Draft Regulations laid before the Assembly under Section 113 of the Energy Act 2011, for approval

DRAFT STATUTORY RULES OF NORTHERN IRELAND

2015 No. 000

ENERGY

The Renewable Heat Incentive Schemes (Amendment) Regulations (Northern Ireland) 2015

Made - - - - 2015

Coming into operation in accordance with regulation 1

The Department of Enterprise, Trade and Investment makes the following Regulations in exercise of the powers conferred on it by section 113 of the Energy Act 2011(**a**).

Citation and commencement

1. These Regulations may be cited as the Renewable Heat Incentive Schemes (Amendment) Regulations (Northern Ireland) 2015 and come into operation on the day after the day on which they are made.

Interpretation

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

Amendment of the Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2012

3. The Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2012(**c**) are amended in accordance with regulations 4 to 16.

Amendment of regulation 3 (renewable heat incentive scheme)

4. In regulation 3 in paragraph (2) for the words from "used in a building for any of the following purposes" to the end substitute—

"(a) used in a building for any of the following purposes—

(i) heating a space,

(ii) heating liquid,

(iii) carrying out a process; or

(**a**) 2011 c. 16
(**b**) 1954 c.33 (N.I.)
(**c**) SR. 2012 No. 396

(b) used otherwise than in a building for either of the following purposes carried out on a commercial basis—

(i) cleaning,

(ii) drying.".

Amendment of regulation 5 (eligible installations generating heat from solid biomass)

5. In regulation 5(b) after "1,000kWth" add "except for CHP installations".

Amendment of regulation 8 (eligible installations generating heat using heat pumps)

6. In regulation 8 (a)(ii) after "liquid" insert "or ground liquid".

Amendment of regulation 9 (eligible installations which are CHP systems)

7. In regulation 9—

(a) omit paragraph (2)(a);

(b) in paragraph (2)(b)

(i) for "is" substitute "was";

(ii) after "NIRO" insert "prior to 1st October 2015".

Amendment of regulation 16 (metering of plants in simple systems)

8. In regulation 16(1) for the "; and" at the end of sub-paragraph (b) substitute a full stop and omit sub-paragraph (c).

Changes in location of accredited RHI installations

9. After regulation 24 insert—

"Changes in location of accredited RHI installations

24A.—(1) This regulation applies where an accredited RHI installation is moved to a new location during its tariff lifetime.

(2) No periodic support payment may be made in respect of the RHI installation after the date on which it is moved to the new location until—

(a) the owner has notified the Department of the change in location; and

(b) the Department has concluded that the accredited RHI installation should continue to be accredited.

(3) On receipt of a notification under paragraph (2) the Department—

(a) may require the owner to provide such of the information specified in Schedule 1 as the Department considers necessary for the proper administration of the scheme; and

(b) must review the accreditation of the RHI installation to determine whether it continues to meet the eligibility criteria in the new location (except the requirement in regulation 12(1)(b)) and accordingly whether it should continue to be accredited.

(4) Where the Department concludes that the RHI installation should continue to be accredited it must update the central register referred to in regulation 22(6)(c) if appropriate.

(5) Where the Department concludes that the accredited RHI installation should continue to be accredited, periodic support payments calculated from the date of that decision and for the remainder of the tariff lifetime of that accredited RHI installation shall be payable.".

Amendment of regulation 36 (payment of periodic support payments to participants)

10.—(1) Regulation 36 is amended as follows.

(2) In paragraph (7) after "The tariffs" insert "for installations accredited before 18th November 2015".

(3) After paragraph 7 insert—

"(7A) The tariffs for installations accredited on or after 18th November 2015—

(a) for the period beginning with 18th November 2015 and ending with 31st March 2016, are the tariffs set out in Schedule 4; and

(b) for each subsequent year commencing with 1st April and ending with the next 31st March, are the tariffs applicable on the immediately preceding 31st March adjusted by the percentage increase or decrease in the retail prices index for the previous calendar year (the resulting figure being rounded to the nearest tenth of a penny, with any twentieth of a penny being rounded upwards).".

(4) After paragraph (8) insert—

"(9) Where an accredited RHI installation falls within the small or medium biomass tariffs as set out in Schedule 4—

(a) the tariff for the initial heat generated by the installation in any 12 month period commencing with, or with the anniversary of, the date of accreditation is the relevant tier 1 tariff specified in Schedule 4;

(b) the tariff for further heat generated in that same 12 month period up to a maximum of 400,000 kWhth is the relevant tier 2 tariff; and

(c) any further heat generated over 400,000 kWhth in the same 12 month period shall not be eligible for RHI payments.

(10) For the purposes of paragraph (9), "the initial heat" means the heat in kWh generated by an accredited RHI installation running at its installation capacity for 1,314 hours.".

Amendment of regulation 37 (periodic support payments for accredited RHI installations in simple systems

11. In regulation 37(1) for the "; and" at the end of sub-paragraph (b) substitute a full stop and omit sub-paragraph (c).

CHP systems accredited in relation to the Renewables Obligation.

12. After regulation 38 insert—

"**38A.**—(1) No periodic support payments may be made in relation to any heat generated by any capacity of a CHP system to which paragraph (2) or (3) applies.

(2) This paragraph applies to capacity which generated heat and electricity before 1st May 2013 and which—

(a) uses solid biomass or solid biomass contained in municipal waste to generate heat and electricity, and

(b) forms part of a generating station which—

(i) is accredited under the NIRO, and

(ii) is or at any time since it was so accredited, has been a qualifying combined heat and power generating station within the meaning of article 2 of the Renewables Obligation Order.

