STATUTORY RULES OF NORTHERN IRELAND

2008 No. 287

ELECTRICITY

The Guarantees of Origin of Electricity Produced from High-efficiency Cogeneration Regulations (Northern Ireland) 2008

Made - - - -	*30th June 2008*
Coming into operation	*22nd September 2008*

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 measures relating to regulation of the electricity sector, makes the following Regulations in exercise of the powers conferred upon it by that section:

Citation, commencement and extent

1. These Regulations may be cited as the Guarantees of Origin of Electricity Produced from High-efficiency Cogeneration Regulations (Northern Ireland) 2008 and shall come into operation on 22 September 2008.

Interpretation

2.—(1) For the purposes of these Regulations—

"the Cogeneration Directive" means Directive 2004/8/EC(**3**) of the European Parliament ant of the Council on the promotion of cogeneration based on a useful heat demand in the internal energy market and amending Directive 92/42.EEC(**4**);

"the competent authority" shall be construed in accordance with regulation 3(2);

"CHPQA" means the Combined Heat and Power Quality Assurance programme, see the CHPQA Standard and accompanying CHPQA guidance notes. CHPQA standard, Issue 2, November 2007 published by the Department of Environment, Food and Rural Affairs(**5**)

(**1**) S.I. 1998/745
(**2**) 1972 c. 68 (c.46)
(**3**) OJ L 52,21.2.2004, p.50.
(**4**) OJ L 167, 22.6 1992, p.17
(**5**) Published by the Department for the Environment, Food and Rural Affairs and prepared in consultation with other Government Departments, as well as the Scottish Executive, the National Assembly for Wales, and the Northern Ireland Department of Enterprise, Trade and Investment. Available from www.chpqa.com or the CHPQA Administrator: telephone 0870v190 6196 or email chpqainfo@chpqa.com

"CHPGO" means a guarantee of origin of electricity produced from high-efficiency cogeneration;

"CHPGO holder" means the person to whom the CHPGO is issued or transferred;

"guarantee of origin" means, except in relation to paragraphs (3) to (5) of regulation 10, a certificate issued by the competent authority certifying that the electricity in respect of which the certificate is issued was electricity produced from high-efficiency cogeneration; and

"high-efficiency cogeneration" means cogeneration of electricity that meets the criteria of Annex III of the Cogeneration Directive.

(2) Expressions used in these Regulations and which are also used in the Cogeneration Directive have the meaning they bear in that Directive.

(3) The Interpretation Act (Northern Ireland) 1954(**6**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Issue of CHPGOs and the competent authority

3.—(1) CHPGOs shall be issued by the competent authority in accordance with these Regulations.

(2) The Department of Enterprise, Trade and Investment is the competent authority and is so designated for the purposes of Article 5(2) of the Cogeneration Directive.

Request to issue CHPGOs

4.—(1) A producer of electricity may request a CHPGO from the competent authority.

(2) A request may not be made for a CHPGO under paragraph (1) where the electricity is produced outside Northern Ireland.

(3) A request under paragraph (1) shall not be considered duly made until the competent authority is provided with all the information specified in Schedule 1 and the statement required under paragraph (4).

(4) The person making a request under paragraph (1) shall provide with the request a statement that in respect of the electricity which is the subject of the request—

(a) he is entitled to the issue of a CHPGO under these Regulation;

(b) he has not made and does not intend to make a request for a CHPGO in respect of the same electricity in another Member State of Great Britain; and

(c) he has not made and does not intend to make another request under paragraph (1) in respect of the same electricity.

Issue and content of CHPGOs

5.—(1) Where the competent authority—

(a) Receives a request made in accordance with regulation 4(1); and

(b) Is satisfied that the electricity to which the request relates was produced from high-efficiency cogeneration; and

(c) Receives any charge payable under regulation 9;

The authority shall issue a CHPGO in respect of that electricity.

(2) A CHPGO shall be issued to the person making the request for it under Regulation 4(1) or such other person as that person may specify in the request.

(**6**) 1954 c.33 (N.I.)

(3) A CHPGO—

(a) shall contain the matters set out in Schedule 2; and

(b) may contain such other matters as the competent authority considers appropriate.

(4) Where a CHPGO has been issued in respect of any electricity and not revoked, a further CHPGO in respect of the same electricity shall not be issued by the competent authority.

Replacement CHPGOs

6.—(1) The CHPGO holder may request the competent authority to review the issue of the CHPGO and to issue a replacement CHPGO if—

(a) the CHPGO holder believes that the CHPGO is inaccurate; and

(b) the request is made in writing to the competent authority within 21 days of the issue of the CHPGO.

(2) A request under paragraph (1) shall—

(a) state the particulars of the CHPGO which the CHPGO holder believes are inaccurate, and

(b) provide all necessary information in support of that request.

(3) The competent authority shall acknowledge to the CHPGO holder the receipt of a request under paragraph (1) within seven days of receipt.

(4) The competent authority shall (on the basis of the information provided in a request under paragraph (1))—

(5) The 40 day period may be extended if so agreed by the CHPGO holder and the competent authority.

(6) If the competent authority decides—

(a) to revoke the CHPGO, it shall give notice under regulation 8(2);

(b) not to revoke the CHPGO, it shall as soon as possible given written notice to the CHPGO holder, with reasons for that decision; and

(c) to issue a replacement CHPGO, it shall do so as soon as possible.

Transfer of CHPGOs

7.—(1) If the CHPGO holder no longer operates the plant to which the CHPGO relates, he may request the competent authority to transfer the CHPGO to the person who does operate that plant.

(2) If the competent authority receives—

(a) a written request for a transfer referred to in paragraph (1);

(b) satisfactory evidence of the matters referred to in that paragraph; and

(c) any charge payable under regulation 9;

it shall effect the transfer of the CHPGO.

Revocation of CHPGOs

8.—(1) The competent authority shall revoke a CHPGO where—

(a) it decides that the CHPGO is inaccurate;

(b) it is satisfied that the information provided under regulation 4 in connection with the request for the CHPGO is incorrect in a material particular; or

(c) it is otherwise satisfied that the CHPGO should not have been issued, or was issued to the wrong person.