

*Draft Order laid before the Assembly under Article 66(2) of the Energy (Northern Ireland) Order 2003 for approval by resolution of the Assembly*

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DRAFT STATUTORY RULES OF NORTHERN IRELAND

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**2013 No.**

**ELECTRICITY**

**The Renewables Obligation (Amendment)  
Order (Northern Ireland) 2013**

*Made* - - - -

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*Coming into operation*

*1st May 2013*

The Department of Enterprise, Trade and Investment (“the Department”) makes the following Order in exercise of the powers conferred upon it by Articles 52 to 55F and 66(3) of the Energy (Northern Ireland) Order 2003(1) and section 2(2) of the European Communities Act 1972(2) (“the 1972 Act”) (as read with paragraph 1A of Schedule 2 to the 1972 Act(3)).

The Department is designated(4) for the purposes of section 2(2) of the 1972 Act in relation to energy and energy sources.

This Order makes provision for a purpose mentioned in section 2(2) of the 1972 Act and it appears to the Department that it is expedient for the references to Annex 5 to Directive 2009/28/EC of the European Parliament and of the Council on the promotion of the use of energy from renewable sources(5) inserted by this Order into Article 46A of the Renewables Obligation Order (Northern Ireland) 2009(6) to be construed as references to Annex 5 to the Directive as amended from time to time.

The Department has had regard to those matters stated in Article 54B(4) of the 2009 Order and has held a review by virtue of Article 54B(8) of that Order.

The Department has consulted the Northern Ireland Authority for Utility Regulation, the General Consumer Council for Northern Ireland, electricity suppliers to whom this Order applies, and such generators of electricity from renewable sources in Northern Ireland and other persons as it considered appropriate in accordance with Article 55E of that Order.

In accordance with Article 66(2) of that Order a draft of this instrument was laid before and approved by a resolution of the Assembly.

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(1) S.I. 2003/419 (N.I.6) Articles 52 to 55F were substituted by S.R. 2009 No.35  
(2) 1972 c.68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7).  
(3) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 and was amended by Article 3 of S.I. 2007/1388 and Part 1 of the Schedule to the European Union (Amendment) Act 2008.  
(4) S.I. 2010/761.  
(5) OJ L 140, 5.6.2009, p.16.  
(6) S.R. 2009 No. 154 as amended by S.R. 2011 No. 169

### **Citation, commencement, extent and interpretation**

1.—(1) This Order may be cited as the Renewables Obligation (Amendment) Order (Northern Ireland) 2013 and comes into operation on 1st May 2013.

(2) In this Order, “the 2009 Order” means the Renewables Obligation Order (Northern Ireland) 2009(7).

### **Amendments to Article 2 of the 2009 Order (interpretation)**

2.—(1) Article 2 of the 2009 Order(8) is amended as follows.

(2) In paragraph (1), after the definition of “the 2007 Order” insert—

““2013/14 capacity” means—

- (a) in relation to a generating station accredited on or before 30th April 2013, any capacity which—
  - (i) in the Authority’s view, forms part of the station from a date no earlier than 1st May 2013 and no later than 31st March 2014, and
  - (ii) does not form part of the capacity of the station as accredited;
- (b) in relation to a generating station which is registered under Article 50A as a grace period generating station, any capacity which—
  - (i) in the Authority’s view, forms part of the station from a date no later than 31st March 2014, and
  - (ii) does not form part of the capacity of the station as accredited;
- (c) in relation to a generating station which—
  - (i) was not accredited on or before 30th April 2013,
  - (ii) was accredited on or before 31st March 2014, and
  - (iii) is not registered under Article 50A as a grace period generating station,the capacity of the station as accredited, together with any additional capacity which, in the Authority’s view, forms part of the station from a date no later than 31st March 2014;

“2013/15 capacity” means any capacity which is—

- (a) 2013/14 capacity, or
- (b) 2014/15 capacity;

“2014/15 capacity” means—

- (a) in relation to a generating station accredited on or before 31st March 2014, any capacity which—
  - (i) in the Authority’s view, forms part of the station from a date no earlier than 1st April 2014 and no later than 31st March 2015, and
  - (ii) does not form part of the capacity of the station as accredited;
- (b) in relation to a generating station which—
  - (i) was not accredited on or before 31st March 2014, and
  - (ii) was accredited on or before 31st March 2015,

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(7) S.R. 2009 No. 154 as amended by S.R. 2010 No. 134 and S. R. 2011 No. 169

(8) Article 2 was amended by Article 3 of S.R. 2011 No. 169

the capacity of the station as accredited, together with any additional capacity which, in the Authority's view, forms part of the station from a date no later than 31st March 2015; "2015/16 capacity" means—

- (a) in relation to a generating station accredited on or before 31st March 2015, any capacity which—
  - (i) in the Authority's view, forms part of the station from a date no earlier than 1st April 2015 and no later than 31st March 2016, and
  - (ii) does not form part of the capacity of the station as accredited;
- (b) in relation to a generating station which
  - (i) was not accredited on or before 31st March 2015, and
  - (ii) was accredited on or before 31st March 2016,the capacity of the station as accredited, together with any additional capacity which, in the Authority's view, forms part of the station from a date no later than 31st March 2016;".

(3) In paragraph (1), after the definition of "accreditation" insert—

""advanced fuel" means a liquid or gaseous fuel which is produced directly or indirectly from the gasification or the pyrolysis of—

- (a) waste, or
- (b) biomass;".

(4) In paragraph (1), after the definition of "combined heat and power generating station" insert—

""combustion unit" means a boiler, turbine or engine;".

(5) In paragraph (1), for the definition of "energy crops" substitute—

""energy crops" means—

- (a) a perennial crop planted at high density, the stems of which are harvested above ground level at intervals of less than twenty years and which is one of the following—
  - (i) *Acer pseudoplatanus* (also known as sycamore);
  - (ii) *Alnus* (also known as alder);
  - (iii) *Betula* (also known as birch);
  - (iv) *Castanea sativa* (also known as sweet chestnut);
  - (v) *Corylus avellana* (also known as hazel);
  - (vi) *Fraxinus excelsior* (also known as ash);
  - (vii) *Populus* (also known as poplar);
  - (viii) *Salix* (also known as willow);
  - (ix) *Tilia cordata* (also known as small-leaved lime); or
- (b) a perennial crop which is one of the following—
  - (i) *Arundo donax* (also known as giant reed);
  - (ii) *Bambuseae*, where the crop was planted after 31st December 1989 and is grown primarily for the purpose of being used as fuel;
  - (iii) *Miscanthus*;
  - (iv) *Panicum*;

- (v) Pennisetum (other than Pennisetum setaceum (also known as fountain grass), Pennisetum clandestinum (also known as kikuyu grass) and Pennisetum villosum (also known as feathertop grass));
  - (vi) Phalaris;”.
- (6) In paragraph (1), after the definition of “plant” insert—
- ““post-2016 capacity” means—
- (a) in relation to a generating station accredited on or before 31st March 2016, any capacity which—
    - (i) in the Authority’s view, forms part of the station from a date no earlier than 1st April 2016, and
    - (ii) does not form part of the capacity of the station as accredited;
  - (b) in relation to a generating station which—
    - (i) is accredited, and
    - (ii) was not accredited on or before 31st March 2016,
 the capacity of the station as accredited, together with any additional capacity which, in the Authority’s view, forms part of the station;
- “pre-2013 capacity” means—
- (a) in relation to a generating station accredited on or before 30th April 2013, the capacity of the station as accredited, together with any additional capacity, which in the Authority’s view, forms part of the station from a date no later than 30th April 2013;
  - (b) in relation to a generating station which is registered under Article 50A as a grace period generating station, the capacity of the station as accredited;”.
- (7) In paragraph (1), after the definition of “qualifying power output” insert—
- ““qualifying proportion”, in relation to electricity generated by a qualifying combined heat and power generating station, is the proportion which the qualifying power output of the station bears to its total power output;”.
- (8) In paragraph (1), in the definition of “regular biomass”—
- (a) in sub-paragraph (d) omit “gasification or pyrolysis;” and
  - (b) after sub-paragraph (d) insert—
    - “(e) advanced fuel;”.
- (9) In paragraph (1), for the definition of “Renewables Directive” substitute—
- ““Renewables Directive” means Directive [2009/28/EC](#) of the European Parliament and of the Council on the promotion of the use of energy from renewable sources, and in Article 46A and Schedules A1 and 3A references to Annex 5 to the Directive are to be construed as references to Annex 5 to the Directive as amended from time to time;”.
- (10) In paragraph (1), in the definition of “total installed capacity” after sub-paragraph (b) insert—
- “(c) in relation to a type of generating capacity forming part of a generating station, the maximum capacity at which that generating capacity could be operated for a sustained period without causing damage to it (assuming the source of power used by it to generate electricity was available to it without interruption);”.
- (11) After paragraph (6) insert—
- “(7) Any reference in this Order to a “type of generating capacity” is a reference to one of the following—

- (a) pre-2013 capacity;
- (b) 2013/14 capacity;
- (c) 2014/15 capacity;
- (d) 2015/16 capacity;
- (e) post-2016 capacity.”.

**Amendment to Article 4 (biomass and fuels which are to be treated as biomass)**

3. For Article 4(1) of the 2009 Order substitute—

“(1) In this Order, “biomass” means fuel which—

- (a) falls within paragraph (1A),
- (b) falls within paragraph (1B), or
- (c) is a fossil derived bioliquid.

(1A) Fuel falls within this paragraph if—

- (a) at least 90% of its energy content is derived from relevant material (that is to say, material which is, or is derived directly or indirectly from, plant matter, animal matter, fungi or algae), and
- (b) any fossil fuel forming part of the fuel is present following a process—
  - (i) to which the relevant material has been subject, and
  - (ii) the undertaking of which has caused the fossil fuel to be present in, on or with that material even though that was not the object of the process.

(1B) Fuel falls within this paragraph if—

- (a) at least 90% of its energy content is derived from relevant material (that is to say, material which is, or is derived directly or indirectly from, plant matter, animal matter, fungi or algae),
- (b) it is waste, and
- (c) any fossil fuel forming part of it was not added to it with a view to the fossil fuel being used as a fuel.”.

**Amendments to Article 13 (further provision in relation to the production of renewables obligation certificates)**

4.—(1) Article 13 of the 2009 Order is amended as follows.

