STATUTORY RULES OF NORTHERN IRELAND

2016 No. 47

ENERGY

The Renewable Heat Incentive Schemes (Amendment) Regulations (Northern Ireland) 2016

Laid before the Assembly in draft

Made - - - - 16th February 2016

Coming into operation in accordance with regulation 1

The Department of Enterprise, Trade and Investment makes the following Regulations in exercise of the powers conferred on it by section 113 of the Energy Act 2011(**1**).

Citation and commencement

1. These Regulations may be cited as the Renewable Heat Incentive Schemes (Amendment) Regulations (Northern Ireland) 2016 and shall come into operation on the day after the day on which they are made.

Interpretation

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

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

3. The Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2012(**3**) are amended in accordance with regulations 4 to 6.

4. After regulation 23 insert—

"**Suspension of the operation of the scheme**

23A.—(1) This paragraph applies where it appears to the Department that it does not have or is not likely to have sufficient funds available to it for the purposes of meeting the total costs of—

(**1**) 2011 c. 16
(**2**) 1954 c.33 (N.I.)
(**3**) SR. 2012 No. 396

(a) periodic support payments for all eligible installations accredited under regulation 22 and all installations likely to be so accredited; and

(b) RHI payments for all plants accredited under regulation 21 of the Domestic Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2014 and all plants likely to be so accredited.

(2) Where paragraph (1) applies, the Department may, by notice published in such a manner as it may think appropriate, suspend the operation of the scheme in relation to the making of—

(a) applications for accreditation under regulation 22;

(b) applications for registration under regulation 25; and

(c) applications for preliminary accreditation under regulation 26

made after a date specified in the notice ("the date of suspension") and accordingly after that date and while the notice remains in force no such applications may be made or granted.

(3) Paragraph (2) does not apply to an application for accreditation for an eligible installation under regulation 22 where—

(a) an application for preliminary accreditation was made under regulation 26 in respect of the eligible installation before the date of suspension;

(b) that application has been granted (whether that grant was before or after the date of suspension); and

(c) the preliminary accreditation has not been withdrawn.

(4) In paragraph (3), the reference to an 'application for accreditation' does not include any application for the accreditation of additional RHI capacity under regulation 42.

(5) The Department may revoke any notice under paragraph (2) by a further notice in writing and that revocation shall have effect from such date as may be specified in that further notice."

5. In regulation 22(6) for the words "subject to regulation 23 and regulation 46(3)" substitute "subject to regulation 23, regulation 23A and regulation 46(3)".

6. In regulation 25(4) for the words "subject to paragraphs (5) to (8)" substitute "subject to paragraphs (5) to (8) and regulation 23A".

Amendment of the Domestic Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2014

7. The Domestic Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2014(**4**) are amended in accordance with regulations 8 and 9.

8. After regulation 22 insert—

"**Suspension of the operation of the domestic RHI scheme**

22A.—(1) Where regulation 23A(1) of the Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2012 applies, the Department may, by notice published in such a manner as it thinks appropriate suspend the operation of the scheme in relation to applications for accreditation under regulation 17 made after the date specified in the notice and accordingly, after that date and while the notice remains in force no such applications may be made or granted under regulation 21.

(**4**) SR 2014 No. 301