland contact address for the duration of the application process. The current Regulations were established to provide a structured and regulated system for natural gas companies wishing to apply for a licence to operate within Northern Ireland. Although provision of a contact address is only required for a temporary period, i.e. for the duration of the application process, it is deemed that by not amending the Gas Regulations, the Department could potentially be subject to infraction proceedings from the European Commission. Therefore, to fully ensure compliance with the EU Services Directive, the Department proposes to amend the Gas Regulations in order to bring them into line with the Directive.

3. Purpose and intended effect

3.1. Objective

3.1.1. The aim of this proposal is to ensure that legal provisions are in place to prevent an infringement of Regulation EC No. 2006/123 which relate to non-discriminatory rules for access conditions to natural gas companies, taking into account the specifics of nations and regional markets with a view to ensuring the proper functioning of the internal gas market.

3.2. Background

3.2.1 Unlike the rest of the United Kingdom, Northern Ireland, because of unfavourable economics, did not have access to the supplies of natural gas until the 1990's. In 1992 as part of the restructuring

and privatisation of the local electricity supply industry, Ballylumford Power Station was converted from oil to gas firing. This base load requirement provided the opportunity for the development of a commercially viable downstream natural gas industry in Northern Ireland.

- 3.2.2** In September 1996, a licence was granted to Phoenix Natural Gas Ltd (PNG) for the staged development of the industrial, commercial and domestic gas markets in the Greater Belfast and Larne areas. There are currently around 130,000 customers connected to natural gas in the Phoenix licensed area.
- 3.2.3** On 21 September 2001 the Northern Ireland Executive announced its support for the development of a multi-million pound gas pipeline project. The support was in the form of a grant package up to £38m, including an Irish Government contribution of £8.5m. The project involved construction by BGE Northern Ireland (BGE (NI)), a subsidiary of the state owned Republic of Ireland gas company, of two gas transmission pipelines. A gas pipeline from Dublin to Antrim (the South-North pipeline) was completed in October 2006, providing natural gas to Newry, Armagh, Banbridge, Craigavon and Antrim. This pipeline links with the first pipeline in the project, from near Carrickfergus to Londonderry (the North-West pipeline) which was completed in November 2004, and which supplies gas to Coolkeeragh power station and to Ballymena,

Ballymoney, Coleraine, Limavady and Londonderry.

- 3.2.4** *firmus energy* are continuing with the roll-out of the natural gas distribution networks in the licence area served by both pipelines and has around 7,500 customers connected at Spring 2010.

- 3.2.5** On 1 January 2007 the natural gas supply market was fully opened in the Phoenix licence area of Greater Belfast and Larne.

3.3. Intended Effect

- 3.3.1.** The intent of Article 16 of the Services Directive is for Member States to remove barriers to competition for natural gas companies operating in Northern Ireland.
- 3.3.2.** It is also the Department's intent to ensure that the Gas Regulations are fully in compliance with the EU Services Directive and to prevent potential infraction proceedings from the European Commission.

4. Risk Assessment

As the objective is to meet the EU requirement to remove barriers to entry for competition within the natural gas industry, a risk assessment is appropriate.

4.1. Options

- **Option 1 – do nothing.** Under EC law, Member States are obliged to implement Regulations of the European Council and European Parliament. If Northern Ireland does not fully transpose the EU Services Directive then the United Kingdom could potentially be open to infraction proceedings, the result of which would be a proportionate financial fine. This option is not carried forward.

- **Option 2 – implement Regulation.**
The second option is to amend the Gas Regulations to remove the requirement to provide a contact address in Northern Ireland for the gas licence application process. This would mean that Northern Ireland would be fully compliant with the EU Services Directive regarding removal of barriers to entry for businesses operating in all Member States.

encourage the continued use of natural gas.

8. Enforcement and Sanctions

Compliance with gas licence conditions is enforced by the Utility Regulator who has the power to impose financial penalties of up to 10% of the turnover of the licensees in the event of a breach.

5. Cost Benefit Analysis

5.1. Benefits

The main benefit of implementing the change to Schedule 1 of the Gas Regulations would be that Northern Ireland provisions would be in line with EU Services Directive requirements and therefore would not be subject to infraction proceedings, and consequently a proportionate financial fine.

5.2. Costs

The amendment of the Gas Regulations to ensure compliance with the EU Services Directive will not create any additional costs for a company wishing to apply for a gas licence in Northern Ireland. There will also be no direct costs to the Department, the Northern Ireland Authority for Utility Regulation ('the Utility Regulator') or Northern Ireland consumers.

6. Concentration of Small Business: The Small Business Impact Test

The amendment of the Gas Regulations should facilitate small businesses in providing easier access to a gas supply from a greater number of suppliers. The amendment will also facilitate the process for companies wishing to apply for a natural gas licence to operate in Northern Ireland and therefore encourage competition in the market.

