STATUTORY RULES OF NORTHERN IRELAND

2012 No. 396

ENERGY

The Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2012

Laid before the Assembly in draft

Made - - - -	*31st October 2012*
Coming into operation	*1st November 2012*

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**).

PART 1

INTRODUCTORY

Citation and commencement

1. These Regulations may be cited as the Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2012 and shall come into operation on 1st November 2012.

Interpretation

2.—(1) In these Regulations—

"accreditation" means accreditation of an eligible installation by the Department following an application under regulation 22;

"accredited RHI installation" means an eligible installation which has been given accreditation;

"anaerobic digestion" means the bacterial fermentation of biomass in the absence of oxygen;

"biogas production plant" means a plant which produces biogas by anaerobic digestion, gasification or pyrolysis;

"building" means any permanent or long-lasting building or structure of whatever kind and whether fixed or moveable which, except for doors and windows, is wholly enclosed on all sides with a roof or ceiling and walls;

(**1**) 2011 c. 16

"CHP" means combined heat and power;

"class 2 heat meter" means a heat meter which—

(a) complies with the relevant requirements set out in Annex 1 to the Measuring Instruments Directive;

(b) complies with the specific requirements listed in Annex MI-004 to that Directive; and

(c) falls within accuracy class 2 as defined in Annex MI-004 to that Directive;

"coefficient of performance" means the ratio of the amount of heating or cooling in kilowatts provided by a heat pump to the kilowatts of power consumed by the heat pump;

"commissioned" means, in relation to an eligible installation, the completion of such procedures and tests as constitute, at the time they are undertaken, the usual industry standards and practices for commissioning that type of eligible installation in order to demonstrate that it is capable of operating and delivering heat to the premises or process for which it was installed;

"date of accreditation", in relation to an accredited RHI installation, means the later of—

(a) the first day falling on or after the date of receipt by the Department of the application for accreditation on which both the application was properly made and the plant met the eligibility criteria; and

(b) the day on which the plant was first commissioned;

"date of registration", in relation to a producer of biomethane for injection, means the first day falling on or after the date of receipt by the Department of the application for registration on which the application was properly made;

"the Department" means the Department of Enterprise, Trade and Investment;

"eligibility criteria" has the meaning given by regulation 4;

"eligible installation" means a plant which meets the eligibility criteria;

"eligible purpose" means a purpose specified in regulation 3(2);

"gasification" means the substoichiometric oxidation or steam reformation of a substance to produce a gaseous mixture containing two or all of the following: oxides of carbon, methane and hydrogen;

"gas conveyor" means the holder of a licence under Article 8(1)(a) of the Gas (Northern Ireland) Order 1996(**2**);

"heat meter" has the same meaning as that given in Annex MI-004 of the Measuring Instruments Directive;

"ineligible purpose" means a purpose which is not an eligible purpose;

"injection" means the introduction of gas into a pipe-line system operated by a gas conveyor;

"installation capacity", in relation to a plant, means the total installed peak heat output capacity of the plant;

"kWh" means kilowatt hours;

"kWhth" means kilowatt hours thermal;

"kWth" means kilowatt thermal;

"MCS" means the Microgeneration Certification Scheme(**3**) or an equivalent scheme accredited under EN 45011(**4**) which certifies microgeneration products and installers in accordance with consistent standards;

(**2**) S.I. 1996/275 (N.I.2)
(**3**) Details of which are available at www.microgenerationcertification.org
(**4**) ISBN 0580294153. Copies of which can be obtained from the British Standards Institution at www.bsigroup.com

"Measuring Instruments Directive" means Directive 2004/22/EC of the European Parliament and of the Council of 31 March 2004 on measuring instruments(**5**);

"municipal waste" has the same meaning as in section 21 of the Waste and Emissions Trading Act 2003(**6**);

"MWhth" means megawatt hours thermal;

"MWth" means megawatt thermal;

"NIRO" means the Northern Ireland renewables obligation as set out in the Renewables Obligation Order (Northern Ireland) 2009(**7**);

"ongoing obligations" means the obligations specified in Part 4;

"participant" means—

(a) the owner of an accredited RHI installation or, where there is more than one such owner, the owner with authority to act on behalf of all owners in accordance with regulation 22(3); or

(b) a producer of biomethane who has been registered under regulation 25;

"periodic support payments" have the meaning given in regulation 3;

"pipe-line system" means a pipe, or a system of pipes, for the conveyance of gas, and includes any associated apparatus comprised in that system;

"process" means any process other than the generation of electricity;

"pyrolysis" means the thermal degradation of a substance in the absence of an oxidising agent (other than that which forms part of the substance itself) to produce char and one or both of gas and liquid;

