STATUTORY RULES OF NORTHERN IRELAND

2015 No. 371

ENERGY

The Renewable Heat Incentive Schemes (Amendment) Regulations (Northern Ireland) 2015

Laid before the Assembly in draft

Made - - - - 17th November 2015

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) 2015 and 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 16.

Amendment of regulation 3 (renewable heat incentive scheme)

4. In regulation 3 in paragraph (2) for the words from "used in a building for any of the following purposes" to the end substitute—

"(a) used in a building for any of the following purposes—

(i) heating a space,

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

(ii) heating liquid,

(iii) carrying out a process; or

(b) used otherwise than in a building for either of the following purposes carried out on a commercial basis—

(i) cleaning,

(ii) drying.".

Amendment of regulation 5 (eligible installations generating heat from solid biomass)

5. In regulation 5(b) after "1,000kWth" add "except for CHP installations".

Amendment of regulation 8 (eligible installations generating heat using heat pumps)

6. In regulation 8 (a)(ii) after "liquid" insert "or ground liquid".

Amendment of regulation 9 (eligible installations which are CHP systems)

7. In regulation 9—

(a) omit paragraph (2)(a);

(b) in paragraph (2)(b)

(i) for "is" substitute "was";

(ii) after "NIRO" insert "prior to 1st October 2015".

Amendment of regulation 16 (metering of plants in simple systems)

8. In regulation 16(1) for the "; and" at the end of sub-paragraph (b) substitute a full stop and omit sub-paragraph (c).

Changes in location of accredited RHI installations

9. After regulation 24 insert—

"**Changes in location of accredited RHI installations**

24A.—(1) This regulation applies where an accredited RHI installation is moved to a new location during its tariff lifetime.

(2) No periodic support payment may be made in respect of the RHI installation after the date on which it is moved to the new location until—

(a) the owner has notified the Department of the change in location; and

(b) the Department has concluded that the accredited RHI installation should continue to be accredited.

(3) On receipt of a notification under paragraph (2) the Department—

(a) may require the owner to provide such of the information specified in Schedule 1 as the Department considers necessary for the proper administration of the scheme; and

(b) must review the accreditation of the RHI installation to determine whether it continues to meet the eligibility criteria in the new location (except the requirement in regulation 12(1)(b)) and accordingly whether it should continue to be accredited.

(4) Where the Department concludes that the RHI installation should continue to be accredited it must update the central register referred to in regulation 22(6)(c) if appropriate.

(5) Where the Department concludes that the accredited RHI installation should continue to be accredited, periodic support payments calculated from the date of that decision and for the remainder of the tariff lifetime of that accredited RHI installation shall be payable.".

Amendment of regulation 36 (payment of periodic support payments to participants)

10.—(1) Regulation 36 is amended as follows.

(2) In paragraph (7) after "The tariffs" insert "for installations accredited before 18th November 2015".

(3) After paragraph 7 insert—

"(7A) The tariffs for installations accredited on or after 18th November 2015—

(a) for the period beginning with 18th November 2015 and ending with 31st March 2016, are the tariffs set out in Schedule 4; and

(b) for each subsequent year commencing with 1st April and ending with the next 31st March, are the tariffs applicable on the immediately preceding 31st March adjusted by the percentage increase or decrease in the retail prices index for the previous calendar year (the resulting figure being rounded to the nearest tenth of a penny, with any twentieth of a penny being rounded upwards).".

(4) After paragraph (8) insert—

"(9) Where an accredited RHI installation falls within the small or medium biomass tariffs as set out in Schedule 4—

(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 is the relevant tier 1 tariff specified in Schedule 4;

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

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

(10) For the purposes of paragraph (9), "the initial heat" means the heat in kWh generated by an accredited RHI installation running at its installation capacity for 1,314 hours.".

Amendment of regulation 37 (periodic support payments for accredited RHI installations in simple systems

11. In regulation 37(1) for the "; and" at the end of sub-paragraph (b) substitute a full stop and omit sub-paragraph (c).

CHP systems accredited in relation to the Renewables Obligation.

12. After regulation 38 insert—

"**38A.**—(1) No periodic support payments may be made in relation to any heat generated by any capacity of a CHP system to which paragraph (2) or (3) applies.

(2) This paragraph applies to capacity which generated heat and electricity before 1st May 2013 and which—

(a) uses solid biomass or solid biomass contained in municipal waste to generate heat and electricity, and