7. Environmental Impact

Natural gas is the cleanest fossil fuel and therefore the amendment of the Gas Regulations will facilitate and

DETI POLICY & LEGISLATION SCREENING FORM

Section 1

The Legal Background
<p>Under section 75 of the Northern Ireland Act 1998, the Department is required to have due regard to the need to promote equality of opportunity:</p> <ul style="list-style-type: none">• between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;• between men and women generally;• between persons with a disability and persons without; and• between persons with dependants and persons without. <p>Without prejudice to the obligations set out above, the Department is also required, <u>in carrying out its functions relating to Northern Ireland</u>, to have regard to the desirability of promoting good relations between persons of different religious beliefs, political opinion or racial group.</p>

- 1.1 This form is intended to assist you in your consideration of the new policy or legislation in question to record the outcome in respect of these statutory equality considerations. We have a legal obligation to maintain an accurate audit trail of equality considerations.
- 1.2 The screening procedure should result in:
- (a) the policy/legislation being screened does not have any or a significant impact on equality of opportunity; or
 - (b) the policy/legislation being screened has (or is likely to have) a significant impact on equality of opportunity. Policies falling into this category will need to be considered further and may need an Equality Impact Assessment.
- 1.3 **EQUALITY UNIT IS HAPPY TO ADVISE ON ANY ASPECT OF SECTION 75 AND OR THE SPECIFIC ISSUES RAISED IN THIS FORM AND ITS COMPLETION. THE FORM SHOULD BE SIGNED OFF BY YOUR GRADE 5 AS EQUALITY AND DIVERSITY STEERING GROUP MEMBER.**

Section 2 – Policy/Legislation to be Screened

What do we mean by “policy”?

There is no specific guidance as to how the term “policy” should be defined beyond reference to the New Oxford English Dictionary definition: a course or principle of action adopted or proposed by a government. A balance needs to be struck on the one hand avoiding too great a level of abstraction and, on the other, consideration of micro-level policies. Both extremes will be likely to cause difficulties.

We would certainly expect individual schemes, programmes or initiatives to be considered as elements of a policy.

Legislation can be either primary or sub-ordinate and the OFMDFM guidance procedures indicate the need to have completed equality considerations at certain stages in the procedures.

2.1 Title of policy/legislation to be screened:

Proposed amendment to the Gas (Applications for Licences and Extensions) Regulations (Northern Ireland) 1996 (the ‘Gas Regulations’) to give effect to Article 16 (2)(a) concerning Directive 2006/123/EC of the European Parliament and of the of 12 December 2006 on services in the internal market Council (the ‘EU Services Directive’).

2.2 Brief description of policy/legislation to be screened:

The EU Services Directive’s main aim is to set non-discriminatory rules for removing barriers to competition for services, including natural gas companies, choosing to operate in Northern Ireland. Currently the Gas Regulations state that a company seeking to apply for a gas licence in Northern Ireland should provide, for the sole purpose of the applications process, a contact address in Northern Ireland. Although provision of a contact address is only required for a temporary period i.e. for the duration of the application process, it is deemed that the Department could potentially be subject to infraction proceedings from the European Commission for non-compliance with the EU Services Directive. Therefore, to fully ensure compliance with the EU Services Directive, the Department proposes to amend the Gas Regulations in order to bring them into line with the Directive.

2.3 Aims/objectives of policy/legislation to be screened:

The aim is to amend the Gas Regulations to ensure that territory restrictions which currently place limitations on companies applying for a gas licence in Northern Ireland are amended, removing barriers to competition for those companies from other Member States who choose to operate in Northern Ireland, thus further opening the natural gas market to competition.

It is essential that **all** the aims/objectives of the policy be clearly and fully defined.

2.4 On whom will the policy/legislation impact?

The immediate impact of the legislation will be on natural gas licence applicants.

The legislation, as part of the move to a fully competitive gas market, which will ultimately bring additional benefits to all gas consumers in terms of choice of suppliers and service level standards.

2.5 Who is responsible for (a) devising and (b) delivering the policy eg is it DETI, DTI or another Whitehall Department or EU? What is the relationship and have they considered this issue and any equality issues?

DETI is the responsible Department for implementation of energy policy and legislation in Northern Ireland. In NI the Authority for Utility Regulation (NIAUR) is responsible for dealing with gas licence applications.

The EU devised and introduced the policy through the EU Services Directive, for which compliance is a legal requirement in each Member State.

DETI will ensure via NIAUR that the policy resulting from the legislation is delivered.

DETI has also considered the equality issues.

2.6 What linkages are there to other NI Departments/NDPBs in relation to this policy/legislation?

There is no impact for other Departments.

2.7 What data are available to facilitate the screening of this policy/ legislation?

Natural gas was first available in Northern Ireland in 1996. Currently there are two natural gas network companies operating gas distribution networks within Northern Ireland along with their supply companies and a number of other gas suppliers.