(2) For paragraphs (3) to (6) substitute—

“(3) Subject to paragraph (4), no more than 4% of a designated electricity supplier’s renewables obligation may be satisfied by the production of renewables obligation certificates issued in respect of electricity generated from bioliquid.

(4) The limit set out in paragraph (3) does not apply to the production of renewables obligation certificates issued in respect of electricity—

- (a) generated by a generating station to which Article 27 applies,
- (b) generated by a qualifying combined heat and power generating station which has, as at the date of generation of the electricity, a total installed capacity of less than 1 megawatt,
- (c) generated from advanced fuel,
- (d) generated in the way described as “energy from waste with CHP” in Schedule 2, or

(e) generated before 1st May 2013.”.

(3) Omit paragraph (8).

**Amendment to Article 15 (when electricity is to be regarded as supplied to customers in Northern Ireland)**

5. In Article 15 of the 2009 Order, for “Article 34 (6)” substitute “Article 34 (9)”.

**Amendments to Article 18A (generating stations accredited for longer than 20 years)**

6.—(1) Article 18A of the 2009 Order is amended as follows.

(2) In paragraph (1)(b) for “31st March 2033” substitute “31st March 2037”.

(3) In paragraph (3) for “31st March 2033” substitute “31st March 2037”.

**Amendments to Article 21 (circumstances in which no NIROCs are to be issued in respect of electricity generated from renewable sources)**

7.—(1) Article 21 of the 2009 Order<sup>(9)</sup> is amended as follows.

(2) In paragraph (1) omit each reference to “or fossil derived bioliquid”.

(3) In paragraph (3)(a)(iv) omit “or”.

(4) In paragraph (3)(a)(v) omit “and”.

(5) After paragraph (3)(a)(v) insert—

“(vi) corrosion control; or

(vii) fouling reduction, and”.

**Amendment to Article 22 (NIROCs to be issued by Authority in respect of a generating station’s renewable output)**

8. After paragraph (3)(a) of Article 22 of the 2009 order insert—

“(aa) deduct from that station’s or those stations’ renewable output any electricity which is generated from landfill gas other than electricity—

(i) to be deducted by virtue of sub-paragraph (b)

(ii) generated by a generating station to which Article 27 applies,

(iii) generated using pre-2013 capacity or 2013/15 capacity,

(iv) generated in the way described as “closed landfill gas” in Schedule 2, or

(v) generated using the heat from a turbine or engine;”.

**Renumber Article 22A (circumstances in which no NIROCs are to be issued in respect of electricity generated from bioliquid) as Article 21A**

9. Article 22A of the 2009 Order is renumbered to be Article 21A.

**Renumber Article 22B (common agricultural requirements) as Article 21B**

10. Article 22B of the 2009 Order is renumbered to be Article 21B.

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(9) Article 22 was amended by Article 9 of [S.I. 2011/984](#).

**Amendments to Article 23 (calculating a generating station’s renewable output)**

11.—(1) Article 23 of the 2009 Order is amended as follows.

(2) In paragraph (2)(a)(ii)(aa), for “sub-paragraphs (bb) to (dd)” substitute “sub-paragraph (bb) or (dd)”.

(3) Omit paragraph (2)(a)(ii)(cc).

(4) For paragraphs (3) to (5) substitute—

“(3) Paragraphs (4) to (4E) apply for the purposes of Article 22 and Part 6.

(4) In any month where the renewable output of the station is generated in a single way the proportion of the station’s renewable output in that month which is generated using—

(a) pre-2013 capacity is  $\frac{P}{N}$  ;

(b) 2013/14 capacity is  $\frac{Q}{N}$  ;

(c) 2014/15 capacity is  $\frac{R}{N}$  ;

(d) 2015/16 capacity is  $\frac{S}{N}$  ;

(e) post-2016 capacity is  $\frac{T}{N}$  .

(4A) In any month where pre-2013 capacity forms all or part of the total installed capacity of a generating station and the renewable output of the station is generated in two or more ways the proportion of the station’s renewable output in that month which is generated in each of those ways using pre-2013 capacity—

(a) in the case of renewable output generated in the way described as “landfill gas heat recovery” in Schedule 2, is;  $\frac{M}{N} \times \frac{P}{N}$  ;

(b) in the case of renewable output generated using mixed gas in the way described as “AD” in Schedule 2, is;  $\frac{H}{I} \times \frac{J}{L} \times \frac{P}{N}$  ;

(c) in the case of renewable output generated using mixed gas in the way described as “electricity generated from sewage gas” in Schedule 2 is;  $\frac{H}{I} \times \frac{K}{L} \times \frac{P}{N}$  ;

(d) in the case of renewable output generated in a way not falling within sub-paragraph (a), (b) or (c), is  $\frac{F}{G} \times \frac{P}{N}$  .

(4B) In any month where 2013/14 capacity forms all or part of the total installed capacity of a generating station and the renewable output of the station is generated in two or more ways, the proportion of this station’s renewable output in that month which is generated in each of these ways using 2013/14 capacity—

- (a) in the case of renewable output generated in the way described as “landfill gas

heat recovery” in Schedule 2, is 
$$\frac{M}{N} \times \frac{Q}{N};$$

- (b) in the case of renewable output generated using mixed gas in the way described

as “AD” in Schedule 2, is 
$$\frac{H}{I} \times \frac{J}{L} \times \frac{Q}{N};$$

- (c) in the case of renewable output generated using mixed gas in the way described as

“electricity generated from sewage gas” in Schedule 2, is 
$$\frac{H}{I} \times \frac{K}{L} \times \frac{Q}{N};$$

- (d) in the case of renewable output generated in a way not falling within sub-

paragraph (a), (b) or (c), is 
$$\frac{F}{G} \times \frac{Q}{N}.$$

(4C) In any month where 2014/15 capacity forms all or part of the total installed capacity of a generating station and the renewable output of the station is generated in two or more ways; the proportion of the station’s renewable output in that month which is generated in each of those ways using 2014/15 capacity—

- (a) in the case of renewable output generated in the way described as “landfill gas

heat recovery” in Schedule 2, is 
$$\frac{M}{N} \times \frac{R}{N};$$

- (b) in the case of renewable output generated using mixed gas in the way described

as “AD” in Schedule 2, is 
$$\frac{H}{I} \times \frac{J}{L} \times \frac{R}{N};$$

- (c) in the case of renewable output generated using mixed gas in the way described as

“electricity generated from sewage gas” in Schedule 2, is 
$$\frac{H}{I} \times \frac{K}{L} \times \frac{R}{N};$$

- (d) in the case of renewable output generated in a way not falling within sub-

paragraph (a), (b) or (c), is 
$$\frac{F}{G} \times \frac{R}{N}.$$

(4D) In any month where 2015/16 capacity forms all or part of the total installed capacity of a generating station and the renewable output of the station is generated in two or more ways the proportion of the station’s renewable output in that month which is generated in each of those ways using 2015/16 capacity—

- (a) in the case of renewable output generated in the way described as “landfill gas

heat recovery” in Schedule 2, is 
$$\frac{M}{N} \times \frac{S}{N};$$

- (b) in the case of renewable output generated using mixed gas in the way described

as “AD” in Schedule 2, is 
$$\frac{H}{I} \times \frac{J}{L} \times \frac{S}{N};$$



- (c) in the case of renewable output generated using mixed gas in the way described as

$$\frac{H}{I} \times \frac{K}{L} \times \frac{S}{N};$$

“electricity generated from sewage gas” in Schedule 2, is

- (d) in the case of renewable output generated in a way not falling within sub-

$$\frac{F}{G} \times \frac{S}{N}.$$

paragraph (a), (b) or (c), is

(4E) In any month where post-2016 capacity forms all or part of the total installed capacity of a generating station and the renewable output of the station is generated in two or more ways, the proportion of the station’s renewable output in that month which is generated in each of those ways using post-2016 capacity—

- (a) in the case of renewable output generated in the way described as “landfill gas

$$\frac{M}{N} \times \frac{T}{N};$$

heat recovery” in Schedule 2, is

- (b) in the case of renewable output generated using mixed gas in the way described

$$\frac{H}{I} \times \frac{J}{L} \times \frac{T}{N};$$

as “AD” in Schedule 2, is

- (c) in the case of renewable output generated using mixed gas in the way described as

$$\frac{H}{I} \times \frac{K}{L} \times \frac{T}{N};$$

“electricity generated from sewage gas” in Schedule 2, is

- (d) in the case of renewable output generated in a way not falling within sub-

$$\frac{F}{G} \times \frac{T}{N}.$$

paragraph (a), (b) or (c), is

- (5) In paragraphs (4) to (4E)—

- (a) F is the energy content of the renewable sources used when generating electricity in that way during that month less the energy content of—

- (i) any fossil fuel from which those renewable sources are in part composed (other than fossil fuel from which a fuel the energy content of which is deducted by virtue of paragraph (ii) or (iii) is in part composed);
- (ii) any of those renewable sources which is Solid Recovered Fuel (other than Solid Recovered Fuel which constitutes biomass);
- (iii) except in the case of an excepted generating station, any of those renewable sources which is a gaseous fuel produced by means of gasification or pyrolysis and which has a gross calorific value when measured at 25 degrees Celsius and 0.1 megapascals at the inlet to the station of less than 2 megajoules per metre cubed;

- (b) G is the energy content of all of the renewable sources used in generating the station’s gross output during that month less the energy content of—

- (i) any fossil fuel from which those renewable sources are in part composed (other than fossil fuel from which a fuel the energy content of which is deducted by virtue of paragraph (ii) or (iii) is in part composed);
- (ii) any of those renewable sources which is a Solid Recovered Fuel (other than Solid Recovered Fuel which constitutes biomass);