(3) This paragraph applies to capacity which first generates heat and electricity on or after 1st October 2015 and—

(a) which—

(i) uses solid biomass to generate heat and electricity;

(ii) forms part of a generating station which is accredited under the NIRO, and

(iii) is capacity in respect of which a declaration made in accordance with article 26(8) of the Renewables Obligation Order; has been made; or

(b) which—

(i) uses solid biomass contained in municipal waste to generate heat and electricity;

(ii) forms part of a generating station which is accredited under the NIRO; and

(iii) forms part of a generating station which is or at any time since it was so accredited, has been a qualifying combined heat and power generating station within the meaning of article 2 of the Renewables Obligation Order.

(4) For the purpose of this regulation, "the Renewables Obligation Order" means the Renewables Obligation Order (Northern Ireland) 2009(**a**)."

Amendment of regulation 42 (treatment of additional RHI capacity)

13. In regulation 42 in paragraph (5)(e) for "paragraph (7)" substitute "paragraphs (7) and (7A)".

Amendment of Schedule 1 (information required for accreditation and registration)

14. In Schedule 1 replace paragraph 1(1) with the following—

"(1) This Schedule specifies the information that may be required of

(a) a prospective participant in the scheme; or

(b) a participant who moves an accredited RHI installation to a new location during its tariff lifetime.".

Amendment of Schedule 3

15.—(1) In the heading to Schedule 3 after "Tariffs" insert "for installations accredited on or before 18th November 2015".

(2) After Schedule 3 insert Schedule 4 as set out in the Schedule to these Regulations.

Amendment of the Domestic Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2014

16. The Domestic Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2014(**b**) are amended in accordance with regulation 18 and 19.

(**a**) SR 2009 No. 154 as amended by SR 2013 No. 174
(**b**) SR 2014 No. 301

Amendment of regulation 2 (Interpretation)

17. In regulation 2 in the definition of "Seasonal Performance Factor" for "and will be fixed at 2.5;" substitute "and will be determined by the Department from the certification certificate for the installation but fixed at a minimum of 2.5".

Amendment of regulation 13 (Plants where heat generation must be metered)

18. In regulation 13—

(a) paragraph (9) omit "or a public tenancy.";

(b) paragraph (10) omit the definition of "public tenancy".

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on

L.S.

John Mills
A senior officer of the
Department of Enterprise, Trade and Investment

SCHEDULE

Regulation 15

"SCHEDULE 4

Regulation 36

Tariffs For Installations Accredited after 18th November 2015

Table 1

Tariff name	*Sources of energy or Technology*	*Installation capacity*	*Tariff Pence/kWh*
Small Biomass	Solid biomass including solid biomass contained in municipal solid waste.	Less than 20kWth	Tier 1: 6.7 Tier 2: 1.5
Medium Biomass	As above	20kWth and above up to but not including 200kWth	Tier 1: 6.4 Tier 2: 1.5
Large Biomass	As above	200kWth and above up to but not including 1000kWth	1.5
Combined Heat and Power	Biomass combined heat and power	New systems all sizes	3.5
		Conversion from fossil fuels all sizes	1.7
Small heat pumps	Ground source heat pump, water source heat pump, deep geothermal	Less than 20kWth	9.0
Medium heat pumps	As above	20kWth and above	4.6

		up to but not including 100kWth	
Large heat pumps	As above	100kWth and above	1.3
All Solar collectors	Solar collectors	Below 200kWth	9.1
Biomethane injection and biogas combustion	Biomethane injection and biogas combustion	All biomethane injection and biogas combustion below 200kWth	3.3”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to Northern Ireland, amend the Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2012 (the "2012 Regulations") and the Domestic Renewable Heat Incentive Scheme (Northern Ireland) 2014 (the "2014 Regulations"). The 2012 Regulations established a renewable heat incentive scheme for non-domestic and the 2014 Regulations a renewable heat incentive scheme for domestic, under which owners of plants which generate heat from specified renewable sources and meet specified criteria may receive payments at prescribed tariffs for the heat used for eligible purposes. The 2012 Regulations and 2014 Regulations confer functions on the Department in connection with matters relating to the general administration of the schemes.

Regulation 4 amends regulation 3 in the principal Regulations to extend the scheme to cleaning and drying carried on otherwise than in a building.

Under regulation 4 of the 2012 Regulations a plant meets the eligibility criteria for inclusion in the scheme under these regulations if;

(a) it is a heat pump which complies with the requirements of regulation 8;

(b) it is a CHP system which complies with the requirements of regulation 9.

Regulations 6 and 7 amend these requirements.

Regulation 8 amends regulation 16 to extend metering of plants in simple systems to CHP systems.

Regulation 9 inserts a new regulation 24A allowing accredited RHI installations to be moved to a new location.

Regulation 10 amends regulation 36 of the 2012 Regulations to introduce a tiered tariff for small and medium commercial biomass tariff, and also introduces an annual cap of 400,000kWhth for eligible heat payments.

Regulation 11 amends regulation 37 of the 2012 Regulations to expand periodic support payments for accredited RHI installations in simple systems to CHP.

Regulation 12 inserts a new regulation 38A restricting periodic support payments for CHP systems accredited in relation to the Renewables Obligation.

Regulation 13 amends regulation 42 (which makes provision for the treatment of additional RHI capacity) so that it refers to the new tariffs in Schedule 4.

Regulation 14 updates reference in Schedule 1 in the 2012 Regulations to reflect insertion of 24A.

Regulation 15 inserts Schedule 4 in the 2012 Regulations introducing a tiered tariff structure for medium biomass and a new CHP tariff from 5 October 2015.

Regulation 17 amends the definition of "Seasonal Performance Factor" used for calculating the annual heat generation of heat pumps in the 2014 Regulations.

Regulation 18 amends regulation 13 to remove the reference to "public tenancy" and its definition. Thus excludes plants on land forming part of such a tenancy from the requirements for meetings.

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