

These Arrangements are entered into on [*date to be the date when the last to sign signs*]

BETWEEN:

- (1) The Department of Enterprise, Trade and Investment ("DETI"), whose principal address is Netherleigh, Massey Avenue, Belfast BT4 2JP; and
- (2) The Gas and Electricity Markets Authority ("GEMA"), a body corporate established under section 1 of the Utilities Act 2000, whose principal address is 9 Millbank, London, SW1P 3GE.

1. BACKGROUND AND STATUS OF THESE ARRANGEMENTS

- 1.1. Section 114 of the Energy Act 2011 provides that DETI and GEMA may enter into arrangements for GEMA to act on behalf of DETI for, or in connection with, the carrying out of any functions that may be conferred on DETI under, or for the purposes of a scheme established under section 113 of the Energy Act 2011.
- 1.2. Certain functions are conferred on DETI under the scheme established by the Renewable Heat Incentive Regulations (Northern Ireland) 2012.
- 1.3. A document dated 28th December 2012 sets out arrangements in accordance with which GEMA intends to carry out certain of those functions on behalf of DETI (the "2011 Arrangements"). Paragraph 9.1 of 2011 Arrangements provides that those arrangements may only be varied by written agreement of the parties. As part of the 2011 Arrangements, certain powers and duties conferred on DETI pursuant to those Regulations are "Retained Functions" for the purposes of those arrangements.
- 1.4. DETI and GEMA wish to change the scope of the "Retained Functions", and this document sets out arrangements which amend the 2011 Arrangements. DETI and GEMA intend that the arrangements set out in this document are accordingly to be read as being incorporated into the 2011 Arrangements.
- 1.5. These arrangements are not intended to be legally binding and no legal obligations or legal rights will arise between the parties from these arrangements. However both parties will endeavour to comply with the provisions of these arrangements. For the avoidance of doubt, nothing in these arrangements is intended to, or will be deemed to, give rise to a relationship of agent and principal between the parties or overrides or is intended to pre-empt the ability of either party to discharge any of its powers or duties that arise as a matter of law.

2. AMENDMENT OF DEFINITION OF "RETAINED FUNCTIONS" IN THE 2011 ARRANGEMENTS

3. The definition of "Retained Functions" in paragraph 2.1 of the 2011 Arrangements is amended to add, before paragraph (i) of that definition, the following paragraph:

"(ai) regulation 23(1), but only for the purposes of determining whether funds used or to be used in respect of any of the costs of purchasing or installing an eligible installation amount to a grant from public funds or the provision of other

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Restricted

public support as the result of the application of Commission Regulation (EC) No 1998/2006 of 15 December 2006 on the application of Articles 87 and 88 of the Treaty to *de minimis* aid;".

Signed by
For and on behalf of
The Department of Enterprise, Trade and Investment

Signed by
For and on behalf of
The Gas and Electricity Markets Authority