STATUTORY RULES OF NORTHERN IRELAND

2006 No. 424

ELECTRICITY

Energy (Amendment) Order (Northern Ireland) 2006

Made - - - - 20th October 2006
To be laid before Parliament under paragraph 7(3) of the Schedule to the Northern Ireland Act 2000

Coming into operation 1st December 2006

The Department of Enterprise, Trade and Investment makes the following Order in exercise of the powers conferred on it by Article 56(1) of the Energy (Northern Ireland) Order 2003(**1**):

Citation and commencement

1. This Order may be cited as the Energy (Amendment) Order (Northern Ireland) 2006 and shall come into operation on 1 December 2006.

Amendment of the Energy (Northern Ireland) Order 2003

2. The Energy (Northern Ireland) Order 2003 shall be amended in accordance with Articles 3 to 5.

Renewables obligation: issue of green certificates

3.—(1) Article 54 (green certificates) is amended as follows.

(2) In paragraph (1), at the end before the full stop insert "or, if the order so provides, to a person of any other description specified in the order".

(3) After paragraph (1) insert —

"(1A) A certificate is to certify the matters within paragraph (2) or, if the order provides that a certificate may certify the matters within paragraph (2ZA), (2ZB), or (2ZC), the matters within that paragraph".

(4) In paragraph (2), for "A certificate under this Article is to certify" substitute "The matters within this paragraph are".

(5) In paragraph (2)(a) for "to an electricity supplier," substitute "otherwise than to the operator of a generating station,".

(6) After paragraph (2) insert —

(**1**) S.I. 2003/419 (N.I.6); *see* Article 2(2) for the definition of "the Department"

"(2ZA) The matters within this paragraph are —

(a) that two or more generating stations in Northern Ireland have, between them, generated from renewable sources the amount of electricity stated in the certificate; and

(b) that it has been supplied to customers in Northern Ireland.

(2ZB) The matters within this paragraph are —

(a) that the generating station, or, in the case of a certificate issued otherwise than to the operator of a generating station, a generating station in Northern Ireland specified in the certificate, has generated from renewable sources the amount of electricity stated in the certificate; and

(b) that the electricity has been used in a permitted way.

(2ZC) The matters within this paragraph are —

(a) that two or more generating stations in Northern Ireland have, between them, generated from renewable sources the amount of electricity stated in the certificate; and

(b) that the electricity has been used in a permitted way.

(2ZD) For the purposes of paragraphs (2ZB) and (2ZC), electricity generated by a generating station, or generating stations, of any description is used in a permitted way if —

(a) it is used in one of the ways mentioned in paragraph (2ZE); and

(b) that way is specified in the order as a permitted way —

(i) in relation to all generating stations, or

(ii) in relation to generating stations of that description.

(2ZE) Those ways are —

(a) being consumed by the operator of the generating station or generating stations by which it was generated;

(b) being provided to —

(i) a transmission system (as transmission system is used in the definition of "transmit" in Article 3 of the Electricity (Northern Ireland) Order 1992)(**2**); or

(ii) a low voltage line or electrical plant (as both are defined in Article 3 of the Electricity (Northern Ireland) Order 1992) used to convey electricity

located in Northern Ireland in circumstances in which its supply to customers in Northern Ireland cannot be demonstrated;

(c) being used, as respects part, as mentioned in paragraph (a) and, as respects the remainder, as mentioned in paragraph (b);

(d) being used, as respects part, as mentioned in paragraph (a), (b) or (c) and, as respects the remainder, by being supplied to customers in Northern Ireland."

(7) In paragraph (2A) for "(1) and (2)" substitute "(1), (2), (2ZA), (2ZB), (2ZC), and (2ZE)".

(8) In paragraph (3), after "Authority" insert "or that certifies matters within paragraph (2) or (2ZA)".

(**2**) S.I. 1992/231 (N.I.1)