

**From:** [Hughes, Seamus](#)  
**To:** [McGinn, Paul](#)  
**Cc:** [Robinson, Susan](#); [Wightman, Stuart](#); [Briggs, Peter](#); [Willis, Adele](#)  
**Subject:** Renewable Heat Incentive - Draft Amendment Regulations 2016  
**Date:** 01 February 2016 16:25:15  
**Attachments:** [Letter to Paul McGinn DSO re RHI schemes Amendment Regulations 2016.DOCX](#)  
[draft RHI \(Amendment\) Regulations \(NI\) 2015 - v5 \(1-2-16\).DOC](#)  
**Importance:** High

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Paul

Please see attached letter from Stuart Wightman and draft RHI Amendment Regulations for your consideration/clearance.

Many thanks

Regards

Seamus

## **Seamus Hughes**

Energy Efficiency Branch  
Department of Enterprise, Trade & Investment  
Netherleigh  
Massey Avenue  
Belfast, BT4 2JP  
Tel: 028 9052 9532 (ext: 29532)  
TextRelay: 18001 028 9052 9532  
Web: [www.detini.gov.uk](http://www.detini.gov.uk)



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Netherleigh  
Massey Avenue  
Belfast BT4 2JP  
Tel: 028 9052 9532  
Textphone: 028 9052 9304  
Fax: 028 9052 9549  
Email: [stuart.wightman@detini.gov.uk](mailto:stuart.wightman@detini.gov.uk)

1 February 2016

Mr Paul McGinn  
Departmental Solicitors Office  
Victoria Hall  
12 May Street  
Belfast  
BT1 4NL

Dear Paul

**THERENEWABLE HEAT INCENTIVE SCHEMES (AMENDMENT) REGULATIONS  
(NORTHERN IRELAND) 2016**

Thank you for your letter of 28 January 2016 setting out your comments on proposed draft RHI amendment regulations for closure of the RHI schemes and subsequent advice of foot of our further queries. Attached please find draft regulations incorporating the advice you provided.

You are aware of the timelines around this issue and I would be grateful for your urgent consideration and clearance.

Thank you once again for all your advice and work on this to date.

Yours sincerely,



**STUART WIGHTMAN**  
Energy Efficiency Branch

cc John Mills  
Seamus Hughes

*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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**2016 No. 000**

**ENERGY**

**The Renewable Heat Incentive Schemes (Amendment)  
Regulations (Northern Ireland) 2016**

*Made* - - - - - 2016

*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) 2016 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 6.

**Suspension of the operation of the scheme**

4. After regulation 23 insert—

**“Suspension of the operation of the scheme**

23A - (1) This paragraph applies where it appears to the Department that it does not have or is not likely to have sufficient funds available to it for the purposes of meeting the total costs of—

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

(a) periodic support payments for all eligible installations accredited under Regulation 22 and all installations likely to be so accredited; and

(b) RHI payments for all plants accredited under Regulation 21 of the Domestic Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2014 and all plants likely to be so accredited.

(2) Where paragraph (1) applies, the Department may, by notice published in such a manner as it may think appropriate, suspend the operation of the scheme in relation to the making of—

- (a) applications for accreditation under Regulation 22;
- (b) applications for registration under Regulation 25; and
- (c) applications for preliminary accreditation under Regulation 26.

made after a date specified in the notice (the date of suspension) and accordingly after that date no such applications may be made or granted.

(3) Paragraph (2) does not apply to an application for accreditation for an eligible installation under regulation 22 where—

- (a) an application for preliminary accreditation was made under regulation 26 in respect of the eligible installation before the date of suspension;
- (b) that application has been granted (whatever that grant was before or after the date of suspension); and
- (c) the preliminary accreditation has not been withdrawn.

(4) In paragraph (3), the reference to an ‘application for accreditation’ does not include any application for the accreditation of additional RHI capacity under regulation 42.

(5) The Department may revoke any notice under paragraph (2) by a further notice in writing and that revocation shall have effect from such date as may be specified in that further notice.”

### **Consequential amendments**

**5.** In regulation 22 in paragraph (6) for the words “subject to regulation 23 and regulation 46(3)” substitute “subject to regulation 23, regulation 23A and regulation 46(3)”.

**6.** In regulation 25 in paragraph (4) for the words “subject to paragraphs (5) to (8)” substitute “subject to paragraphs (5) to (8) and regulation 23A”.

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

**7.** The Domestic Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2014(a) are amended in accordance with regulations 8 and 9.

### **Suspension of the operation of the domestic RHI scheme**

**8.** After regulation 55 insert—

#### **“Suspension of the operation of the domestic RHI scheme**

55A - (1) Where Regulation 23A(1) of the Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2012 applies, the Department may, by notice published in such a manner as it thinks appropriate suspend the operation of the scheme in relation to

(a) SR 2014 No. 301

applications for accreditation under Regulation 17 made after the date specified in the notice (“the date of suspension”) and accordingly, after that date no such application may be made or granted.

(2) The Department may revoke any notice under paragraph (2) by a further notice in writing and the revocations shall have effect from such date as may be specified in that further notice.”

**Consequential amendment**

9. In regulation 21 in paragraph (1) for the words “subject to regulation 22” substitute “subject to regulation 22 and regulation 55A”.

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



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

**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 the non-domestic sector and the 2014 Regulations a renewable heat incentive scheme for the domestic sector, 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.

Regulations 4 to 6 amend the 2012 Regulations by introducing a new regulation 23A.

Regulation 23A gives the Department the power to issue a notice suspending the commercial RHI scheme in relation to new applications where it appears to the Department that it does not have or is not likely to have sufficient funds available to it for the purpose of meeting the full cost of periodic support payments for all eligible RHI installations. It also gives the Department the power to revoke any such notice and resume the operation of the scheme.

Regulations 8 and 9 amend the 2014 Regulations by introducing a new regulation 22A.

Regulation 22A gives the Department the power to issue a notice suspending the domestic RHI scheme where it appears to the Department that it does not have or is not likely to have sufficient funds available to it for the purpose of meeting the full cost of RHI payments for all accredited domestic plants. It also gives the Department the power to revoke any such notice and resume the operation of the domestic RHI scheme.