- (iii) except in the case of an excepted generating station, any of those renewable sources which is a gaseous fuel produced by means of gasification or pyrolysis and which has a gross calorific value when measured at 25 degrees Celsius and 0.1 megapascals at the inlet to the station of less than 2 megajoules per metre cubed;
  - (c) H is the energy content of the mixed gas used when generating the station's renewable output during that month;
  - (d) I is the energy content of all of the renewable sources used in generating the station's renewable output during that month;
  - (e) J is the dry mass of—
    - (i) any waste which constitutes a renewable source (other than sewage), and
    - (ii) any biomass (other than sewage),
 from which the mixed gas used in generating the station's renewable output during that month is formed, less the dry mass of any digestible fossil fuel from which that waste or biomass is in part composed;
  - (f) K is the dry mass of the sewage from which the mixed gas used in generating the station's renewable output during that month is formed;
  - (g) L is the dry mass of all of the material from which the mixed gas used in generating the station's renewable output during that month is formed, less the dry mass of any digestible fossil fuel from which that material is in part composed;
  - (h) M is the maximum capacity in that month at which the station could generate electricity in that way for a sustained period without causing damage to the station (assuming the heat used by the station to generate electricity was available to it without interruption);
  - (i) N is the total installed capacity of the station in that month;
  - (j) P is the total installed capacity of the pre-2013 capacity of the station in that month;
  - (k) Q is the total installed capacity of the 2013/14 capacity of the station in that month;
  - (l) R is the total installed capacity of the 2014/15 capacity of the station in that month;
  - (m) S is the total installed capacity of the 2015/16 capacity of the station in that month;
  - (n) T is the total installed capacity of the post-2016 capacity of the station in that month.”.
- (5) After paragraph (6) insert—
- “(7) Any reference in this Article to a way of generating renewable output is a reference to—
- (a) one of the ways of generating electricity described in Schedule 2,
  - (b) generating electricity in the way described in Article 26D(1)(c),
  - (c) generating electricity in the way described in Article 26E(1)(c),
  - (d) generating electricity from renewable sources in a way not falling within sub-paragraph (a), (b) or (c).”.

**Amendments to Article 24 (renewable output of a qualifying combined heat and power generating station)**

12.—(1) Article 24 of the 2009 Order is amended as follows.

- (2) In paragraph (1)—
  - (a) after “permitted ancillary purposes” insert “or is an advanced fuel”; and
  - (b) omit “gasification, pyrolysis or”.
- (3) In paragraph (2), in the paragraph (ii) that is to be substituted for Article 23(2)(a)(ii) of the 2009 Order—
  - (a) in sub-paragraph (aa), for “by virtue of sub-paragraph (bb) or (cc)” substitute “by virtue of sub-paragraph (cc)”; and
  - (b) omit sub-paragraph (bb).
- (4) For paragraph (3) substitute—
  - “(3) For paragraphs (5)(a) and (5)(b) of that Article, substitute—
    - “(a) F is the energy content of the renewable sources used when generating electricity in that way during that month less the energy content of—
      - (i) any fossil fuel from which those renewable sources are in part composed (other than fossil fuel from which a fuel the energy content of which is deducted by virtue of paragraph (ii) is in part composed);
      - (ii) except in the case of an excepted generating station, any of those renewable sources which is a gaseous fuel produced by means of gasification or pyrolysis and which has a gross calorific value when measured at 25 degrees Celsius and 0.1 megapascals at the inlet to the station of less than 2 megajoules per metre cubed;
    - (b) G is the energy content of all of the renewable sources used in generating the station’s gross output during that month less the energy content of—
      - (i) any fossil fuel from which those renewable sources are in part composed (other than fossil fuel from which a fuel the energy content of which is deducted by virtue of paragraph (ii) is in part composed);
      - (ii) except in the case of an excepted generating station, any of those renewable sources which is a gaseous fuel produced by means of gasification or pyrolysis and which has a gross calorific value when measured at 25 degrees Celsius and 0.1 megapascals at the inlet to the station of less than 2 megajoules per metre cubed;”.
- (5) Omit paragraph (4).

**Amendment to Article 25 (the amount of electricity to be stated in each NIROC)**

- 13.** In Article 25 of the 2009 Order, for paragraphs (2) to (5) substitute—
- “(2) The amount of electricity to be stated in each NIROC depends on—
    - (a) the way in which the electricity in respect of which it is to be issued has been generated, and
    - (b) the type of generating capacity used to generate the electricity in respect of which the NIROC is to be issued.
  - (3) Subject to Articles 26 to 30, the amount of electricity to be stated in each NIROC is to be determined in accordance with paragraphs (4) to (10).
  - (4) Each NIROC to be issued in respect of electricity generated—
    - (a) using pre-2013 capacity, and
    - (b) in a way described in the first column of Part 2 of Schedule 2,

must state the amount of electricity which corresponds to that description in the second column of that Part of that Schedule.

(5) Each NIROC to be issued in respect of electricity generated—

- (a) using 2013/14 capacity, and
- (b) in a way described in the first column of Part 2A of Schedule 2,

must state the amount of electricity which corresponds to that description in the second column of that Part of that Schedule.

(6) Each NIROC to be issued in respect of electricity generated—

- (a) using 2014/15 capacity, and
- (b) in a way described in the first column of Part 2A of Schedule 2,

must state the amount of electricity which corresponds to that description in the third column of that Part of that Schedule.

(7) Each NIROC to be issued in respect of electricity generated—

- (a) using 2015/16 capacity, and
- (b) in a way described in the first column of Part 2B of Schedule 2,

must state the amount of electricity which corresponds to that description in the second column of that Part of that Schedule.

(8) Each NIROC to be issued in respect of electricity generated—

- (a) using post-2016 capacity, and
- (b) in a way described in the first column of Part 2B of Schedule 2,

must state the amount of electricity which corresponds to that description in the third column of that Part of that Schedule.

(9) The amount of electricity to be stated in each NIROC to be issued in respect of electricity generated—

- (a) using pre-2013 capacity, and
- (b) in a way which is not described in the first column of Part 2 of Schedule 2,

is 1 megawatt hour.

(10) The amount of electricity to be stated in each NIROC to be issued in respect of electricity generated—

- (a) using 2013/14 capacity, 2014/15 capacity, 2015/16 capacity or post-2016 capacity, and
- (b) in a way which is not described in the first column of Part 2A or Part 2B of Schedule 2,

is 1 megawatt hour.”.

### **Substitution of Article 26 (qualifying combined heat and power generating stations)**

14. For Article 26 of the 2009 Order substitute—

#### **“Electricity generated by qualifying combined heat and power generating stations**

26.—(1) This Article applies to electricity—

- (a) which is generated by a qualifying combined heat and power generating station in a way described in the first column of Part 2C of Schedule 2,

- (b) to which none of Articles 26A to 26E apply, and
  - (c) which is generated by a generating station to which Article 27 does not apply.
- (2) Subject to paragraphs (3) to (7), the amount of electricity to be stated in each NIROC issued in respect of electricity to which this Article applies is to be determined in accordance with Article 25(4) to (8).
- (3) Where electricity to which this Article applies is generated using pre-2013 capacity, the amount of electricity to be stated in each NIROC is—
- (a) in respect of the qualifying proportion of that electricity, the amount of electricity in the second column of Part 2C of Schedule 2 which corresponds to the description of the way in which the electricity is generated in the first column of that Part of that Schedule; and
  - (b) in respect of the remainder of that electricity, the amount of electricity in the third column of Part 2C of Schedule 2 which corresponds to the description of the way in which the electricity is generated in the first column of that Part of that Schedule.
- (4) Where a declaration has been made in accordance with paragraph (8) in respect of the 2013/15 capacity of a station, and electricity to which this Article applies is generated by that station using 2013/15 capacity, the amount of electricity to be stated in each NIROC is—
- (a) in respect of the qualifying proportion of that electricity, the amount of electricity in the second column of Part 2C of Schedule 2 which corresponds to the description of the way in which the electricity is generated in the first column of that Part of that Schedule; and
  - (b) in respect of the remainder of that electricity, the amount of electricity in the third column of Part 2C of Schedule 2 which corresponds to the description of the way in which the electricity is generated in the first column of that Part of that Schedule.
- (5) Where a declaration has been made in accordance with paragraph (8) in respect of the summer 2015/16 capacity of a station, and electricity to which this Article applies is generated by that station using summer 2015/16 capacity, the amount of electricity to be stated in each NIROC is—
- (a) in respect of the qualifying proportion of that electricity, the amount of electricity in the second column of Part 2D of Schedule 2 which corresponds to the description of the way in which the electricity is generated in the first column of that Part of that Schedule; and
  - (b) in respect of the remainder of that electricity, the amount of electricity in the third column of Part 2D of Schedule 2 which corresponds to the description of the way in which the electricity is generated in the first column of that Part of that Schedule.
- (6) Where a declaration has been made in accordance with paragraph (8) in respect of the winter 2015/16 capacity of a station, and electricity to which this Article applies is generated by that station using winter 2015/16 capacity, the amount of electricity to be stated in each NIROC is—
- (a) in respect of the qualifying proportion of that electricity, the amount of electricity in the second column of Part 2D of Schedule 2 which corresponds to the description of the way in which the electricity is generated in the first column of that Part of that Schedule; and
  - (b) in respect of the remainder of that electricity, the amount of electricity in the third column of Part 2D of Schedule 2 which corresponds to the description of the

way in which the electricity is generated in the first column of that Part of that Schedule.

(7) Where a declaration has been made in accordance with paragraph (8) in respect of the post-2016 capacity of a station, and electricity to which this Article applies is generated by that station using post-2016 capacity, the amount of electricity to be stated in each NIROC is—

- (a) in respect of the qualifying proportion of that electricity, the amount of electricity in the second column of Part 2E of Schedule 2 which corresponds to the description of the way in which the electricity is generated in the first column of that Part of that Schedule; and
- (b) in respect of the remainder of that electricity, the amount of electricity in the third column of Part 2E of Schedule 2 which corresponds to the description of the way in which the electricity is generated in the first column of that Part of that Schedule.

