

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

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DRAFT STATUTORY RULES OF NORTHERN IRELAND

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**2017 No. 000**

**ENERGY**

**The Renewable Heat Incentive Scheme  
(Amendment) Regulations (Northern Ireland) 2017**

*Made - - - - 2017*

*Coming into operation in accordance with regulation 1*

The Department for the Economy makes the following Regulations in exercise of the powers conferred on it by section 113 of the Energy Act 2011<sup>(1)</sup>.

**Citation, commencement and cessation**

1.—(1) These Regulations may be cited as the Renewable Heat Incentive Scheme (Amendment) Regulations (Northern Ireland) 2017 and shall come into operation in accordance with paragraph (2).

(2) These Regulations shall come into operation on the 1st April 2017 or the day after the European Commission gives approval that the provision made by the Regulations, to the extent that it constitutes the granting of aid to which any of the provisions of Article 107 or 108 of the Treaty on the Functioning of the European Union applies, is, or would be, compatible with the internal market, within the meaning of Article 107 of that Treaty whichever is the later.

(3) These Regulations shall cease to have effect on 31st March 2018.

**Interpretation**

2. The Interpretation Act (Northern Ireland) 1954<sup>(2)</sup> shall apply to these Regulations as it applies to an Act of the Assembly.

**Application**

3.—(1) These Regulations shall have effect in relation to periodic support payments calculated and paid after these Regulations come into operation.

(2) In paragraph (1) “periodic support payments” has the same meaning as in the Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2012<sup>(3)</sup>.

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(1) 2011 c.16  
(2) 1954 c.33 (N.I.)  
(3) SR.2012 No.396

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

4. The Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2012 are amended in accordance with regulations 5 and 6.

5.—(1) In regulation 36(3) for “paragraph (7)” substitute “paragraphs (7), (7A) and (7B)”.

(2) For regulation 36(5) substitute:—

“(5) Subject to paragraphs (6), (7), (7A) and (7B), the tariff for an accredited RHI installation is the tariff set out in Schedule 3, 3A or 4 as the case may be in relation to its source of energy or technology and installation capacity.”.

(3) In regulation 36(6) for “paragraph (5)” substitute “paragraphs (5), (7), (7A) and (7B)”.

(4) regulation 36(7) shall cease to have effect in relation to installations falling within the small or medium biomass tariffs set out in Schedule 3A and accordingly, in Schedule 3, the references to such installations shall cease to have effect.

(5) After regulation 36(7A) insert:—

“(7B) The tariffs for installations accredited before 18th November 2015 and falling within the small or medium biomass tariffs set out in Schedule 3A are the tariffs set out in the Schedule adjusted by the percentage increase or decrease in the retail prices index for the calendar year 2016 (the resulting figure being rounded to the nearest tenth of a penny, with any twentieth of a penny being rounded upwards).”.

(6) In regulation 36(8) for “paragraph (7)” substitute “paragraph (7), (7A) and (7B)”.

(7) After regulation 36(9) insert:—

“(9A) Where an accredited RHI installation falls within the small or medium biomass tariffs set out in Schedule 3A:—

- (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 (regardless of whether that date falls before or after the coming into operation of the Renewables Heat Incentive Scheme (Amendment) Regulations (Northern Ireland) 2017) is the relevant Tier 1 tariff specified in Schedule 3A;
- (b) the tariff for further heat generated in that same 12 month period up to a maximum of 400,000kWh is the relevant Tier 2 tariff specified in Schedule 3A; and
- (c) any further heat generated over 400,000kWh in the same 12 month period shall not be eligible for periodic payments.”.

(8) In regulation 36(10) for “paragraph (9)” substitute “paragraphs (9) and (9A)”.

6. After Schedule 3 there shall be inserted the Schedule set out in the Schedule to these Regulations.

Sealed with the Official Seal of the Department of the Economy on 000.



*Andrew McCormick*  
A senior officer of the  
Department for the Economy

## SCHEDULE

Regulation 6

## “SCHEDULE 3A

Regulation 36

**Table 1****Tariffs for Small Biomass and Medium Biomass Installations**

<i>Tariff name</i>	<i>Sources of energy or Technology</i>	<i>Installation capacity</i>	<i>Tariff Pence/kWh</i>
Small Biomass	Solid biomass including solid biomass contained in municipal solid waste	Less than 20kWth	Tier 1:6.8
			Tier 2:1.5
Medium Biomass	Solid biomass including solid biomass contained in municipal solid waste	20kWth and above up to but not including 200kWth	Tier 1:6.5
			Tier 2:1.5”

**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 “Principal Regulations”). The Principal Regulations established a renewable heat incentive scheme for non-domestic use, 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 Principal Regulations confer functions on the Department in connection with matters relating to the general administration of the schemes.

Regulations 5 and 6 amend regulation 36 in the Principal Regulations to introduce a tiered tariff and an annual cap of 400,000kWth for eligible heat payments for installations accredited before 18th November 2015 falling within the small or medium commercial biomass installations in Schedule 3A.

These Regulations will cease to have effect on 31st March 2018 as set out in regulation 1(3).