STATUTORY RULES OF NORTHERN IRELAND

2010 No. 134

ELECTRICITY

The Renewables Obligation (Amendment) Order (Northern Ireland) 2010

Laid before the Assembly in draft

Made - - - -	*24th March 2010*
Coming into operation	*1st April 2010*

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 with the Northern Ireland Authority for Utility Regulation, the General Consumer Council for Northern Ireland, electricity suppliers to whom this order applies, persons generating electricity from renewable sources in Northern Ireland and such other persons as it considers appropriate.

Citation and commencement

1. This Order may be cited as the Renewables Obligation (Amendment) Order (Northern Ireland) 2010 and shall come into operation on 1st April 2010.

Amendments

2. The Renewables Obligation Order (Northern Ireland) 2009(**2**) ("the 2009 Order") shall be amended in accordance with Articles 3 to 17 below.

The Renewables Obligation

3. In Article 5(3) (The renewables obligation) for "calculations A, B and C" substitute "calculations A and B".

Calculation B

4. In Article 9 (calculation B) substitute—

(**1**) S.I. 2003/419 (N.I. 6) Articles 52 to 55F were substituted for Articles 52 to 55 by S.R. 2009 No. 35.
(**2**) S.R. 2009 No. 154

"(1) Calculation B is the number of renewables obligation certificates likely to be issued in respect of renewable electricity for a particular obligation period, as estimated by the Secretary of State under Article 9(2) of the Renewables Obligation Order 2009, increased by—

(a) in relation to the obligation period ending on 31st March 2011, 8 per cent; and

(b) in relation to any other obligation period, 10 per cent.".

Calculation C

5. Omit Article 10 (calculation C).

Determining the number of renewables obligation certificates to be produced in an obligation period

6.—(1) Article 11 (determining the number of renewables obligation certificates to be produced in an obligation period) is amended as follows.

(2) In paragraph (1) for "calculations A, B and C" substitute "calculations A and B".

(3) In paragraph (2), after the words "calculation A is" insert "equal to or".

(4) In paragraph (3) at the beginning omit "Subject to paragraph (4),".

(5) Omit paragraph (4).

(6) Omit paragraph (6).

Determining the number of renewables obligation certificates to be produced by a designated electricity supplier in order to discharge his renewables obligation

7. In Article 12 (determining the number of renewables obligation certificates to be produced by a designated electricity supplier in order to discharge his renewables obligation) omit paragraph (3).

Cases and circumstances when a NIROC must not be issued

8. After Article 18 (generating stations first commissioned before 1st January 1990) insert—

"**Generating stations accredited for longer than 20 years**

18A.—(1) Subject to paragraphs (2) and (3), NIROCs are not to be issued in respect of any electricity generated—

(a) by an existing generating station, after 31st March 2027;

(b) by a new generating station, on or after the 20th anniversary of the date on which it was accredited or 31st March 2033 (whichever is the earlier).

(2) Where, at the time it generates electricity, a generating station's total installed capacity is greater than its original capacity, paragraph (1) applies only in relation to NIROCs which are to be issued in respect of electricity generated using the station's original capacity.

(3) In relation to the remainder of the electricity generated by the generating station, NIROCs are not to be issued in respect of any electricity generated on or after the 20th anniversary of the date on which, in the Authority's view, the additional capacity first formed part of the station or 31st March 2033 (whichever is the earlier).

(4) Where electricity generated by a generating station using additional capacity added at a particular time ("relevant additional capacity") is not measured separately from—

(a) electricity generated by it using additional capacity (if any) which was added to it at a different time, or

(b) electricity generated by it using its original capacity,

the electricity generated by it which is to be treated (for the purposes of paragraph (3)) as having been generated using the relevant additional capacity is the relevant percentage (the relevant percentage for these purposes being the relevant additional capacity at the date of generation of the electricity expressed as a percentage of the station's total installed capacity at that date).

(5) In this article—

"existing generating station" means a generating station which was accredited as at 25th June 2008;

"new generating station" means a generating station which was accredited after 25th June 2008;

"original capacity", in relation to a generating station, means—

(a) in the case of an existing generating station, the capacity of the station as accredited and any additional capacity which (in the Authority's view) formed part of the station by 25th June 2008;

(b) in the case of a new generating station, the capacity of the station as accredited.".

Microgenerators

9. For Article 27 (microgenerators) substitute—

"**Microgenerators**

27.—(1) This Article applies to a generating station which—

(a) is a microgenerator,

(b) has not had a declared net capacity in excess of 50 kilowatts at any time after 31st March 2009, and

(c) is not a qualifying onshore wind station or a qualifying hydro station or a qualifying solar photovoltaic station.