(8) A declaration is made in accordance with this paragraph if it meets the following conditions—

- (a) it is made by the operator of the generating station to the Authority in writing,
- (b) it is made in respect of the 2013/15 capacity, summer 2015/16 capacity, winter 2015/16 capacity or post-2016 capacity of the station,
- (c) in the case of a declaration made in respect of the 2013/15 capacity of the station, it confirms that—
  - (i) 2013/15 capacity forms part of the total installed capacity of the station, and
  - (ii) support has not been given under any relevant scheme for heat produced by the use of that generating capacity,
- (d) in the case of a declaration made in respect of the 2015/16 capacity of the station, it confirms that—
  - (i) summer 2015/16 capacity forms part of the total installed capacity of the station, and
  - (ii) support has not been given under any relevant scheme for heat produced by the use of that generating capacity,
- (e) in the case of a declaration made in respect of the winter 2015/16 capacity of the station, it confirms that—
  - (i) winter 2015/16 capacity forms part of the total installed capacity of the station, and
  - (ii) none of the heat produced by the use of the winter 2015/16 capacity is eligible for support under a relevant scheme for reasons that include one or both of the following—
    - (aa) the way in which the station generates electricity;
    - (bb) the biomass, bioliquid or energy crops used by the station to generate electricity.
- (f) in the case of a declaration made in respect of the post-2016 capacity of the station, it confirms that—
  - (i) post-2016 capacity forms part of the total installed capacity of the station, and

- (ii) none of the heat produced by the use of the post-2016 capacity is eligible for support under a relevant scheme for reasons that include one or both of the following —
  - (aa) the way in which the station generates electricity;
  - (bb) the biomass, bioliquid or energy crops used by the station to generate electricity, and
- (g) it states that, for so long as the station generates electricity in respect of which NIROCs may be issued, the operator of the station will not claim support under any relevant scheme for heat produced by the station using the type of generating capacity in respect of which the declaration is made.
- (9) 9) In this Article, ‘2015/16 capacity’ means any capacity which is—
  - (a) summer 2015/16 capacity, or
  - (b) winter 2015/16 capacity;
- (10) 10) In this Article, “summer 2015/16 capacity” means—
  - (a) in relation to a generating station accredited on or before 31st March 2015, any capacity which—
    - (i) in the Authority’s view, forms part of the station from a date no earlier than 1st April 2015 and no later than 30th September 2015,
    - (ii) does not form part of the capacity of the station as accredited;
  - (b) in relation to a generating station which—
    - (i) was not accredited on or before 31st March 2015, and
    - (ii) was accredited on or before 30th September 2015,the capacity of the station as accredited together with any additional capacity which, in the Authority’s view, forms part of the station from a date no later than 30th September 2015.
- (11) In this Article, “winter 2015/16 capacity means—
  - (a) in relation to a generating station accredited on or before 30th September 2015, any capacity which—
    - (i) in the Authority’s view, forms part of the station from a date no earlier than 1st October 2015 and no later than 31st March 2016, and
    - (ii) does not form part of the capacity of the station as accredited;
  - (b) in relation to a generating station which—
    - (i) was not accredited on or before 30th September 2015, and
    - (ii) was accredited on or before 31st March 2016,the capacity of the station as accredited, together with any additional capacity which, in the Authority’s view, forms part of the station from a date no later than 31st March 2016.
- (12) A declaration made in accordance with paragraph (8) cannot be withdrawn.
- (13) In this Article, “relevant scheme” means a scheme established by the Department in exercise of the power in section 113(1)(a) of the Energy Act 2008(10).
- (14) This Article is subject to Article 30.”.

**Co-firing**

15. After Article 26 of the 2009 Order insert—

**“High-range co-firing in the 2013/14 obligation period**

**26A.**—(1) This Article applies to electricity which is generated—

- (a) before 1st April 2014,
- (b) in the way described as “high-range co-firing” in Schedule 2, and
- (c) by a generating station to which Article 27 does not apply.

(2) Subject to paragraph (4), the amount of electricity to be stated in each NIROC issued

in respect of electricity to which this Article applies is  $\frac{10}{7}$  of a megawatt hour.

(3) Paragraph (4) applies to electricity to which this Article applies which is generated—

- (a) in the way described as “high-range co-firing with CHP” in Schedule 2, and
- (b) using—
  - (i) pre-2013 capacity, or
  - (ii) 2013/15 capacity in respect of which a declaration has been made in accordance with Article 26(8).

(4) Where this paragraph applies, the amount of electricity to be stated in each NIROC is—

(a) in respect of the qualifying proportion of the electricity to which this paragraph

applies,  $\frac{5}{6}$  of a megawatt hour; and

(b) in respect of the remainder of the electricity to which this paragraph applies,

$\frac{10}{7}$  of a megawatt hour.

(5) This Article is subject to Article 30.

**Co-firing of regular bioliquid in the 2013/14 and 2014/15 obligation periods**

**26B.**—(1) This Article applies to electricity which is generated—

- (a) before 1st April 2015,
- (b) in the way described as “co-firing of regular bioliquid” in Schedule 2, and
- (c) by a generating station to which Article 27 does not apply.

(2) Subject to paragraph (4), the amount of electricity to be stated in each NIROC issued

in respect of electricity to which this Article applies is  $\frac{10}{3}$  of a megawatt hour.

(3) Paragraph (4) applies to electricity to which this Article applies which is generated—

- (a) in the way described as “co-firing of regular bioliquid with CHP” in Schedule 2, and
- (b) using—
  - (i) pre-2013 capacity, or



- (ii) 2013/15 capacity in respect of which a declaration has been made in accordance with Article 26(8).
- (4) Where this paragraph applies, the amount of electricity to be stated in each NIROC is—
- (a) in respect of the qualifying proportion of the electricity to which this paragraph applies,  $\frac{5}{4}$  of a megawatt hour; and
- (b) in respect of the remainder of the electricity to which this paragraph applies,  $\frac{10}{3}$  of a megawatt hour.
- (5) This Article is subject to Article 30.

**Low-range co-firing in the 2013/14 and 2014/15 obligation periods**

- 26C.**—(1) This Article applies to electricity which is generated—
- (a) before 1st April 2015,
- (b) in the way described as “low-range co-firing” in Schedule 2, and
- (c) by a generating station to which Article 27 does not apply.
- (2) Subject to paragraph (4), the amount of electricity to be stated in each NIROC issued in respect of electricity to which this Article applies is  $\frac{10}{3}$  of a megawatt hour.
- (3) Paragraph (4) applies to electricity to which this Article applies which is generated—
- (a) in the way described as “low-range co-firing with CHP” in Schedule 2, and
- (b) using—
- (i) pre-2013 capacity, or
- (ii) 2013/15 capacity in respect of which a declaration has been made in accordance with Article 26(8).
- (4) Where this paragraph applies, the amount of electricity to be stated in each NIROC is—
- (a) in respect of the qualifying proportion of the electricity to which this paragraph applies,  $\frac{5}{4}$  of a megawatt hour; and
- (b) in respect of the remainder of the electricity to which this paragraph applies,  $\frac{10}{3}$  of a megawatt hour.
- (5) This Article is subject to Articles 26D, 26E and 30.

**Low-range co-firing of relevant energy crops**

- 26D.**—(1) This Article applies to electricity which is generated—
- (a) before 1st April 2019,
- (b) by a generating station to which Article 27 does not apply, and

- (c) from relevant energy crops burned in a combustion unit in a month in which—
  - (i) the energy content of the biomass burned in that combustion unit is less than 50% of the energy content of all of the energy sources burned in that combustion unit during that month, and
  - (ii) the generating station generates electricity partly from fossil fuel and partly from renewable sources.
- (2) The amount of electricity to be stated in each NIROC issued in respect of electricity to which this Article applies is—
  - (a)
    - in the case of electricity generated before 1st April 2015,  $\frac{5}{4}$  of a megawatt hour; and
    - (b) in the case of electricity generated on or after 1st April 2015, 1 megawatt hour.
  - (3) Paragraphs (a), (b) and (d) of paragraph 1(2) of Part 1 of Schedule 2 apply for the purposes of this Article as they apply for the purposes of that Schedule.
  - (4) In this Article, “relevant energy crops” means energy crops which are supplied to the operator of a generating station in accordance with an agreement made—
    - (a) in writing,
    - (b) before 23rd October 2012, and
    - (c) between the owner or operator of the generating station and a person who is not connected to the owner or operator of the station within the meaning of section 1122 of the Corporation Tax Act 2010<sup>(11)</sup>.
  - (5) This Article is subject to Articles 26E and 30.

#### **Low-range co-firing of relevant energy crops with CHP**

- 26E.**—(1) This Article applies to electricity which is generated—
- (a) before 1st April 2019,
  - (b) by a qualifying combined heat and power generating station to which Article 27 does not apply,
  - (c) from relevant energy crops burned in a combustion unit in a month in which—
    - (i) the energy content of the biomass burned in that combustion unit is less than 50% of the energy content of all of the energy sources burned in that combustion unit during that month,
    - (ii) the generating station generates electricity partly from fossil fuel and partly from renewable sources, and
    - (iii) the fossil fuel and the relevant energy crops have been burned in separate combustion units, and
  - (d) using—
    - (i) pre-2013 capacity, or
    - (ii) 2013/15 capacity, 2015/16 capacity or post-2016 capacity in respect of which a declaration has been made in accordance with Article 26(8).
  - (2) Paragraph (3) applies to electricity to which this Article applies which is generated before 1st April 2015.

(3) Where this paragraph applies, the amount of electricity to be stated in each NIROC is—

(a) in respect of the qualifying proportion of the electricity to which this paragraph

applies,  $\frac{10}{13}$  of a megawatt hour; and

(b) in respect of the remainder of the electricity to which this paragraph applies,

$\frac{5}{4}$  of a megawatt hour.

(4) Paragraph (5) applies to electricity to which this Article applies which is generated on or after 1st April 2015.

(5) Where this paragraph applies, the amount of electricity to be stated in each NIROC is—

(a) in respect of the qualifying proportion of the electricity to which this paragraph

applies,  $\frac{2}{3}$  of a megawatt hour; and

(b) in respect of the remainder of the electricity to which this paragraph applies, 1 megawatt hour.

(6) Paragraphs (a), (b) and (d) of paragraph 1(2) of Part 1 of Schedule 2 apply for the purposes of this Article as they apply for the purposes of that Schedule.

(7) In this Article, “relevant energy crops” has the same meaning as in Article 26D.

(8) This Article is subject to Article 30.”.

#### **Amendment to Article 27 (microgenerators and qualifying new small scale generators)**

16. For Article 27(2) of the 2009 Order substitute—

“(2) The amount of electricity to be stated in each NIROC issued in respect of electricity generated—

(a) by a generating station to which this Article applies, and

(b) using—

(i) pre-2013 capacity, or

(ii) 2013/14 capacity, or

(iii) 2014/15 capacity.

is  $\frac{1}{2}$  of a megawatt hour.

