

RHI (Closure of Non-Domestic Scheme) Act (Northern Ireland) 2026

CHAPTER 5

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CONTENTS

1. Power to make regulations
2. Commencement and short title

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2026 CHAPTER 5

An Act to enable the Department for the Economy to make regulations to close the Non-Domestic RHI Scheme. [17th June 2026]

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by His Majesty as follows:

Power to make regulations

1.—(1) Subject to this section are—

(a) section 113 of the Energy Act 2011, and

(b) the Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2012.

(2) This section does not affect how section 114 of the Energy Act 2011 applies in conjunction with section 113 of that Act as operating subject to this section.

(3) Regulations may be made under section 113 to close, partially or completely, the scheme established by (and provided for in) the 2012 Regulations.

(4) Without prejudice to the foregoing generality, regulations under section 113 by virtue of this section may contain provision of any kind for or as regards partial or complete closure of the scheme.

(5) In particular, this includes provision—

(a) about—

(i) the arrangements by which partial or complete closure of the scheme is to be achieved, and

(ii) the administration and financing of such closure of the scheme, and

(b) as well as conferring functions on the Department or other persons, authorising the Department to enter into agreements with other persons as to the exercise of specific functions on the Department's behalf or in collaboration with the Department.

(6) For the avoidance of doubt—

(a) the scheme may, through use of the power in subsection (1), (5) or (6) of section 113, be altered from time to time (including by varying the sums payable under the scheme) until the scheme is completely closed, and

(b) regulations under section 113 by virtue of this section may from time to time modify, including by amending in any way or revoking to any extent—

(i) the 2012 Regulations, and

(ii) the associated regulations under that section,

in furtherance of, or in consequence of, partial or complete closure of the scheme.

(7) In the application of subsections (2) to (4) of section 113 for the purposes of this section—

(a) a reference in the first of them to payments includes, in pursuance of partial or complete closure of the scheme—

(i) one-off payments,

(ii) periodical payments, and

(iii) payments in instalments, and

(b) the reference in the first of them to calculation of payments includes, in the context of partial or complete closure of the scheme, such calculation on the basis of deemed or notional generation of heat.

(8) In the application of subsection (9) of section 113 for the purposes of this section, paragraphs (d) and (e) of that subsection are without prejudice to the operation of statutory provisions having effect generally in relation to powers to make regulations (so far as such provisions are relevant in connection with this section).

(9) This section, where referring to what may be done from time to time, is without prejudice to the operation of statutory provisions having effect generally in relation to powers to make regulations (so far as such provisions are relevant in connection with this section or section 113).

(10) Regulations under section 113 by virtue of this section may include provisions concerning things done, or facts or circumstances existing, before this section comes into operation.

(11) Regulations under section 113 by virtue of this section take the same procedure for making as regulations under that section otherwise than by virtue of this section.

(12) For the purposes of this section—

(a) partial closure of the scheme includes (any or all)—

(i) winding down the scheme,

(ii) reducing the cost or scale of the scheme,

(iii) decreasing the sums payable under the scheme,

(iv) restricting or cancelling specific aspects of the scheme, and

(v) allowing no-one else to join (or seek to join) the scheme, and

(b) complete closure of the scheme is cessation of the scheme, or of what still remains of the scheme, entirely (and in all respects).

(13) In this section—

"statutory provisions" is to be construed in accordance with section 1(f)(i) of the Interpretation Act (Northern Ireland) 1954,

"section 113" is section 113 of the Energy Act 2011,

"the 2012 Regulations" are the Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2012,

"the scheme" means the scheme established by (and provided for in) the 2012 Regulations, and

"the Department" means the Department for the Economy.

Commencement and short title

2.—(1) This Act comes into operation on the day after receiving Royal Assent.

(2) This Act may be cited as the RHI (Closure of Non-Domestic Scheme) Act (Northern Ireland) 2026.

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