

Response ID [REDACTED]

Submitted to Utility Regulator (Support for Decarbonisation Preparation) Bill
Submitted on 2026-06-30 17:30:59

Introduction

1 What is your name?

name:

2 What is your email address?

email address:

3 Are you providing a submission on behalf of an organisation or business?

Yes

If yes, please provide the name of the organisation or business below:

Mutual Energy

Consent

4 Please confirm that you have read the Northern Ireland Assembly Committee's Privacy Notice by clicking the button below.

yes:

Yes

5 How would you like your submission to be published?

Yes. Publish but with my personal information and any content that could be used to identify me redacted.

Utility Regulator (Support for Decarbonisation Preparation) Bill

Clause 1 (1)

6 Does this part of Clause 1 give the Utility Regulator sufficient power and/or responsibility in order to help decarbonise the energy sector in Northern Ireland?

No

If no, what powers / responsibilities should the Bill confer on the Utility Regulator in order to support decarbonisation, beyond the provision of advice?:

When DfE consulted on the Bill it was presented as an interim measure in order to facilitate progress on decarbonisation in the near term, while a more comprehensive revision of the Utility Regulator's vires was carried out – see paragraphs 1.20 and 2.6 of DfE's original consultation paper Consultation on proposed Utility Regulator (Support for Decarbonisation Preparation) Bill.

We assume that the interim nature of the Bill is why the provisions it provides are defined at a reasonably high level. This however means that they could be open to a degree of interpretation over time. Care should therefore be taken to ensure that the use of these provisions does not go beyond their original intended purpose. In particular, that the interim Bill does not, over time, inadvertently undermine the independence of the Utility Regulator, or put the Utility Regulator in a position where it could potentially be held accountable for policy decisions – i.e. on the basis of “advice, information or assistance” it has provided to DfE under this Bill.

Care should also be taken to ensure that the use of the provisions within the Bill do not result in an unreasonable resource or cost burden being placed upon the Utility Regulator. This would be detrimental to consumers if it undermined the Utility Regulator's ability to adequately perform its primary regulatory functions, or led to unreasonable costs being passed through to licensees, and therefore energy consumers.

We believe that the best way to guard against these potential risks is to bring forward the comprehensive revision of the Utility Regulator's vires required to deliver Northern Ireland's ambitious emission reduction targets – see our response to question 9 below.

Clause 1 (2)

7 Should the Utility Regulator's support for decarbonisation be restricted to the provision of advice to the Department for the Economy?

Yes

If no, who else should the Utility Regulator be able to provide decarbonisation advice to?:

Clause 1 (3)

8 Do you support this aspect of Clause 1?

Yes

If no, please explain in the text box below.:

Our response to this question is subject to any changes/additions to definitions that may be required to introduce a sunset mechanism into the Bill - see our answer to questions 6 and 9.

Clause 2

9 Should the relevant provisions be commenced immediately after Royal Assent?

Yes

If no, what conditions or restrictions might be placed on commencement?:

Our answer to this question is subject to the assumption that appropriate governance arrangements regarding the use of the powers provided by this interim Bill are in place, to help reduce the potential risks outlined in our response to question 6. Otherwise we suggest that it may be prudent to take some time to develop appropriate governance arrangements.

Additional Information/Comments

10 Please provide information on any other potential amendments that you feel would enhance the Bill and the rationale for those.

Additional information or comments.:

When DfE consulted on the Bill it was presented as an interim measure in order to facilitate progress on decarbonisation in the near term, while a more comprehensive revision of the Utility Regulator's vires was carried out – see paragraphs 1.20 and 2.6 of DfE's original consultation paper Consultation on proposed Utility Regulator (Support for Decarbonisation Preparation) Bill.

Because of the high degree of complexity associated with decarbonising the NI energy sector, and the significant risks it involves for consumers, it is importance that the incentive to properly review and revise the Utility Regulator's vires is not unintentionally undermined by the enactment of this Bill.

Acknowledging the pragmatic approach being taken in relation to this Bill (its intent being to help to facilitate and accelerate NI energy decarbonisation) we nevertheless suggest that the option of introducing a formal sunset on the legislation is carefully considered. This would be reasonably straightforward to introduce, but would ensure that a strong focus is maintained on identifying and implementing the comprehensive legislative changes to the Utility Regulator's vires that are required to deliver upon NI's ambitious emission reduction targets.

If a sunset is not introduced – i.e. if the intent is not to replace the current interim legislation with a more comprehensive Bill– then it would seem prudent that any subsequent amendments to the Utility Regulator's vires provides further clear delineation on the scope and intended use of the provisions afforded to DfE under the present Bill to help further reduce the risk of the potential issues highlighted in our answer to question 6 occurring.

Proposed Additions and Amendments

11 Please provide information on any potential amendments that you feel would enhance the Bill and the rationale for those.

Information on any potential amendments:

Almost done...

12 If you provide an email address you will be sent a receipt and a link to a PDF copy of your response.

email:

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