(3) The amount of electricity to be stated in each NIROC issued in respect of electricity generated—

(a) by a generating station to which this Article applies, and

(b) using 2015/16 capacity,

is  $\frac{10}{19}$  of a megawatt hour.

(4) The amount of electricity to be stated in each NIROC issued in respect of electricity generated—

- (a) by a generating station to which this Article applies, and
- (b) using post-2016 capacity,

is  $\frac{5}{9}$  of a megawatt hour.

(5) This Article is subject to Article 30.”.

17. For Article 27(3) of the 2009 )Order substitute—

“(3) In this Article and in Articles 27A, 27B and 27C—

“qualifying new hydro station” means a hydro generating station which

- (a) was first accredited after 31st March 2010, and
- (b) has not has a declared net capacity in excess of 5 megawatts at any time after 31st March 2010.

“qualifying new onshore wind station” means a generating station which—

- (a) generates electricity from onshore wind,
- (b) was accredited after 31st March 2010, and
- (c) has not had a declared net capacity in excess of 5 megawatts at any time after 31st March 2010;

“qualifying new solar photovoltaic station”, means a generating station which—

- (a) generates electricity from the direct conversion of sunlight into electricity,
- (b) was accredited after 31st March 2010, and
- (c) has not had a declared net capacity in excess of 250 kilowatts at any time after 31st March 2010.

“qualifying new anaerobic digestion station”, means a generating station which—

- (a) generates electricity from gas formed by the anaerobic digestion of material which is neither sewage nor material in a landfill,
- (b) was first accredited after 31st March 2011, and
- (c) has not had a declared net capacity in excess of 5 megawatts at any time after 31st March 2011.”.

**Amendment to Article 27A (Qualifying new onshore wind stations and qualifying new solar photovoltaic stations)**

18. For Article 27A(2) of the 2009 Order substitute—

“(2) The amount of electricity to be stated in each NIROC to be issued in respect of electricity generated by a qualifying new onshore wind station to which this Article applies is—

- (a) in relation to a station which has not had a declared net capacity in excess of 250 kilowatts at any time after 31st March 2010,  $\frac{1}{4}$  megawatt hour;
- (b) in relation to a station which has had a declared net capacity in excess of 250 kilowatts but not exceeding 5 megawatts at any time after 31st March 2010, 1 megawatt hour.

(3) The amount of electricity to be stated in each NIROC to be issued in respect of electricity generated by a qualifying new solar photovoltaic station to which this Article applies is—

- (a) in relation to a station which has not had a declared net capacity in excess of 50 kilowatts at any time after 31st March 2010,  $\frac{1}{4}$  of a megawatt hour;
- (b) in relation to a station which has had a declared net capacity in excess of 50 kilowatts but not exceeding 250 kilowatts at any time after 31st March 2010,  $\frac{1}{2}$  of a megawatt hour.”.

#### **Amendment to Article 27B (Qualifying new hydro stations)**

19. For Article 27B(2)(c) of the 2009 Order substitute—

- “(c) in relation to a qualifying new hydro station which has had a declared net capacity in excess of 250 kilowatts but not in excess of 1 megawatt at any time after 31st March 2010,  $\frac{1}{2}$  megawatt hour;
- (d) in relation to a qualifying new hydro station which has had a declared net capacity in excess of 1 megawatt but not in excess of 5 megawatts at any time after 31st March 2010, 1 megawatt hour.”.

#### **Amendments to Article 28 (generating stations which were accredited as at 11th July 2006)**

20.—(1) Article 28 of the 2009 Order is amended as follows.

(2) For paragraph (1) substitute—

“(1) This Article applies to electricity which is generated—

(a) by a generating station—

- (i) which was accredited as at 11th July 2006,
- (ii) which has not ceased to be accredited since that date, and
- (iii) to which Article 27 does not apply,

(b) using pre-2013 capacity, and

(c) in one of the ways described in the first column of Part 3 of Schedule 2.”.

(3) Omit paragraph (2).

(4) For paragraph (3) substitute—

“(3) The amount of electricity to be stated in each NIROC issued in respect of electricity to which this Article applies is (subject to paragraphs (4) to (6)) the amount in the second column of Part 3 of Schedule 2 which corresponds to the description in the first column of that Part of that Schedule of the way in which the electricity was generated.”.

(5) In paragraph (4)(a), after “the electricity” insert “to which this Article applies”.

(6) For paragraph (4)(b) substitute—

“(b) in any other case, the appropriate percentage of the electricity to which this Article applies (the appropriate percentage for these purposes being the total installed capacity of the station as at 11th July 2006 expressed as a percentage of the total installed capacity of the pre-2013 capacity of the station as at the date of generation of the electricity).”.

(7) In paragraph (5)—

- (a) for “generated by the generating station” substitute “to which this Article applies”; and
- (b) omit “and (5)”.

(8) In paragraph (6), for “generated by the generating station” substitute “to which this Article applies”.

(9) In paragraph (7)(b)—

- (a) for “generated by the generating station” substitute “to which this Article applies”; and
- (b) for “total installed capacity of the station” substitute “total installed capacity of the pre-2013 capacity”.

### **Wave and tidal stream generating stations**

21. After Article 28 of the 2009 Order insert—

#### **“Wave and tidal stream generating stations**

**28A.**—(1) This Article applies to electricity which is generated—

- (a) using 2012/17 marine capacity, and
- (b) by a generating station to which Article 27 does not apply.

(2) Where the total installed capacity of the 2012/17 marine capacity of the station does not exceed 30 megawatts as at the date of the generation of the electricity, the amount of electricity to be stated in each NIROC issued in respect of electricity to which this Article

applies is  $\frac{1}{5}$  of a megawatt hour.

(3) Where the total installed capacity of the 2012/17 marine capacity of the station exceeds 30 megawatts as at the date of the generation of the electricity, the amount of electricity to be stated in each NIROC—

- (a) issued in respect of the relevant proportion of the electricity to which this Article

applies, is  $\frac{1}{5}$  of a megawatt hour;

- (b) issued in respect of the remainder of the electricity to which this Article applies, is to be determined in accordance with Article 25(4) to (8).

(4) In any month where 2012/17 marine capacity forms part, but not the whole, of the total installed capacity of a generating station, the proportion of the station’s renewable output which, for the purposes of paragraphs (2) and (3), is generated using 2012/17 marine

capacity is  $\frac{A}{B}$ .

(5) In paragraph (4)—

- (a) A is the total installed capacity of the 2012/17 marine capacity in the month in question; and
- (b) B is the total installed capacity of the station in the month in question.

(6) In this Article—

“2012/17 marine capacity”, in relation to a generating station, means any capacity which—

- (a) generates electricity from the capture of the energy created from—
  - (i) the motion of naturally occurring tidal currents in water, or
  - (ii) the motion of naturally occurring waves on water,

- (b) in the Authority's view, forms part of the station from a date no earlier than 1st April 2012 and no later than 31st March 2017,
- (c) has, on or before 31st March 2017, generated electricity in respect of which NIROCs may be issued, and
- (d) in the case of a generating station accredited on or before 31st March 2012, does not form part of the capacity of the station as accredited;

"the relevant proportion", in relation to electricity generated using the 2012/17 marine capacity of a generating station, is the proportion which 30 megawatts bears to the total installed capacity of the 2012/17 marine capacity as at the date of generation of the electricity;

"total installed capacity", in relation to 2012/17 marine capacity, means the maximum capacity at which the 2012/17 marine capacity could be operated for a sustained period without causing damage to it (assuming the source of power used by it to generate electricity was available to it without interruption).

- (7) This Article is subject to Article 30."

**Amendments to Article 29 (generating stations which were accredited, or held preliminary accreditation, as at 31st March 2009)**

22.—(1) Article 29 of the 2009 Order is amended as follows.

(2) For paragraphs (1) to (4) substitute—

"(1) Subject to paragraph (3), this Article applies to electricity which is generated—

(a) by a generating station—

- (i) which was accredited as at 31st March 2009,
- (ii) which has not ceased to be accredited since that date, and
- (iii) to which Article 27 does not apply,

(b) in one of the ways described in the first column of Part 4 of Schedule 2, and

(c) using pre-2013 capacity.

(2) Subject to paragraph (3), this Article also applies to electricity which is generated—

(a) by a generating station—

- (i) which was accredited on or before 31st March 2011,
- (ii) which, since being accredited, has not ceased to be accredited at any time,
- (iii) in respect of which preliminary accreditation was held—
  - (aa) as at 31st March 2009, and
  - (bb) from that date until the date on which the station was accredited, and
- (iv) to which Article 27 does not apply,

(b) in one of the ways described in the first column of Part 4 of Schedule 2, and

(c) using pre-2013 capacity.

(3) This Article does not apply to electricity to which Article 28 applies.

(4) The amount of electricity to be stated in each NIROC issued in respect of electricity to which this Article applies is (subject to paragraph (5)) the amount in the second column of Part 4 of Schedule 2 which corresponds to the description in the first column of that Part of that Schedule of the way in which the electricity was generated."

- (3) In paragraph (5)(a), after “the electricity” insert “to which this Article applies”.
- (4) For paragraph (5)(b) substitute—
  - “(b) in any other case, the appropriate percentage of the electricity to which this Article applies (the appropriate percentage for these purposes being the total installed capacity of the station as at 31st March 2011 expressed as a percentage of the total installed capacity of the pre-2013 capacity of the station as at the date of generation of the electricity).”.
- (5) In paragraph (6)—
  - (a) for “generated by the generating station” substitute “to which this Article applies”; and
  - (b) omit “and (5)”.

**Amendment to Article 30 (generating stations in respect of which a statutory grant has been awarded)**

**23.** In paragraph (3) of Article 30 of the 2009 Order, for “Article 25 or 26” substitute “any of Articles 25 to 26E”.

**Amendments to Article 31 (review of banding provisions)**

- 24.**—(1) Article 31 of the 2009 Order is amended as follows.
- (2) In paragraph (3)(c)(ii), for “Part 2” substitute “Part 2, Part 2A or Part 2B”.
  - (3) In paragraph (3)(e), for “Part 2” substitute “Part 2, Part 2A or Part 2B”.
  - (4) For paragraph (3)(f) substitute—
    - “(f) there is evidence over a significant period that the provisions of Article 13(3) and (4) are having a material effect on trade in NIROCs referred to in Article 13(3);”.

