

**Robinson, Susan**

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**From:** Hughes, Seamus  
**Sent:** 21 August 2015 12:16  
**To:** McGinn, Paul  
**Cc:** Wightman, Stuart; Willis, Adele  
**Subject:** TRIM: RENEWABLE HEAT INCENTIVE (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2015  
**Attachments:** Second letter to Paul McGinn re edits to draft RHI amendment regulations.DOCX; The Domestic and Non domestic Renewable Heat Incentive Schemes (Amendment) Regulations (Northern Ireland) 2015.DOCX

**HP TRIM Record Number:** DF1/15/830408

Paul

Thank you for your letter of 19<sup>th</sup> August and suggested revisions to our draft RHI amendment regulations.

Please find letter attached from Stuart Wightman and a revised draft of the regulations for your further consideration.

Many thanks

Regards

Seamus

**Seamus Hughes**

Energy Efficiency Branch  
Department of Enterprise, Trade & Investment  
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21 August 2015

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

Dear Paul

### **RENEWABLE HEAT INCENTIVE SCHEME – AMENDMENT REGULATIONS 2015**

Thank you for your letter of 19<sup>th</sup> August setting out your comments on the draft RHI amendment regulations sent to you. For ease of reference I will respond in the order noted in your reply. A revised draft of the Regulations is also provided for your further consideration.

1. We agree that the title used was rather cumbersome and are content to amend along the lines of your suggestion.
2. With regard to Regulation 4, (amending Regulation 2 of the 2012 Regulations), we have inserted your suggested new paragraph, (1A), and included your other drafting changes.
3. Your suggested drafting changes in Regulations 5-7 have been incorporated but with a slight change to the wording at 5(d) allowing for cleaning or drying on a commercial basis. This allows for processing undertaken outside of the building and is the intent of the change.
4. Your amendments to Regulation 8 have been noted and incorporated. Your understanding of the “rounding up” issue is correct and suggested wording is clearer. We have included a couple of other changes here in this latest draft, one minor in that the tiering will apply both to small and medium biomass installations. We also want to include an annual cap on payments for biomass set at 400,000kWh and have included wording for your consideration at 8, (3) (9). We have also softened the wording in (11) as the preliminary approval is likely to be a letter from the Department.
5. In relation to Schedule 1 your suggested replacement wording for paragraph 1 (1) has been incorporated.

6. I note your comments about the amendment to the “seasonal performance factor” and have included some additional wording to spell out that the actual rate applied will be determined by the Microgeneration Certification Scheme,(MCS), Certificate, for the installation.

I welcome your further consideration and response in due course.

Yours sincerely,



**STUART WIGHTMAN**  
**Energy Efficiency Branch**

cc John Mills  
Seamus Hughes  
Dan Sinton

---

DRAFT STATUTORY RULES OF NORTHERN  
IRELAND

---

**2015 No. 000**

**ENERGY**

**The Domestic and Non domestic Renewable Heat Incentive  
Schemes (Amendment) Regulations (Northern Ireland) 2015**

*Laid before the Assembly in draft*

<i>Made</i>	- - - -	2015
<i>Coming into operation</i>	-	2015

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 Scheme and Domestic Heat Incentive Scheme (Amendment) Regulations (Northern Ireland) 2015 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 10.

**Amendment of regulation 2 (interpretation)**

4. In regulation 2 after paragraph (1) insert –

(1A) For the purposes of these Regulations all eligible plant in a given building providing heat forms part of a single heating system regardless of whether a particular plant is hydraulically linked to others or is stand alone;”.

**Amendment of regulation 3 (renewable heat incentive scheme)**

---

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

5. In Regulation 3(2) –

- (a) at the end of sub-paragraph (b) remove “or”;
- (b) at the end of sub-paragraph (c), for the full-stop substitute “; or” and thereafter insert –  
 “(d) for either cleaning or drying where the met use is on a commercial basis.”.

**Amendment of regulation 8 (eligible installations generating heat using heat pumps)**

- 6. In regulation 8(a)(ii) after “liquid” “;” insert “or ground liquid”.

**Changes in location of accredited RHI installations**

- 7. After regulation 24 insert –

**“Changes in location of accredited RHI installations**

**24A.**—(1) This regulation applies where an accredited RHI installation is moved to a new location during its tariff lifetime.

(2) No periodic support payment may be made in respect of the RHI installation after the date on which it is moved to the new location until—

- (a) the owner has notified the Department of the change in location; and
- (b) the Department has concluded that the accredited RHI installation should continue to be accredited.

(3) On receipt of a notification under paragraph (2) the Department —

- (a) may require the owner to provide such of the information specified in Schedule 1 as the Department considers necessary for the proper administration of the scheme; and
- (b) must review the accreditation of the RHI installation to determine whether it continues to meet the eligibility criteria in the new location (except the requirement in regulation 12(1)(b)) and accordingly whether it should continue to be accredited.

(4) Where the Department concludes that the RHI installation should continue to be accredited it must update the central register referred to in regulation 22(6)(c) if appropriate.

(5) Where the Department concludes that the accredited RHI installation should continue to be accredited, periodic support payments calculated from the date of that decision and for the remainder of the tariff lifetime of that accredited RHI installation shall be payable.”.

