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To: [Mills, John \(DETI\)](#)
Cc: [Anderson, Gail](#)
Subject: RHI - closure
Date: 29 December 2015 10:03:38

John – we spoke a bit on the last day about the RHI and notice requirements for closure. I mentioned provision we had made on IME 3 which might be helpful on the RHI. We specified in the legislation that the requirement to consult, a pre-condition to the licence modification power being exercised, could be satisfied by consultation before the coming into operation of the legislation. I have highlighted the relevant extract below.

On the RHI, I wonder could you make similar provision regarding the requirement to give notice on the closure – include the requirement but make provision that it can be satisfied by giving notice before the coming into operation of the legislation?

I appreciate I'm not aware of the full context but happy to discuss/consider further if you think I can be of any help.

Helen

91.—(1) The Department, after consultation with the Authority, or the Authority with the consent of the Department, may by notice in writing make such modifications to the conditions of an existing electricity licence as the Department or the Authority, as the case may be, considers requisite or expedient—

(a) to ensure that any activity authorised by the licence is carried out in compliance with the relevant requirements and prohibitions laid down by the Electricity Directive; or

(b) otherwise for the purpose of the Electricity Directive.

(2) A notice under paragraph (1) may in particular—

(a) revoke or modify such conditions of; or

(b) include such new conditions in,

an existing licence as the Department or the Authority, as the case may be, considers requisite or expedient for the purposes of that paragraph.

(3) Conditions included in a licence by virtue of the power conferred by this regulation—

(a) may do any of the things authorised by Articles 11(2) to (6B) of the Electricity Order;

(b) shall, in particular, ensure that existing electricity licences comply with the requirements of Article 11A of the Electricity Order.

(4) Before making modifications under this regulation, the Department or the Authority shall consult the holders of the licences being modified and such other persons as it considers appropriate.

(5) The requirements of paragraphs (1) and (4) as to consultation may be satisfied by consultation before,

as well as by consultation after, the coming into operation of this regulation.

(6) Where the Department or the Authority makes any modifications under this regulation, it shall publish those modifications in such manner as it considers appropriate.