STATUTORY RULES OF NORTHERN IRELAND

2013 No. 174

ELECTRICITY

The Renewables Obligation (Amendment No. 2) Order (Northern Ireland) 2013

Made - - - -	*26th June 2013*
Coming into operation	*1st July 2013*

The Department of Enterprise, Trade and Investment ("the Department") makes the following Order in exercise of the powers conferred upon it by Articles 52 to 55F and 66(3) of the Energy (Northern Ireland) Order 2003(**1**).

The Department has consulted the Northern Ireland Authority for Utility Regulation, the General Consumer Council for Northern Ireland, electricity suppliers to whom this Order applies, and such generators of electricity from renewable sources in Northern Ireland and other persons as it considered appropriate in accordance with Article 55E of that Order.

In accordance with Article 66(2) of that Order a draft of this instrument was laid before and approved by a resolution of the Assembly.

Citation, commencement, extent and interpretation

1.—(1) This Order may be cited as the Renewables Obligation (Amendment No.2) Order (Northern Ireland) 2013 and comes into operation on 1st July 2013.

(2) In this Order, "the 2009 Order" means the Renewables Obligation Order (Northern Ireland) 2009(**2**).

Substitution of Article 26 (qualifying combined heat and power generating stations)

2. For Article 26 of the 2009 Order substitute—

"**Electricity generated by qualifying combined heat and power generating stations**

26.—(1) This Article applies to electricity—

(a) which is generated by a qualifying combined heat and power generating station in a way described in the first column of Part 2C of Schedule 2,

(b) to which none of Articles 26A to 26E apply, and

(**1**) S.I. 2003/419 (N.I.6) Articles 52 to 55F were substituted by S.R. 2009 No. 351
(**2**) S.R. 2009 No. 154 as amended by S.R. 2010 No. 134, S.R. 2011 No. 169 and S.R. 2013 No. 116

(c) which is generated by a generating station to which Article 27 does not apply.

(2) Subject to paragraphs (3) to (7), the amount of electricity to be stated in each NIROC issued in respect of electricity to which this Article applies is to be determined in accordance with Article 25(4) to (8).

(3) Where electricity to which this Article applies is generated using pre-2013 capacity, the amount of electricity to be stated in each NIROC is—

(a) in respect of the qualifying proportion of that electricity, the amount of electricity in the second column of Part 2C of Schedule 2 which corresponds to the description of the way in which the electricity is generated in the first column of that Part of that Schedule; and

(b) in respect of the remainder of that electricity, the amount of electricity in the third column of Part 2C of Schedule 2 which corresponds to the description of the way in which the electricity is generated in the first column of that Part of that Schedule.

(4) Where a declaration has been made in accordance with paragraph (8) in respect of the 2013/15 capacity of a station, and electricity to which this Article applies is generated by that station using 2013/15 capacity, the amount of electricity to be stated in each NIROC is—

(a) in respect of the qualifying proportion of that electricity, the amount of electricity in the second column of Part 2C of Schedule 2 which corresponds to the description of the way in which the electricity is generated in the first column of that Part of that Schedule; and

(b) in respect of the remainder of that electricity, the amount of electricity in the third column of Part 2C of Schedule 2 which corresponds to the description of the way in which the electricity is generated in the first column of that Part of that Schedule.

(5) Where a declaration has been made in accordance with paragraph (8) in respect of the summer 2015/16 capacity of a station, and electricity to which this Article applies is generated by that station using summer 2015/16 capacity, the amount of electricity to be stated in each NIROC is—

(a) in respect of the qualifying proportion of that electricity, the amount of electricity in the second column of Part 2C of Schedule 2 which corresponds to the description of the way in which the electricity is generated in the first column of that Part of that Schedule; and

(b) in respect of the remainder of that electricity, the amount of electricity in the third column of Part 2C of Schedule 2 which corresponds to the description of the way in which the electricity is generated in the first column of that Part of that Schedule.

(6) Where a declaration has been made in accordance with paragraph (8) in respect of the winter 2015/16 capacity of a station, and electricity to which this Article applies is generated by that station using winter 2015/16 capacity, the amount of electricity to be stated in each NIROC is—

(a) in respect of the qualifying proportion of that electricity, the amount of electricity in the second column of Part 2D of Schedule 2 which corresponds to the description of the way in which the electricity is generated in the first column of that Part of that Schedule; and

(b) in respect of the remainder of that electricity, the amount of electricity in the third column of Part 2D of Schedule 2 which corresponds to the description of the

way in which the electricity is generated in the first column of that Part of that Schedule.