**Amendment of regulation 36 (payment of periodic support payments to participants)**

- 8. (1) Regulation 36 amended as follows—

(2)-paragraph (7)after “tariffs” insert “for installations accredited before 5 October 2015”;

(2) after sub-paragraph 7(b) insert -

“(7A) The tariffs for installations accredited from 5th October 2015 without preliminary approval from the Department—

- (a)for the period beginning with 5 October 2015 and ending with 31st March 2016, are the tariffs set out in Schedule 3A, ; and
- (b)for each subsequent year commencing with 1st April and ending with next following 31st March, are the tariffs applicable on the immediately preceding 31st March adjusted by the percentage increase or decrease in the retail prices index for the previous calendar year (the resulting figure being rounded to the nearest tenth of a penny, or the nearest twentieth of a penny whichever calculation produces the greatest value).

(7B) The tariffs for installations accredited from 5th October 2015 with preliminary approval by the Department-

- (a)for the period beginning with 5 October2015 and ending with 31st March 2016, are the tariffs set out in Schedule 3; and
- (b)for each subsequent year commencing with 1st April and ending with 31st March, are the tariffs applicable on the immediately preceding 31st March adjusted by the percentage increase or decrease in the retail prices index for the previous calendar year (the resulting figure being rounded to the nearest tenth of

a penny, or the nearest twentieth of a penny whichever calculation produces the greatest value).”

(3) After paragraph (8) insert -

“(9) Where an accredited RHI installation falls within the small and medium biomass tariffs as 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 is the 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 400,000 kWh is the tier 2 tariff; and

(c) Any further heat generated over 400,000 kWh in the same 12 month period shall not be eligible for RHI payments.

(10) For the purposes of paragraph (9), “the initial heat” means the heat in kWh generated by an accredited RHI installation running at its installation capacity for 1,314 hours and “further heat generated” means the heat in kWh generated by an accredited RHI installation running at its installation capacity after the initial heat period of 1,314 hours.

(11) For the purposes of paragraphs (7A) and (7B), “preliminary approval by the Department” in relation to any installations means installations that have received written preliminary approval issued by the Department confirming that an installation is at an advanced stage and therefore eligible for payments under Schedule 3.”

#### **Amendment of Schedule 1 (information required for accreditation and registration)**

9. In Schedule 1 replace paragraph 1 (1) with the following,”.

“(1) This Schedule specifies the information that may be required of

(a) a prospective participant in the scheme; or

(b) the owner of an accredited RHI installation who moves it to a new location during its tariff lifetime”

#### **Tariffs**

10. After Schedule 3 (Tariffs) insert the Schedule set out in the Schedule to these Regulations.

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

11. The Domestic Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2014a are amended in accordance with regulation 12 and 13.

#### **Amendment of regulation 2 (Interpretation)**

12. In regulation 2 in the definition of “Seasonal Performance Factor” for “and will be fixed at 2.5;” substitute “minimum of 2.5; the actual rate applied shall be determined from the microgeneration certification certificate for the installation”.

#### **Amendment of regulation 13 (Plants where heat generation must be metered)**

13. In regulation 13-

(a) paragraph (9) omit “or a public tenancy.”;

(b) paragraph (10) omit the definition of “public tenancy”.

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

## SCHEDULE 1

## “ SCHEDULE 3A - Tariffs

Regulation 36

Table 1

<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, and CHP	Less than 20kWth	Tier 1: 6.7 Tier 2: 1.5
Medium Biomass	As above	20kWth and above up to but not including 200kWth	Tier 1: 6.4 Tier 2: 1.5
Large Biomass	As above	200kWth and above up to but not including 1000kWth	1.5
Combined Heat and Power	Biomass and bioliquid combined heat and power	New systems all sizes	3.5
		Conversion from fossil fuels all sizes	1.7
Small heat pumps	Ground source heat pump, water source heat pump	Less than 20kWth	9.0
Medium heat pumps	As above	20kWth and above up to but not including 100kWth	4.6
Large heat pumps	As above	100kWth and above	1.3
All Solar collectors	Solar collectors	Below 200kWth	9.1
Biomethane and biogas combustion	Biomethane and biogas combustion	All biomethane and biogas combustion below 200kWth	3.3

“

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

Regulation 4 amends a number of the definitions in the 2012 Regulations.

Regulation 5 amends regulation 3 in the principal Regulations to extend the scheme to cleaning and drying carried on otherwise than in a building.

Regulation 6 expands the sources of energy in regulation 8.

Regulation 7 inserts a new regulation 24A allowing accredited RHI installations to be moved to a new location.

Regulation 8 amends regulation 36 of the 2012 Regulations to introduce a tiered tariff for the medium commercial biomass tariff.

Regulation 9 updates reference in Schedule 1 in the 2012 Regulations to reflect insertion of new 24A.

Regulation 10 inserts Schedule 3A in the 2012 Regulations introducing a tiered tariff structure for medium biomass and a new CHP tariff from 5 October 2015.

Regulation 12 amends the definition of "Seasonal Performance Factor" in the 2014 Regulations.

Regulation 13 amends regulation 13 to remove the reference to "public tenancy" and its definition.



**From:** [Hughes, Seamus](#)  
**To:** [McGinn, Paul](#)  
**Cc:** [Wightman, Stuart](#); [Willis, Adele](#)  
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cc John Mills  
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a penny, or the nearest twentieth of a penny whichever calculation produces the greatest value).”

(3) After paragraph (8) insert -

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13. In regulation 13-

(a) paragraph (9) omit “or a public tenancy.”;

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

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<sup>a</sup> SR 2014 No.301

John Mills

A senior officer of the

Department of Enterprise, Trade and Investment

## SCHEDULE 1

## “ SCHEDULE 3A - Tariffs

Regulation 36

Table 1

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