**Amendment to Article 34 (general criteria for the issue of NIROCs)**

- 25.**—(1) Article 34 of the 2009 Order is amended as follows.
- (2) In paragraph (1)(a) for “paragraph (6)” substitute “paragraph (9)”.
  - (3) After paragraph (5), insert—
    - “(6) The operator of a generating station which generates electricity by burning fuel in a combustion unit may notify the Authority in writing that, until such time as the notification is withdrawn, the energy content of any biomass burned in that combustion unit will be less than 50% of the energy content of all of the energy sources burned in that combustion unit.
    - (7) A notification under paragraph (9) constitutes sufficient evidence of the fact that the energy content of the biomass burned in the combustion unit referred to in the notification is less than 50% of the energy content of all the energy sources burned in that combustion unit.
    - (8) A notification under paragraph (9) may be withdrawn by a notice—
      - (a) in writing from the operator of the generating station to the Authority, and
      - (b) which specifies a date from which the withdrawal of the notification is to take effect.”.
  - (4) Paragraphs (6), (7) and (8) are renumbered (9), (10) and (11) respectively.
  - (5) In renumbered paragraph (9)(b) for “paragraph (7)” substitute “paragraph (10)”.
  - (6) In renumbered paragraph (10) for “paragraph (6)” substitute “paragraph (9)”.



**Amendments to Article 46 (information to be provided to the Authority where electricity is generated from biomass or fossil derived bioliquid)**

- 26.—(1) Article 46 of the 2009 Order(12) is amended as follows.
- (2) In the heading, omit “or fossil derived bioliquid”.
  - (3) At the beginning of paragraph (3)(j), insert “where the biomass was not a bioliquid.”.
  - (4) Omit paragraph (7).

**Amendments to Article 46A (bioliquid sustainability audit report)**

- 27.—(1) Article 46A of the 2009 Order(13) is amended as follows.
- (2) At the end of paragraph (3)(d) omit “and”.
  - (3) At the end of paragraph (3)(e) substitute a semi-colon for the full stop and add—
    - “(f) identify whether the bioliquid was certified under an environmental quality assurance scheme, and if so—
      - (i) state the name of the scheme, and
      - (ii) identify whether the European Commission has adopted a decision under article 18(4) of the Renewables Directive in respect of the scheme; and
    - (g) where the bioliquid was not derived from waste or residue and the actual value method or the mixed value method was used for the purpose of calculating the greenhouse gas emissions from the use of the bioliquid, identify—
      - (i) whether a restored degraded land bonus was included in the calculation of the greenhouse gas emissions from the use of the bioliquid, and
      - (ii) whether an emission saving from soil carbon accumulation via improved agricultural management was included in the calculation of the greenhouse gas emissions from the use of the bioliquid.”.
  - (4) For paragraph (8) substitute—
    - “(8) In this Article—
      - “actual value method” has the same meaning as in Schedule A1;
      - “emission saving from soil carbon accumulation via improved agricultural management” has the same meaning as in Part C of Annex 5 to the Renewables Directive as amended from time to time;
      - “environmental quality assurance scheme” has the same meaning as in Article 46;
      - “mixed value method” has the same meaning as in Schedule A1;
      - “relevant sustainability information”, in relation to a consignment of bioliquid, means the sustainability information submitted by the operator of the generating station in respect of the consignment;
      - “restored degraded land bonus” means the bonus referred to in paragraphs 7 and 8 of Part C of Annex 5 to the Renewables Directive.”.

**Registration as a grace period generating station**

28. After Article 50 of the 2009 Order insert—

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(12) Article 46 was amended by Article 14 of [S.R. 2010/134](#) and by Article 12 of [S.R. 2011/169](#).

(13) Article 46A was inserted by Article 13 of [S.R. 2011/169](#).

**“Registration as a grace period generating station**

**50A.**—(1) This Article applies to a generating station—

- (a) which is first commissioned on or after 1st May 2013, and
- (b) in respect of which an application for accreditation is made under Article 50(4) on or before 30th September 2013.

(2) The operator of a generating station to which this Article applies may submit a request to the Authority for the generating station to be registered under this Article as a grace period generating station.

(3) A request for a generating station to be registered as a grace period generating station must be accompanied by—

- (a) the documents specified in paragraph (4)(a), (b) and (c),
- (b) the documents specified in paragraph (4)(d), (e) and (f), or
- (c) the documents specified in paragraph (4)(a), (b), (d), (e) and (g).

(4) The documents specified in this paragraph are—

- (a) a copy of a grid connection agreement specifying a grid connection date which is no later than 30th April 2013;
- (b) a letter from a network operator who is a party to the grid connection agreement confirming (whether or not such confirmation is subject to any conditions or other terms) that—
  - (i) the grid connection was made after the grid connection date, and
  - (ii) in the network operator’s opinion, the failure to make the grid connection on or before the grid connection date was not due to any breach of the grid connection agreement by a relevant person;
- (c) a declaration made in writing by the operator of the generating station that, to the best of their knowledge and belief, the station would have been commissioned on or before 30th April 2013 if the grid connection had been made on or before the grid connection date;
- (d) a copy of a radar works agreement specifying a radar works completion date which is no later than 30th April 2013;
- (e) a letter from a party to the radar works agreement who is not a relevant person confirming (whether or not such confirmation is subject to any conditions or other terms) that—
  - (i) the radar works were completed after the radar works completion date, and
  - (ii) in that person’s opinion, the failure to complete the radar works on or before the radar works completion date was not due to any breach of the radar works agreement by a relevant person;
- (f) a declaration made in writing by the operator of the generating station that, to the best of their knowledge and belief, the station would have been commissioned on or before 30th April 2013 if the radar works had been completed on or before the radar works completion date;
- (g) a declaration made in writing by the operator of the generating station that, to the best of their knowledge and belief, the station would have been commissioned on or before 30th April 2013 if—
  - (i) the grid connection had been made on or before the grid connection date, and

- (ii) the radar works had been completed on or before the radar works completion date.
- (5) Where the operator of a generating station to which this Article applies submits a request for registration of the generating station as a grace period generating station, the Authority must not register the generating station under this Article as a grace period generating station unless—
- (a) the request to register the generating station as a grace period generating station was received by the Authority before the Authority had made its decision on the application for accreditation of the generating station,
  - (b) the Authority is satisfied that the request complies with the requirements of paragraph (3),
  - (c) the Authority is satisfied that the generating station was commissioned before 1st October 2013, and
  - (d) the Authority decides to grant the application for accreditation of the generating station.
- (6) In circumstances where the Authority has reason to believe that the information on which a decision to register a generating station as a grace period generating station was based was incorrect in a material particular, and having regard to those circumstances the Authority considers it appropriate to do so, the Authority may withdraw the registration in question.
- (7) The Authority must notify the operator of the generating station in writing of—
- (a) its decision on a request to register the station as a grace period generating station;
  - (b) any withdrawal of registration of the station as a grace period generating station.
- (8) The written notification under paragraph (7)(a) must be provided by the Authority at the same time as the written notification under Article 50(9) of its decision on the application for accreditation of the generating station.
- (9) In this Article—
- “grid connection” means a connection between a generating station and a transmission system or distribution system for the purpose of enabling electricity to be conveyed from the generating station to that system;
- “grid connection agreement” means an agreement between a relevant person and a network operator for the making of a grid connection;
- “grid connection date”, in relation to a grid connection agreement, means the earliest of any date specified in the grid connection agreement by which—
- (a) the grid connection is required to be made, or
  - (b) it is estimated that the grid connection would be made;
- “network operator” means a—
- (a) distribution exemption holder,
  - (b) distribution licence holder, or
  - (c) transmission licence holder;
- “radar works” means—
- (a) the construction of a radar station,
  - (b) the installation of radar equipment,
  - (c) the carrying out of modifications to a radar station or to radar equipment; or

- (d) the testing of a radar station or radar equipment;
- “radar works agreement” means an agreement between a relevant person and a person who is not a relevant person for the carrying out of radar works;
- “radar works completion date”, in relation to a radar works agreement, means the earliest of any date specified in the radar works agreement by which—
  - (a) the radar works are required to be completed, or
  - (b) it is estimated that the radar works would be completed;
- “relevant person”, in relation to a request for a generating station to be registered as a grace period generating station, means—
  - (a) the operator of the generating station, or
  - (b) a person who arranged for the construction of the generating station.”.

**Amendment to Article 52 (modification of this Order in relation to microgenerators in certain circumstances)**

29. In paragraph (4) of Article 52 of the 2009 Order, omit “13,”.

**The 2009 Order: Schedule 1**

30.—(1) In Schedule 1 (calculation of the Obligation) for “2033” substitute “2037”.

**Amendments to Part 1 of Schedule 2 (interpretation)**

31.—(1) Paragraph 1 of Part 1 of Schedule 2 to the 2009 Order<sup>(14)</sup> is amended as follows.

- (2) Before the definition of “AD” insert—
  - ““2009/11 dedicated biomass generating station” means a generating station which has, in any month after March 2009 and before November 2011, generated electricity—
    - (a) only from biomass, and
    - (b) in respect of which NIROCs were issued for all or part of the electricity so generated during that month;”
- (3) For the definition of “advanced gasification” substitute—
  - ““advanced gasification/pyrolysis” means electricity generated from an advanced fuel which—
    - (a) in the case of a gaseous fuel, has a gross calorific value when measured at 25 degrees Celsius and 0.1 megapascals at the inlet to the generating station which is at least 4 megajoules per metre cubed, and
    - (b) in the case of a liquid fuel, has a gross calorific value when measured at 25 degrees Celsius and 0.1 megapascals at the inlet to the generating station which is at least 10 megajoules per kilogram;”.
- (4) Omit the definition of “advanced pyrolysis”.
- (5) At the appropriate places insert—
  - ““building mounted solar PV” means electricity generated from the direct conversion of sunlight into electricity by equipment not installed on the ground either—
    - (a) directly, or

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<sup>(14)</sup> Part 1 of Schedule 2 was amended by Article 17 of [S.R. 2010/134](#).