(7) Where a declaration has been made in accordance with paragraph (8) in respect of the post-2016 capacity of a station, and electricity to which this Article applies is generated by that station using post-2016 capacity, the amount of electricity to be stated in each NIROC is—

(a) in respect of the qualifying proportion of that electricity, the amount of electricity in the second column of Part 2E of Schedule 2 which corresponds to the description of the way in which the electricity is generated in the first column of that Part of that Schedule; and

(b) in respect of the remainder of that electricity, the amount of electricity in the third column of Part 2E of Schedule 2 which corresponds to the description of the way in which the electricity is generated in the first column of that Part of that Schedule.

(8) A declaration is made in accordance with this paragraph if it meets the following conditions—

(a) it is made by the operator of the generating station to the Authority in writing,

(b) it is made in respect of the 2013/15 capacity, summer 2015/16 capacity, winter 2015/16 capacity or post-2016 capacity of the station,

(c) in the case of a declaration made in respect of the 2013/15 capacity of the station, it confirms that—

(i) 2013/15 capacity forms part of the total installed capacity of the station, and

(ii) support has not been given under any relevant scheme for heat produced by the use of that generating capacity,

(d) in the case of a declaration made in respect of the summer 2015/16 capacity of the station, it confirms that—

(i) summer 2015/16 capacity forms part of the total installed capacity of the station, and

(ii) support has not been given under any relevant scheme for heat produced by the use of that generating capacity,

(e) in the case of a declaration made in respect of the winter 2015/16 capacity of the station it confirms that—

(i) winter 2015/16 capacity forms part of the total installed capacity of the station, and

(ii) none of the heat produced by the use of the winter 2015/16 capacity is eligible for support under a relevant scheme for reasons that include one or both of the following—

(aa) the way in which the station generates electricity;

(bb) the biomass, bioliquid or energy crops used by the station to generate electricity.

(f) in the case of a declaration made in respect of the post-2016 capacity of the station, it confirms that—

(i) post-2016 capacity forms part of the total installed capacity of the station, and

(ii) none of the heat produced by the use of the post-2016 capacity is eligible for support under a relevant scheme for reasons that include one or both of the following—

(aa) the way in which the station generates electricity;

(bb) the biomass, bioliquid or energy crops used by the station to generate electricity, and

(g) it states that, for so long as the station generates electricity in respect of which NIROCs may be issued, the operator of the station will not claim support under any relevant scheme for heat produced by the station using the type of generating capacity in respect of which the declaration is made.

(9) In this Article, "summer 2015/16 capacity" means—

(a) in relation to a generating station accredited on or before 31st March 2015, any capacity which—

(i) in the Authority's view, forms part of the station from a date no earlier than 1st April 2015 and no later than 30th September 2015, and

(ii) does not form part of the capacity of the station as accredited;

(b) in relation to a generating station which—

(i) was not accredited on or before 31st March 2015, and

(ii) was accredited on or before 30th September 2015,

the capacity of the station as accredited together with any additional capacity which, in the Authority's view, forms part of the station from a date no later than 30th September 2015.

(10) In this Article, "winter 2015/16 capacity" means—

(a) in relation to a generating station accredited on or before 30th September 2015, any capacity which—

(i) in the Authority's view, forms part of the station from a date no earlier than 1st October 2015 and no later than 31st March 2016, and

(ii) does not form part of the capacity of the station as accredited;

(b) in relation to a generating station which—

(i) was not accredited on or before 30th September 2015, and

(ii) was accredited on or before 31st March 2016,

the capacity of the station as accredited, together with any additional capacity which, in the Authority's view, forms part of the station from a date no later than 31st March 2016.

(11) A declaration made in accordance with paragraph (8) cannot be withdrawn.

(12) In this Article, "relevant scheme" means a scheme established by the Department in exercise of the power in section 113(1)(a) of the Energy Act 2008(**3**).

(13) This Article is subject to Article 30.".

(**3**) 2008 c.32.