STATUTORY RULES OF NORTHERN IRELAND

# 2010 No. 374

# ELECTRICITY

## Electricity (Guarantees of Origin of Electricity Produced from Renewable Energy Sources) (Amendment) Regulations (Northern Ireland) 2010

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| *Made - - - -* | *10th November 2010* |
| *Coming into operation* | *5th December 2010* |

The Department of Enterprise, Trade and Investment being a Department designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to energy and energy sources, makes the following Regulations in exercise of the powers conferred by that section.

### Citation, commencement and interpretation

**1.**—(1) These Regulations may be cited as the Electricity (Guarantees of Origin of Electricity Produced from Renewable Energy Sources) (Amendment) Regulations (Northern Ireland) 2010 and shall come into operation on 5th December 2010.

(2) The Interpretation Act (Northern Ireland) 1954(**3**) shall apply to these Regulations as it applies to an Act of the Assembly.

### Amendment of Regulations

**2.** Subject to regulation 12(1), the Electricity (Guarantees of Origin of Electricity Produced from Renewable Energy Sources) Regulations (Northern Ireland) 2003(**4**) ("the 2003 Regulations") are amended by regulations 3 to 11.

### Interpretation

**3.** In regulation 2(1) of the 2003 Regulations (interpretation)—

(a) after the definition of "the Authority" insert—

(**1**) S.I. 2010/761
(**2**) 1972 c.68; section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1) and by the European Union (Amendment) Act 2008 (c.7), section 3(3) and Part I of the Schedule
(**3**) 1954 c. 33 (N.I.)
(**4**) S. R. 2003 No. 470 as amended by S.R. 2008 No. 507

""aerothermal energy" means energy stored in the form of heat in the ambient air;";

(b) for the definition of "biomass" substitute —

""biomass" means the biodegradable fraction of products, waste and residues from biological origin from agriculture (including vegetal and animal substances), forestry and related industries including fisheries and aquaculture, as well as the biodegradable fraction of industrial and municipal waste;";

(c) omit the definition of "the Company";

(d) for the definition of "the Directive" substitute—

""the Directive" means Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC(**5**)

(e) after the definition of "electricity produced from renewable energy sources" insert—

""geothermal energy" means energy stored in the form of heat beneath the surface of the solid earth;";

(f) after the definition of "guarantee sequence number" insert—

""hydrothermal energy" means energy stored in the form of heat in surface water;";

(g) omit the definition of "levy exemption certificate";

(h) omit the definition of "qualifying arrangement";

(i) for the definition of "recognise", substitute—

""recognise" in relation to a guarantee of origin means to recognise in accordance with Article 15(9) of the Directive as proof of the elements referred to in Article 15(1) and (6)(a) to (f) of the Directive;";

(j) in relation to a guarantee of origin means to recognise in accordance with Article 15(9) of the Directive as proof of the elements referred to in Article 15(1) and (6)(a) to (f) of the Directive

(k) in the definition of "registered holder" for "paragraph 2(a) of Schedule 2" substitute "paragraph 1(1) of Schedule 2";

(l) for the definition of "renewable energy sources" substitute—

""renewable energy sources" means renewable non-fossil energy sources, that is, wind, solar, aerothermal, geothermal, hydrothermal and ocean energy, hydropower, biomass, landfill gas, sewage treatment plant gas and biogases;";

(m) after the definition of "storage system" insert—

""support scheme" means any instrument, scheme or mechanism, that promotes the use of energy from renewable sources by reducing the cost of that energy, increasing the price at which it can be sold, or increasing the volume of such energy purchased;".

**Designation of the Authority**

**4.** In regulation 3 of the 2003 Regulations (designation of the Authority as the issuer of guarantees of origin), for "issued", substitute "issued, transferred, retired, cancelled and revoked".

(**5**) OJ L 140, 05.06.2009, p.16

**Request for issue of guarantees of origin**

**5.** For regulation 4(1) of the 2003 Regulations (request for issue of guarantees of origin and information required), substitute—

"(1) The Authority shall issue guarantees of origin in response to a request from a producer of electricity from renewable energy sources.".

**Issue and transfer of guarantees of origin**

**6.**—(1) In regulation 6 of the 2003 Regulations (issue and transfer of guarantees of origin)—

(a) in the heading for "Issue and transfer of guarantees of origin", substitute "Issue, transfer and retirement of guarantees of origin";

(b) in paragraph (3) for all references to "kilowatt hour" substitute "megawatt hour";

(c) in paragraph (5) for "If" substitute—

"Subject to paragraph (7), if";

(d) after paragraph (5) add—

"(6) If the registered holder of a guarantee of origin requests the Authority to retire that guarantee of origin, the Authority shall do so by amending the Register accordingly.

(7) Once a request under paragraph (6) has been made in relation to a guarantee of origin, that guarantee of origin may not be transferred but shall still be capable of being revoked.

(8) Where a guarantee of origin has been retired under paragraph (6) it shall be deemed to be cancelled—

(a) where the electricity in respect of which it was issued was generated during a period of one month, 19 months after the end of that month; or

(b) where the electricity in respect of which it was issued was generated during a period of longer than one month, 19 months after the end of the first month during which the electricity to which it relates was generated.".

**Guarantees of origin and the Register**

**7.** In regulation 7(1)(a) of the 2003 Regulations (guarantees of origin and the register), for "may" substitute "shall".

**Cancellation of guarantees of origin**

**8.** After regulation 7 of the 2003 Regulations (guarantees of origin and the register) insert—

"**Cancellation of guarantees of origin**

**7A.**—(1) Where a guarantee of origin is issued by the Authority in respect of electricity generated—

(a) during a period of longer than one month, then provided it has not been retired under regulation 6(6) that guarantee of origin shall be cancelled not more than 16 months after the end of that month; or

(b) during a period of longer than one month, then provided it has not been retired under regulation 6(6) that guarantee of origin shall be cancelled not more than 16 months after the end of the first month during which the electricity to which it relates was generated.