(b) on a frame, plinth or other structure installed—

(i) on the ground, and

(ii) wholly or mainly for the purpose of supporting that equipment,

where the relevant generating station is not a qualifying existing solar photovoltaic station or a qualifying new solar photovoltaic station as defined in Article 27A;”

““closed landfill gas” means electricity generated—

(a) from landfill gas (other than electricity generated using the heat from a turbine or engine), and

(b) in a month in which the generating station generates electricity only from gas formed by the digestion of material in a landfill which has finally ceased to accept waste for disposal;”

““co-firing of regular bioliquid” means electricity generated from regular bioliquid burned in a combustion unit in a month in which—

(a) the energy content of the biomass burned in that combustion unit is less than 100% of the energy content of all of the energy sources burned in that combustion unit during that month, and

(b) the generating station generates electricity partly from fossil fuel and partly from renewable sources;”

““co-firing of regular bioliquid with CHP” means electricity generated from regular bioliquid burned by a qualifying combined heat and power generating station in a combustion unit in a month in which—

(a) the energy content of the biomass burned in that combustion unit is less than 100% of the energy content of all of the energy sources burned in that combustion unit during that month,

(b) the generating station generates electricity partly from fossil fuel and partly from renewable sources, and

(c) the fossil fuel and regular bioliquid have been burned in separate combustion units;”

““ground mounted solar PV” means electricity generated from the direct conversion of sunlight into electricity by equipment installed on the ground either—

(a) directly, or

(b) on a frame, plinth or other structure installed—

(i) on the ground, and

(ii) wholly or mainly for the purpose of supporting that equipment,

where the relevant generating station is not a qualifying existing solar photovoltaic station or a qualifying new solar photovoltaic station as defined in Article 27A;”

““high-range co-firing” means electricity generated from energy crops or regular solid or gaseous biomass burned in a combustion unit in a month in which—

(a) the energy content of the biomass burned in that combustion unit is at least 85% but is less than 100% of the energy content of all of the energy sources burned in that combustion unit during that month, and

(b) the generating station generates electricity partly from fossil fuel and partly from renewable sources;”

““high-range co-firing with CHP” means—

- (a) electricity generated from regular solid or gaseous biomass burned by a qualifying combined heat and power generating station in a combustion unit in a month in which—
  - (i) the energy content of the biomass burned in that combustion unit is at least 85% but is less than 100% of the energy content of all of the energy sources burned in that combustion unit during that month,
  - (ii) the generating station generates electricity partly from fossil fuel and partly from renewable sources, and
  - (iii) the fossil fuel and regular solid or gaseous biomass have been burned in separate combustion units;
- (b) electricity generated from energy crops burned by a qualifying combined heat and power generating station in a combustion unit in a month in which—
  - (i) the energy content of the biomass burned in that combustion unit is at least 85% but is less than 100% of the energy content of all of the energy sources burned in that combustion unit during that month,
  - (ii) the generating station generates electricity partly from fossil fuel and partly from renewable sources, and
  - (iii) the fossil fuel and energy crops have been burned in separate combustion units;”

““landfill gas heat recovery” means electricity generated using the heat from a turbine or engine, where that turbine or engine is generating electricity from landfill gas;”

““low-range co-firing” means electricity generated from energy crops or regular solid or gaseous biomass burned in a combustion unit in a month in which—

- (a) the energy content of the biomass burned in that combustion unit is less than 50% of the energy content of all of the energy sources burned in that combustion unit during that month, and
- (b) the generating station generates electricity partly from fossil fuel and partly from renewable sources;”

““low-range co-firing with CHP” means—

- (a) electricity generated from regular solid or gaseous biomass burned by a qualifying combined heat and power generating station in a combustion unit in a month in which—
  - (i) the energy content of the biomass burned in that combustion unit is less than 50% of the energy content of all of the energy sources burned in that combustion unit during that month,
  - (ii) the generating station generates electricity partly from fossil fuel and partly from renewable sources, and
  - (iii) the fossil fuel and regular solid or gaseous biomass have been burned in separate combustion units;
- (b) electricity generated from energy crops burned by a qualifying combined heat and power generating station in a combustion unit in a month in which—
  - (i) the energy content of the biomass burned in that combustion unit is less than 50% of the energy content of all of the energy sources burned in that combustion unit during that month,
  - (ii) the generating station generates electricity partly from fossil fuel and partly from renewable sources, and
  - (iii) the fossil fuel and energy crops have been burned in separate combustion units;”

““mid-range co-firing” means electricity generated from energy crops or regular solid or gaseous biomass burned in a combustion unit in a month in which—

- (a) the energy content of the biomass burned in that combustion unit is at least 50% but is less than 85% of the energy content of all of the energy sources burned in that combustion unit during that month, and
- (b) the generating station generates electricity partly from fossil fuel and partly from renewable sources;”

““mid-range co-firing with CHP” means—

- (a) electricity generated from regular solid or gaseous biomass burned by a qualifying combined heat and power generating station in a combustion unit in a month in which—
  - (i) the energy content of the biomass burned in that combustion unit is at least 50% but is less than 85% of the energy content of all of the energy sources burned in that combustion unit during that month,
  - (ii) the generating station generates electricity partly from fossil fuel and partly from renewable sources, and
  - (iii) the fossil fuel and regular solid or gaseous biomass have been burned in separate combustion units;
- (b) electricity generated from energy crops burned by a qualifying combined heat and power generating station in a combustion unit in a month in which—
  - (i) the energy content of the biomass burned in that combustion unit is at least 50% but is less than 85% of the energy content of all of the energy sources burned in that combustion unit during that month,
  - (ii) the generating station generates electricity partly from fossil fuel and partly from renewable sources, and
  - (iii) the fossil fuel and energy crops have been burned in separate combustion units;”

““qualifying existing solar photovoltaic station” has the meaning given to that term under Article 29A(1);”

““qualifying new solar photovoltaic station” has the meaning given to that term under Article 27(3);”

““regular bioliquid” means bioliquid other than—

- (a) advanced fuel,
- (b) fuel produced by means of anaerobic digestion,
- (c) energy crops;”

““regular solid or gaseous biomass” means regular biomass other than bioliquid;”

““relevant fossil fuel CHP generating station” means a relevant fossil fuel generating station which is a qualifying combined heat and power generating station;”

““relevant fossil fuel generating station” means—

- (a) a generating station—
  - (i) which is not a 2009/11 dedicated biomass generating station, and
  - (ii) which has, in any 6 month period since it was first commissioned, generated electricity from fossil fuel, where the energy content of the fossil fuel was more than 15% of the energy content of all of the energy sources used by the station to generate electricity during that 6 month period, or
- (b) a generating station—

- (i) which is a 2009/11 dedicated biomass generating station, and
- (ii) which has, in any 6 month period since 1st November 2011, generated electricity from fossil fuel, where the energy content of the fossil fuel was more than 15% of the energy content of all of the energy sources used by the station to generate electricity during that 6 month period;”

““station conversion” means electricity generated—

- (a) from regular biomass or from energy crops,
- (b) by a relevant fossil fuel generating station, and
- (c) in a month in which the station generates electricity only from biomass or only from energy crops;”

““station conversion with CHP” means electricity generated—

- (a) from regular biomass or from energy crops,
- (b) by a relevant fossil fuel CHP generating station, and
- (c) in a month in which the station generates electricity only from biomass or only from energy crops;”

““unit conversion” means electricity generated from regular biomass or energy crops burned in a combustion unit in a month in which—

- (a) that combustion unit burns only biomass or burns only energy crops, and
- (b) the generating station generates electricity partly from fossil fuel and partly from renewable sources;”

““unit conversion with CHP” means electricity generated from regular biomass or energy crops burned by a qualifying combined heat and power generating station in a combustion unit in a month in which—

- (a) that combustion unit burns only biomass or burns only energy crops, and
- (b) the generating station generates electricity partly from fossil fuel and partly from renewable sources;”.

(6) Omit the definitions of “co-firing of biomass”, “co-firing of biomass with CHP”, “co-firing of energy crops” and “co-firing of energy crops with CHP” .

(7) For the definition of “dedicated biomass” substitute—

““dedicated biomass” means electricity generated from regular biomass by a generating station—

- (a) which is not a relevant fossil fuel generating station, and
- (b) in a month in which it generates electricity only from biomass;”.

(8) For the definition of “dedicated biomass with CHP” substitute—

““dedicated biomass with CHP” means electricity generated from regular biomass by a qualifying combined heat and power generating station—

- (a) which is not a relevant fossil fuel generating station, and
- (b) in a month in which it generates electricity only from biomass;”.

(9) For the definition of “dedicated energy crops” substitute—

““dedicated energy crops” means electricity generated from energy crops by a generating station—

- (a) which is not a relevant fossil fuel generating station, and



- (b) in a month in which the generating station generates electricity only from energy crops or only from biomass;”.
- (10) Omit the definition of “dedicated energy crops with CHP”.
- (11) In the definition of “energy from waste with CHP”—
  - (a) after “other than” insert “an advanced fuel or”; and
  - (b) omit “, gasification or pyrolysis”.
- (12) For the definition of “standard gasification” substitute—
 

““standard gasification/pyrolysis” means electricity generated from an advanced fuel which—

  - (a) in the case of a gaseous fuel, has a gross calorific value when measured at 25 degrees Celsius and 0.1 megapascals at the inlet to the generating station which is at least 2 megajoules per metre cubed but is less than 4 megajoules per metre cubed, and
  - (b) in the case of a liquid fuel, has a gross calorific value when measured at 25 degrees Celsius and 0.1 megapascals at the inlet to the generating station which is less than 10 megajoules per kilogram;”.
- (13) Omit the definition of “standard pyrolysis”.
- (14) After paragraph 1(2)(a) of Part 1 of Schedule 2, omit “and”.
- (15) After paragraph 1(2)(b) of Part 1 of Schedule 2, insert—
  - “(c) in determining the energy content of the energy sources used by a generating station to generate electricity, no account is to be taken of any fossil fuel or waste which the station uses for permitted ancillary purposes; and
  - (d) in determining the energy content of the energy sources burned in a combustion unit, no account is to be taken of any fossil fuel or waste which is used—
    - (i) in that combustion unit for a purpose listed in Article 21(3)(a), and
    - (ii) in a month in which the energy content of the fossil fuel or waste used in that combustion unit for a purpose listed in Article 21(3)(a) (or, where both fossil fuel and waste are so used during a month, their combined energy content) does not exceed 10% of the energy content of all of the energy sources burned in that combustion unit during that month.”.

