

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

Made - - - - 2015
 Coming into operation - 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 providing heat to a given building form 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

Comment [AM1]: Could this be easily circumvented by just locating plants externally boiler houses with a short stretch of external pipework?

Deleted: in a given building

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Comment [AM2]: Alternative suggested

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 on a commercial basis.”

Comment [AM3]: ?

Comment [AM4]: I take it from where this is inserted, they want cleaning or drying to be in building (unlike GBRHI)?

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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

Comment [AM5]: Bit confused about the use of ‘approval’ throughout this reg, see comment against para 11 below.

Comment [AM6]: ?

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.”

Comment [AM7]: Is this necessary? Sub-paras (b) seems to follow on from (a) without ambiguity.

Comment [AM8]: I can only assume ‘approval’ is being used instead of ‘accreditation’ in error as there are not regulations that allow for ‘approval’. If it’s an attempt to differentiate between Full and Prelim accreditation, rather than introducing ‘approval’ (and another cumbersome definition), this whole reg should probably just say those accredited under regulation 22 (full) and/or regulation 26 (prelim).

Also, what is ‘an advanced stage’, how is it supposed to be determined, and is it irrelevant?

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) 2014^a 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

^a 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

<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.

DRAFT STATUTORY RULES OF NORTHERN IRELAND

2015 No. 000

ENERGY

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

Comment [JJ01]: The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme

Laid before the Assembly in draft

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

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Citation and commencement

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Comment [JJ02]: Domestic Renewable Heat Incentive Scheme

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 providing heat to a given building form part of a single heating system regardless of whether a particular plant is hydraulically linked to others or is stand alone.”

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Comment [AM4]: Alternative suggested

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 on a commercial basis.”

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

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(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.

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8. (1) Regulation 36 amended as follows—

(2) ~~in~~ 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 October 2015 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

Comment [AM5]: ?

Comment [JJO6]: “for either of the following purposes carried out on a commercial basis—
(i) cleaning,
(ii) drying.”

Comment [AM7]: I take it from where this is inserted, they want cleaning or drying to be in building (unlike GBRHI)?

Deleted: where the met use is

Comment [JJO8]: on or after

Comment [AM9]: Bit confused about the use of ‘approval’ throughout this reg, see comment against para 11 below.

Comment [AM10]: ?

Comment [JJO11]: 1.03p to the nearest tenth of a penny is 1.0p, and to the nearest twentieth of a penny is 1.05p. The greatest value is therefore 1.05p. But in Regulation 7, standard mathematical rounding convention applies: “the resulting figure [is] rounded to the nearest tenth of a penny, with any twentieth of a penny being rounded upwards”, meaning that a value of 1.03p would be rounded to 1.0p.

Has the rounding method actually changed, because 7 and 7A give different results?

If the aim is to give the participant the benefit of the rounding, then something like “(the resulting figure being rounded up to the nearest tenth of a penny)” is needed.

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;

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(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.”

Comment [JJO12]: An installation cannot fit within two tariffs.

Comment [AM13]: Is this necessary? Sub-para (b) seems to follow on from (a) without ambiguity.

Comment [JJO14]: GB regs don't define further heat generated. But if needs, perhaps: "further heat generated" means the heat in kWh generated by an accredited RHI installation in excess of the initial heat"

Comment [AM15]: I can only assume 'approval' is being used instead of 'accreditation' in error, as there are not regulations that allow for 'approval'. If it's an attempt to differentiate between Full and Prelim accreditation, rather than introducing 'approval' (and another cumbersome definition), this whole reg should probably just say those accredited under regulation 22 (full) and/or regulation 26 (prelim).

Also, what is 'an advanced stage', how is it supposed to be determined, and is it irrelevant?

Comment [JJO16]: ?

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

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

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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”.

Comment [JJO17]: Check syntax of substitution.

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

13. In regulation 13-

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

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