(2) The amount of electricity to be stated in each NIROC which is issued in respect of electricity generated by a generating station to which this Article applies is

megawatt hour.

(3) In this Article and in Articles 27A and 27B—

"qualifying hydro station" means a hydro generating station which was accredited after 31st March 2010 and has not had a declared net capacity in excess of 1 megawatt at any time after 31st March 2010;

"qualifying onshore wind station" means a generating station which—

(a) generates electricity from onshore wind,

(b) was accredited after 31st March 2010, and

(c) has not had a declared net capacity in excess of 250 kilowatts at any time after 31st March 2010;

"qualifying solar photovoltaic station", means a generating station which—

(a) generates electricity from the direct conversion of sunlight into electricity,

(b) was accredited after 31st March 2010, and

(c) has not had a declared net capacity in excess of 50 kilowatts at any time after 31st March 2010.

Qualifying onshore wind stations and qualifying solar photovoltaic stations

27A.—(1) This Article applies to a generating station which is—

(a) a qualifying onshore wind station, or

(b) a qualifying solar photovoltaic station.

(2) The amount of electricity to be stated in each NIROC which is issued in respect of electricity generated by a generating station to which this Article applies is

megawatt hour.

Qualifying hydro stations

27B.—(1) This Article applies to a generating station which is a qualifying hydro station.

(2) The amount of electricity to be stated in each NIROC which is issued in respect of electricity generated by a generating station to which this article applies is—

(a) in relation to a qualifying hydro station which has not had a declared net capacity in excess of 20 kilowatts at any time after 31st March 2010,

megawatt hour;

(b) in relation to a qualifying hydro station which has had a declared net capacity in excess of 20 kilowatts but not in excess 250 kilowatts at any time after 31st March 2010,

megawatt hour;

(c) in relation to a qualifying hydro station which has had a declared net capacity in excess of 250 kilowatts at any time after 31st March 2010, ½ megawatt hour.".

Generating Stations which were accredited as at 11th July 2006

10. In Article 28(2) of the 2009 Order (Generating Stations which were accredited as at 11th July 2006) in paragraph (2) after the words "to which this Article applies" insert "is".

Refusing to issue and revoking NIROCs

11.—(1) Article 37 (refusing to issue and revoking NIROCs) is amended as follows.

(2) In the last line of paragraph (2) for "must" substitute "may".

(3) In paragraph (4)(a) after "NIROC" insert "is accurate or".

(4) After paragraph (6) insert—

"(7) This Article is subject to Article 37A(2) to (4).".

Refusing to issue and revoking NIROCs: supplemental

12. After Article 37 (refusing to issue and revoking NIROCs) insert—

"**Where NIROCs cannot be revoked**

37A.—(1) A NIROC cannot be revoked where it has been produced to the Authority under Article 5 (the renewables obligation).

(2) Nor can a NIROC be revoked by the Authority under Article 37(2) or (4) more than six years after it has been issued.

(3) Where the Authority would have revoked a NIROC ("the original NIROC") under Article 37(2) or (4) but for the fact that it has already been produced to it under Article 5, the Authority must, subject to paragraph (4), refuse to issue a further NIROC ("the further NIROC") in respect of electricity generated by the generating station in relation to which the original NIROC was issued.

(4) The Authority shall refuse to issue the further NIROC under paragraph (3) only if the original NIROC was—

(a) issued no more than six years previously, and

(b) not issued to an electricity supplier under Article 32(2) and (3).".

Late payments to discharge the renewables obligation

13. In Article 41 (late payments to discharge the renewables obligation), after paragraph (6) insert —

"(6A) If, by the end of the late payment period, the designated electricity supplier has not paid to the Authority the amount referred to in paragraph (2) and all interest required to be paid on that amount under paragraph (3), the supplier will not have discharged its renewables obligation for the relevant period.".

Information to be provided to the Authority where electricity is generated from biomass

14. In Article 46 (information to be provided to the Authority where electricity is generated from biomass), in sub-paragraph 46(1)(a), after "from biomass" insert—

"(other than landfill gas or sewage gas)".

Revocation, transitional and savings

15. In Article 53(3)(a) (revocation, transitional and savings) for "on" substitute "or".

The 2009 Order: Schedule 1

16. In Schedule 1 (calculation of the Obligation)—

(a) delete ",10" from the heading; and

(b) for "2027" substitute "2033".

The 2009 Order: Schedules 2, 3, 4

17. In Schedule 2 (electricity to be stated in NIROCs)—

(a) In Part 1 (Interpretation), at the appropriate place insert—

""dedicated biomass with CHP" means electricity generated from regular biomass by a qualifying combined heat and power generating station in a month in which