STATUTORY RULES OF NORTHERN IRELAND

2007 No. 440

ELECTRICITY

The Renewables Obligation (Amendment) Order (Northern Ireland) 2007

Laid before the Assembly in draft

Made - - - -	*19th October 2007*
Coming into force - -	*1st November 2007*

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 55 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) 2007 and shall come into operation on 1 November 2007.

Amendment to The Renewables Obligation Order (Northern Ireland) 2007

2. The Renewables Obligation Order (Northern Ireland) 2007(**2**) shall be amended in accordance with Articles 3 and 4.

Interpretation

3. In the definition of "the Company" in Article 2(1) for "Northern Ireland Electricity plc" there shall be substituted "NIE Energy Ltd".

(**1**) S.I. 2003/419 (N.I. 6); Articles 52 to 55 were amended by S.R. 2004 No. 524 and Article 54A was inserted by S.R. 2004 No.524; Article 54 was amended by section 120 of the Energy Act 2004 (c.20); Articles 52 to 54 were amended by S.R.2006 No.424.

(**2**) S.R. 2007 No.104

Criteria for issue of NIROCs

4.—(1) Article 16 (Criteria for issue of NIROCs) shall be amended as follows—

(2) In paragraph (1) for "(9)" there shall be substituted "(10)";

(3) In paragraph (4)(a) after the words "customers in Northern Ireland" there shall be inserted "or in the circumstances referred to in paragraph (10)";

(4) In paragraph (6), after the words "used in a permitted way" there shall be inserted ", including in the circumstances referred to in paragraph (10)";

(5) After paragraph (9) there shall be inserted—

"(10) The following are the circumstances referred to in paragraph (4)(a) and (6), that is to say —

(a) the electricity to which the declaration relates is intended to be sold by the operator or, as the case may be, by an intermediary acting on his behalf through the SEM Pool;

(b) there exists in relation to each unit of that electricity a relevant arrangement within the meaning of paragraph (11) (and no more than one such arrangement);

(c) the terms of that relevant arrangement shall be materially complied with by the parties thereto.

(11) For the purposes of paragraph (10), a relevant arrangement means an agreement between the operator of the generating station and an electricity supplier which provides that, in relation to the period to which the declaration relates, the electricity supplier—

(a) shall purchase through the SEM Pool not less than an amount of electricity specified in or determined under the agreement being an amount that shall not exceed the amount of electricity sold through the SEM Pool by the operator or, as the case may be, the intermediary in that period;

(b) shall purchase through the SEM Pool a total amount of electricity which is not less than the aggregate of:

(i) the amount of electricity specified in or determined under the agreement; and

(ii) the amount of electricity specified or determined in any other relevant arrangements to which that electricity supplier is a party in respect of that period; and

(c) shall supply to customers in Northern Ireland from the electricity purchased through the SEM Pool a total amount of electricity which is not less than the aggregate of the amounts of electricity referred to in sub-paragraphs (b)(i) and (b)(ii).

(12) In this Article—

(a) "SEM Pool" means the wholesale electricity trading and settlement arrangements established by the Trading and Settlement Code.

(b) "Trading and Settlement Code" means the Single Electricity Market Trading and Settlement Code referred to in the SEM Memorandum as that Code may be amended or replaced from time to time.

(c) "the SEM Memorandum" means the Memorandum of Understanding referred to in Article 2(3) of the Electricity (Single Wholesale Market) (Northern Ireland) Order 2007(**3**).

(**3**) S.I. 2007/913 (N.I.7)