

**From: Chris Stewart**

Ext: 29203

**Date: 5 February 2016**

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**To: 1. Timothy Cairns  
2. Jonathan Bell MLA**

## **APPROVAL TO LAY THE RENEWABLE HEAT INCENTIVE SCHEMES (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2016**

<b>Issue:</b>	Final clearances to schedule the 'Motion for Approval' for the draft Renewable Heat Incentive Schemes (Amendment) Regulations (Northern Ireland) 2016
<b>Timing:</b>	<b>DESK IMMEDIATE:</b> clearance needed <b><u>TODAY</u></b>
<b>Executive Committee Referral:</b>	Executive approval has been given through the Urgent Decisions procedure.
<b>PFG Implications:</b>	The PfG targets for renewable heat are 4% by 2015 and 10% by 2020.
<b>Presentational Issues:</b>	Not publicly consulting will attract criticism.
<b>Disclosure Implications:</b>	Not disclosable.
<b>Financial Implications:</b>	Potential impact on DEL of £95m over 5 years.
<b>Legislation Implications:</b>	The draft Statutory Rule requires affirmative resolution of the Assembly. The failure to conduct a policy consultation on the Regulations (or provide sufficient notice) and to secure the prior clearance of the ETI Committee may provide grounds for legal challenge.
<b>Statutory Equality Obligations:</b>	Screened out.
<b>Recommendation:</b>	That you: <ul style="list-style-type: none"><li>• sign the attached Motion for Approval form (<b>Annex A</b>) and return it to Energy Division;</li><li>• approve the draft Regulations (<b>Annex B</b>);</li><li>• approval the Explanatory Memorandum (<b>Annex C</b>) and sign the associated Regulatory Impact Assessment (<b>Annex D</b>); and</li><li>• note that the Assembly debate is provisionally planned for 15 February 2016.</li></ul>

**Background**

1. Further to my submission of 4 February 2016 you initiated the urgent decisions procedure for Executive approval. FM and DFM approval for the draft Regulations to proceed without the usual ETI Committee clearance. The draft legislation now needs to be laid before the Assembly and a 'Motion for Approval' (**Annex A**) tabled at the Business Office.
2. The draft Renewable Heat Incentive Schemes (Amendment) Regulations (Northern Ireland) 2016 will amend the Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2012 and the Domestic Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2014. These provide a mechanism by which the Department can suspend, by notice, the operation of the schemes in relation to new applications where sufficient funding for the schemes is not available. Given the current budget position, you intend that both schemes should be suspended immediately after the Regulations come into operation.
3. You have written today to the ETI Committee informing them of the intention to proceed with making the Regulations and issued a Press Release on the same.
4. The draft Regulations (**Annex B**) and Explanatory Memorandum (**Annex C**) are attached along with a copy of the Regulatory Impact Assessment (**Annex D**). The draft Regulations have been cleared by the Departmental Solicitor's Office (DSO) and will be laid at the Assembly Business Office following your clearance.

**Recommendation**

5. That you:
  - sign the attached Motion for Approval form (**Annex A**) and return it to Energy Division;
  - approve the draft Regulations (**Annex B**);
  - approval the Explanatory Memorandum (**Annex C**) and sign the associated Regulatory Impact Assessment (**Annex D**); and
  - note that the Assembly debate is provisionally planned for 15 February 2016.



**CHRIS STEWART**  
**Head of Policy Group**

cc: Andrew McCormick  
Eugene Rooney  
John Mills  
Trevor Cooper  
Stuart Wightman  
Helen Vaughan  
Rob Robson (DALO)  
Ian McCrea MLA APS  
Sean Kerr  
Press Office



**MOTION FOR APPROVAL**

To: **Assembly Business Office**

That the draft Renewable Heat Incentive Schemes (Amendment) Regulations (Northern Ireland) 2016 be approved.

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**Jonathan Bell, MLA**  
**Minister of Enterprise, Trade and Investment**