"quarterly period" means, except where otherwise specified, the first, second, third or fourth quarter of any year commencing with, or with the anniversary of, a participant's tariff start date;

"retail prices index" means—

(a) the general index of retail prices (for all items) published by the Office of National Statistics; or

(b) where the index is not published for a year, any substituted index or figures published by that Office;

"scheme" (except in this regulation) means the incentive scheme established by these Regulations;

"solar collector" means a liquid filled flat plate or evacuated tube solar collector;

"statement of eligibility" has the meaning given by regulation 22(6)(f);

"steam measuring equipment" means all the equipment needed to measure to the Department's satisfaction the mass flow rate and energy of steam, including at least the following components —

(a) a flow meter;

(b) a pressure sensor;

(c) a temperature sensor; and

(d) a digital integrator or calculator able to determine the cumulative energy in MWhth which has passed a specific point;

(**5**) OJ L 135, 30.4.2004. p.1, amended by Commission Directive 2009 137/EC (OJ L 294,11.11.2009, p.7)
(**6**) 2003 c.33; Section 21 was amended by S.I. 2011/2499, Regulation 6
(**7**) S.R. 2009 No. 154 as amended by S.R. 2010 No. 134 and S.R. 2011 No. 169

"tariff" means the payment rate per kWhth in respect of an accredited RHI installation and per kWh in respect of biomethane injection;

"tariff end date" means the last day of the tariff lifetime;

"tariff lifetime" means

(a) in relation to an accredited RHI installation, the period for which periodic support payments are payable for that installation; or

(b) in relation to a participant who is a producer of biomethane, the period for which that person is eligible to receive periodic support payments;

"tariff start date" means the date of accreditation of an eligible installation or, in relation to a producer of biomethane, the date of registration.

(2) The Interpretation Act (Northern Ireland) 1954(**8**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Renewable heat incentive scheme

3.—(1) These Regulations establish an incentive scheme to facilitate and encourage the renewable generation of heat and make provision regarding its administration.

(2) Subject to Part 7 and regulation 24, the Department must pay participants who are owners of accredited RHI installations payments, referred to in these Regulations as "periodic support payments", for generating heat that is used in a building for any of the following purposes—

(a) heating a space;

(b) heating liquid; or

(c) for carrying out a process.

(3) Subject to Part 7, the Department must pay participants who are producers of biomethane for injection periodic support payments.

PART 2

ELIGIBILITY AND MATTERS RELATING TO ELIGIBILITY

CHAPTER 1

Eligible installations

4.—(1) A plant meets the criteria for being an eligible installation (the "eligibility criteria") if—

(a) regulation 5, 6, 7, 8, 9, 10 or 11 applies;

(b) the plant satisfies the requirements set out in regulation 12(1);

(c) regulation 15 does not apply; and

(d) the plant satisfies the requirements set out in Chapter 3.

(2) But this regulation is subject to regulation 14.

(**8**) 1954 c.33 (N.I.)

CHAPTER 2

Eligibility criteria for technologies

Eligible installations generating heat from solid biomass

5. This regulation applies if the plant complies with all of the following requirements—

(a) it generates heat from solid biomass;

(b) it has an installation capacity of less than 1,000kWth;

(c) the heat from the solid biomass is generated using equipment specifically designed and installed to use solid biomass as its only primary fuel source;

(d) in the case of a plant with an installation capacity of 45kWth or less, regulation 13 applies;

(e) it is not accredited under the NIRO as a generating station generating electricity from anaerobic digestion.

Eligible installations generating heat from solid biomass contained in municipal waste

6. This regulation applies if the plant complies with all of the following requirements—

(a) it generates heat from solid biomass contained in municipal waste;

(b) it has an installation capacity of less than 1,000kWth;

(c) it is not accredited under the NIRO as a generating station generating electricity from anaerobic digestion.

Eligible installations generating heat using solar collectors

7. This regulation applies if the plant complies with all of the following requirements—

(a) it generates heat using a solar collector;

(b) it has an installation capacity of less than 200kWth;

(c) in the case of a plant with an installation capacity of 45kWth or less, regulation 13 applies.

Eligible installations generating heat using heat pumps

8. This regulation applies if the plant is a heat pump and complies with all of the following requirements—

(a) it generates heat using naturally occurring energy stored in the form of heat from one of the following sources of energy—

(i) the ground other than naturally occurring energy located and extracted from at least 500 metres below the surface of solid earth;

(ii) surface liquid;

(b) in the case of a heat pump with an installation capacity of 45kWth or less, regulation 13 applies;

(c) it has a coefficient of performance of at least 2.9.

Eligible installations which are CHP systems

9.—(1) Subject to paragraph (2), this regulation applies if the plant is a CHP system which complies with one of the following requirements—