Currently there are around 137,500 natural gas customers in Northern Ireland. There are approximately 130,000 customers in the Greater Belfast licensed area (Phoenix), and *firmus energy* supply natural gas in the ten urban areas, for which they hold a licence, namely Londonderry, Coleraine, Limavady, Ballymoney, Ballymena, Antrim, Craigavon, Armagh, Banbridge and Newry and have around 7500 customer connections.

The gas market in the Greater Belfast licensed area was opened to supply competition in January 2007.

Section 3 – Screening Analysis

You should not think of the “not known” column as the easy option to respond to any of the questions. In cases where there is no available evidence, you will need to take a pragmatic, common sense judgement as to whether the policy/legislation you are screening may have a particular/differential impact on any of the groups. Discussions with Equality and Diversity Unit, Statistics Research Branch and organisations representing the Section 75 Groups will be important and helpful at this stage.

3.1 Is there any evidence of higher or lower participation or uptake by the following characteristics?

	Yes	No	Not Known
Religious belief		√	
Political opinion		√	
Racial group		√	
Age		√	
Marital status		√	
Sexual orientation		√	
Sex		√	
Disability		√	
Dependency		√	

Please elaborate

The Gas Regulations are technical in nature and impact on natural gas licence applicants. Therefore it is deemed that there will be no impact on any of the Section 75 Groups.

Natural Gas is available to all consumers within the licence area regardless of their background.

3.2 Is there evidence that any of the following groups have different needs, experiences, issues and priorities in relation to this policy issue?

	Yes	No	Not Known
Religious belief		√	
Political opinion		√	
Racial group		√	
Age		√	
Marital status		√	
Sexual orientation		√	
Sex		√	
Disability		√	
Dependency		√	

Please elaborate

See 3.1

3.3 Have consultations with relevant groups, organisations or individuals indicated that policies of this type create problems specific to them?

	Yes	No
Religious belief		√
Political opinion		√
Racial group		√
Age		√
Marital status		√
Sexual orientation		√
Sex		√
Disability		√
Dependants		√

Please elaborate

No consultation with these specific groups has taken place.

3.4 Is there an opportunity to better promote equality of opportunity or community relations by altering the policy, or by working with others, in Government, or in the larger community in the context of this policy?

Yes

~~No~~

Please elaborate:

The actual impact of this amendment will ensure that companies in all EU Member States have an equal opportunity to compete in the Northern Ireland natural gas market without the restrictions of territory imposed on them.

3.5 If the answer to any of questions in 1 to 4 is yes please indicate whether you consider the policy may present a significant risk to DETI's obligation to have due regard to the need to promote equality of opportunity. You will need to consider whether the policy/legislation could be changed, better to promote equality of opportunity and/or be subject to a full EqIA.

~~Yes~~ No

Please elaborate:

This policy is intended to promote equality of opportunity.

3.6 It may be that a policy/legislation has a differential/impact on a certain group as the policy has been developed to address an existing or historical inequality or disadvantage. If this is the case, please give details below:

N/A

Section 4

EqIA Recommendation

4.1 Full EqIA procedures should be carried out on policies considered to have significant implications for equality of opportunity. In light of the above 3 sections please fill in the following grid in relation to the policy/legislation.

	Significant Impact	Moderate Impact	Low Impact
Social Need.			√
Effect on people's daily lives.			√
Effect on economic, social and human rights.			√

Please elaborate:

The introduction of this legislation will have no significant implications for equality of opportunity. All groups will have the opportunity to choose their gas supplier regardless of their economic or social standing in the community and this could improve their choice of gas supplier.

4.2 **What is the scale of expenditure incurred by the policy?**

It is deemed that there will be no expenditure incurred to the Department, the NI Authority for Utility Regulation or Northern Ireland natural gas consumers.

4.3 **Do you consider that this policy/legislation should be subject to a full EqIA? Please give reasons for your considerations.**

No – the legislation will simply bring the current legislation into line with the EU Services Directive.

This legislation will apply equally and should bring benefit to all.

4.4 **What data are required in the future to ensure effective monitoring?**

None. These Regulations will amend existing legal obligations on the Department, NIAUR and the gas licence application process. Any additional monitoring in relation to equality issues is considered unnecessary.

Section 5

Disability Duties

Under the Disability Discrimination Act 1995 (as amended by the Disability Discrimination (Northern Ireland) Order 2006), public authorities, when exercising their functions, are required to have due regard to the need:

- to promote positive attitudes towards disabled people; and
- to encourage participation by disabled people in public life.

5.1 Does this policy/legislation have any potential to contribute towards promoting positive attitudes towards disabled people or towards encouraging participation by disabled people in public life? If yes, please give brief details.

NO



Department of
**Enterprise, Trade
and Investment**
www.detini.gov.uk

Your views on this
document are welcome.

July 2010

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