STATUTORY RULES OF NORTHERN IRELAND

2017 No. 32

ENERGY

The Renewable Heat Incentive Scheme (Amendment) Regulations (Northern Ireland) 2017

Made - - - - 24th January 2017

Coming into operation in accordance with regulation 1

The Department for the Economy makes the following Regulations in exercise of the powers conferred on it by section 113 of the Energy Act 2011 [F1].

Annotations:

F1 2011 c.16

Citation, commencement and cessation

1.—(1) These Regulations may be cited as the Renewable Heat Incentive Scheme (Amendment) Regulations (Northern Ireland) 2017 and shall come into operation in accordance with paragraph (2).

(2) These Regulations shall come into operation on the 1st April 2017 or the day after the European Commission gives approval that the provision made by the Regulations, to the extent that it constitutes the granting of aid to which any of the provisions of Article 107 or 108 of the Treaty on the Functioning of the European Union applies, is, or would be, compatible with the internal market, within the meaning of Article 107 of that Treaty whichever is the later.

(3) These Regulations shall cease to have effect on 31st March 2018.

Annotations:

Modifications etc. (not altering text)

C1 Reg. 1(3) excluded by S.R. 2012/396, reg. 36(11) (as inserted (1.4.2018) by Northern Ireland (Regional Rates and Energy) Act 2018 (c. 6), **ss. 2(10)**, 3(3) (with s. 2(15)))

Interpretation

2. The Interpretation Act (Northern Ireland) 1954 [F2] shall apply to these Regulations as it applies to an Act of the Assembly.

Annotations:
F2 1954 c.33 (N.I.)

Application

3.—(1) These Regulations shall have effect in relation to periodic support payments calculated and paid after these Regulations come into operation.

(2) In paragraph (1) ‘‘"periodic support payments’’’ has the same meaning as in the Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2012 [F3].

Annotations:
F3 SR.2012 No.396

Amendment of the Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2012

4. The Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2012 are amended in accordance with regulations 5 and 6.

5.—(1) In regulation 36(3) for ‘‘‘paragraph (7)’’’ substitute ‘ paragraphs (7), (7A) and (7B) ’.

(2) For regulation 36(5) substitute:—

‘(5) Subject to paragraphs (6), (7), (7A) and (7B), the tariff for an accredited RHI installation is the tariff set out in Schedule 3, 3A or 4 as the case may be in relation to its source of energy or technology and installation capacity.’.

(3) In regulation 36(6) for ‘‘‘paragraph (5)’’’ substitute ‘ paragraphs (5), (7), (7A) and (7B) ’.

(4) regulation 36(7) shall cease to have effect in relation to installations falling within the small or medium biomass tariffs set out in Schedule 3A and accordingly, in Schedule 3, the references to such installations shall cease to have effect.

(5) After regulation 36(7A) insert:—

‘(7B) The tariffs for installations accredited before 18th November 2015 and falling within the small or medium biomass tariffs set out in Schedule 3A are the tariffs set out in the Schedule adjusted by the percentage increase or decrease in the retail prices index for the calendar year 2016 (the resulting figure being rounded to the nearest tenth of a penny, with any twentieth of a penny being rounded upwards).’.

(6) In regulation 36(8) for ‘‘‘paragraph (7)’’’ substitute ‘ paragraph (7), (7A) and (7B) ’.

(7) After regulation 36(9) insert:—

‘(9A) Where an accredited RHI installation falls within the small or medium biomass tariffs set out in Schedule 3A:—

(a) the tariff for the initial heat generated by the installation in any 12 month period commencing with, or with the anniversary of, the date of accreditation (regardless of whether that date falls before or after the coming into operation of the Renewables Heat Incentive Scheme (Amendment) Regulations (Northern Ireland) 2017) is the relevant Tier 1 tariff specified in Schedule 3A;

(b) the tariff for further heat generated in that same 12 month period up to a maximum of 400,000kWhth is the relevant Tier 2 tariff specified in Schedule 3A; and

(c) any further heat generated over 400,000kWhth in the same 12 month period shall not be eligible for periodic payments.’.