**Substitution of Part 2 of Schedule 2 (amount of electricity to be stated in NIROCs generally)**

**32.** For Part 2 of Schedule 2 to the 2009 Order substitute—  
Articles 25(4) and (9) and 31(3)

“PART 2

AMOUNT OF ELECTRICITY TO BE STATED IN NIROCs ISSUED  
FOR ELECTRICITY GENERATED USING PRE-2013 CAPACITY

| <i>Generation type</i> | <i>Amount of electricity (in megawatt hours) to be stated in a NIROC issued for electricity generated using pre-2013 capacity</i> |
|------------------------|---|
| AD                     | $\frac{1}{2}$   |

| <i>Generation type</i>                  | <i>Amount of electricity (in megawatt hours) to be stated in a NIROC issued for electricity generated using pre-2013 capacity</i> |
|---|---|
| Advanced gasification/pyrolysis         | $\frac{1}{2}$   |
| Co-firing of regular bioliquid          | 2   |
| Dedicated biomass                       | $\frac{2}{3}$   |
| Dedicated energy crops                  | $\frac{1}{2}$   |
| Electricity generated from landfill gas | 1   |
| Electricity generated from sewage gas   | 2   |
| Energy from waste with CHP              | 1   |
| Geopressure                             | 1   |
| Geothermal                              | $\frac{1}{2}$   |
| High-range co-firing                    | $\frac{10}{9}$  |
| Hydroelectric                           | 1   |
| Low-range co-firing                     | 2   |
| Mid-range co-firing                     | $\frac{5}{3}$   |
| Offshore wind                           | $\frac{1}{2}$   |
| Onshore wind                            | 1   |
| Solar photovoltaic                      | $\frac{1}{2}$   |
| Standard gasification/pyrolysis         | 1   |
| Station conversion                      | 1   |
| Tidal impoundment – tidal barrage       | $\frac{1}{2}$   |

| <i>Generation type</i>           | <i>Amount of electricity (in megawatt hours) to be stated in a NIROC issued for electricity generated using pre-2013 capacity</i> |
|----------------------------------|---|
| Tidal impoundment – tidal lagoon | $\frac{1}{2}$   |
| Tidal stream                     | $\frac{1}{2}$   |
| Unit conversion                  | 1   |
| Wave                             | $\frac{1}{2}$ ”   |

**Amount of electricity to be stated in NIROCs issued for electricity generated using 2013/14 capacity, 2014/15 capacity, 2015/16 capacity or post-2016 capacity**

33. After Part 2 of Schedule 2 to the 2009 Order insert—  
Articles 25(5), (6) and (10)

“PART 2A

AMOUNT OF ELECTRICITY TO BE STATED IN  
NIROCS ISSUED FOR ELECTRICITY GENERATED  
USING 2013/14 CAPACITY AND 2014/15 CAPACITY

| <i>Generation type</i>              | <i>Amount of electricity (in megawatt hours) to be stated in a NIROC issued for electricity generated using—</i> |                         |
|-------------------------------------|--|-------------------------|
|                                     | <i>2013/14 capacity</i>  | <i>2014/15 capacity</i> |
| AD                                  | $\frac{1}{2}$  | $\frac{1}{2}$           |
| Advanced gasification/<br>pyrolysis | $\frac{1}{2}$  | $\frac{1}{2}$           |
| Building mounted solar PV           | $\frac{10}{17}$  | $\frac{5}{8}$           |
| Co-firing of regular bioliquid      | 2  | 2                       |
| Dedicated biomass                   | $\frac{2}{3}$  | $\frac{2}{3}$           |
| Dedicated energy crops              | $\frac{1}{2}$  | $\frac{1}{2}$           |

| Generation type                         | Amount of electricity (in megawatt hours) to be stated in a NIROC issued for electricity generated using— |                  |
|---|---|------------------|
|   | 2013/14 capacity  | 2014/15 capacity |
| Electricity generated from landfill gas | 1   | 1                |
| Electricity generated from sewage gas   | 2   | 2                |
| Energy from waste with CHP              | 1   | 1                |
| Geopressure                             | 1   | 1                |
| Geothermal                              | $\frac{1}{2}$   | $\frac{1}{2}$    |
| Ground mounted solar PV                 | $\frac{5}{8}$   | $\frac{5}{7}$    |
| High-range co-firing                    | $\frac{10}{9}$  | $\frac{10}{9}$   |
| Hydroelectric                           | $\frac{10}{7}$  | $\frac{10}{7}$   |
| Low-range co-firing                     | 2   | 2                |
| Mid-range co-firing                     | $\frac{5}{3}$   | $\frac{5}{3}$    |
| Offshore wind                           | $\frac{1}{2}$   | $\frac{1}{2}$    |
| Onshore wind                            | $\frac{10}{9}$  | $\frac{10}{9}$   |
| Standard gasification/<br>pyrolysis     | $\frac{1}{2}$   | $\frac{1}{2}$    |
| Station conversion                      | 1   | 1                |
| Tidal impoundment – tidal barrage       | $\frac{1}{2}$   | $\frac{1}{2}$    |
| Tidal impoundment – tidal lagoon        | $\frac{1}{2}$   | $\frac{1}{2}$    |

| <i>Generation type</i> | <i>Amount of electricity (in megawatt hours) to be stated in a NIROC issued for electricity generated using—</i> |                         |
|------------------------|--|-------------------------|
|                        | <i>2013/14 capacity</i>  | <i>2014/15 capacity</i> |
| Tidal stream           | $\frac{1}{2}$  | $\frac{1}{2}$           |
| Unit conversion        | 1  | 1                       |
| Wave                   | $\frac{1}{2}$  | $\frac{1}{2}$           |

Articles 35(5), (6) and (10) and 31(3)

## PART 2B

### AMOUNT OF ELECTRICITY TO BE STATED IN NIROCS ISSUED FOR ELECTRICITY GENERATED USING 2015/16 CAPACITY OR POST-2016 CAPACITY

| <i>Generation type</i>                   | <i>Amount of electricity (in megawatt hours) to be stated in a NIROC issued for electricity generated using—</i> |                           |
|--|--|---------------------------|
|  | <i>2015/16 capacity</i>  | <i>Post-2016 capacity</i> |
| AD                                       | $\frac{10}{19}$  | $\frac{5}{9}$             |
| Advanced gasification/<br>pyrolysis      | $\frac{10}{19}$  | $\frac{5}{9}$             |
| Building mounted solar PV                | $\frac{2}{3}$  | $\frac{5}{7}$             |
| Closed landfill gas                      | 5  | 5                         |
| Co-firing of regular bioliquid           | 2  | 2                         |
| Dedicated biomass                        | $\frac{2}{3}$  | $\frac{5}{7}$             |
| Dedicated energy crops                   | $\frac{10}{19}$  | $\frac{5}{9}$             |
| Electricity generated from<br>sewage gas | 2  | 2                         |
| Energy from waste with CHP               | 1  | 1                         |
| Geopressure                              | 1  | 1                         |

| <i>Generation type</i>               | <i>Amount of electricity (in megawatt hours) to be stated in a NIROC issued for electricity generated using—</i> |                           |
|--------------------------------------|--|---------------------------|
|                                      | <i>2015/16 capacity</i>  | <i>Post-2016 capacity</i> |
| Geothermal                           | $\frac{10}{19}$  | $\frac{5}{9}$             |
| Ground mounted solar PV              | $\frac{10}{13}$  | $\frac{5}{6}$             |
| High-range co-firing                 | $\frac{10}{9}$   | $\frac{10}{9}$            |
| Hydroelectric                        | $\frac{10}{7}$   | $\frac{10}{7}$            |
| Landfill gas heat recovery           | 10   | 10                        |
| Low-range co-firing                  | 2  | 2                         |
| Mid-range co-firing                  | $\frac{5}{3}$  | $\frac{5}{3}$             |
| Offshore wind                        | $\frac{10}{19}$  | $\frac{5}{9}$             |
| Onshore wind                         | $\frac{10}{9}$   | $\frac{10}{9}$            |
| Standard gasification/<br>pyrolysis  | $\frac{10}{19}$  | $\frac{5}{9}$             |
| Station conversion                   | 1  | 1                         |
| Tidal impoundment – tidal<br>barrage | $\frac{10}{19}$  | $\frac{5}{9}$             |
| Tidal impoundment – tidal<br>lagoon  | $\frac{10}{19}$  | $\frac{5}{9}$             |
| Tidal stream                         | $\frac{1}{2}$  | $\frac{1}{2}$             |
| Unit conversion                      | 1  | 1                         |
| Wave                                 | $\frac{1}{2}$  | $\frac{1}{2}$             |

Article 26(3) and (4)

## PART 2C

### AMOUNT OF ELECTRICITY TO BE STATED IN NIROCs ISSUED FOR ELECTRICITY GENERATED USING PRE-2013 CAPACITY OR 2013/15 CAPACITY WHERE ARTICLE 26(3) OR (4) APPLIES

| <i>Generation type</i>                  | <i>Amount of electricity (in megawatt hours) to be stated in a NIROC issued in respect of the qualifying proportion of electricity generated using pre-2013 capacity or 2013/15 capacity</i> | <i>Amount of electricity (in megawatt hours) to be stated in a NIROC issued in respect of the remainder of the electricity generated using pre-2013 capacity or 2013/15 capacity</i> |
|---|--|--|
| Co-firing of regular bioliquid with CHP | 1  | 2  |
| Dedicated biomass with CHP              | $\frac{1}{2}$  | $\frac{2}{3}$  |
| High-range co-firing with CHP           | $\frac{5}{7}$  | $\frac{10}{9}$   |
| Low-range co-firing with CHP            | 1  | 2  |
| Mid-range co-firing with CHP            | $\frac{10}{11}$  | $\frac{5}{3}$  |
| Station conversion with CHP             | $\frac{2}{3}$  | 1  |
| Unit conversion with CHP                | $\frac{2}{3}$  | 1  |

Article 26(5) and (6)

## PART 2D

### AMOUNT OF ELECTRICITY TO BE STATED IN NIROCS ISSUED FOR ELECTRICITY GENERATED USING 2015/16 CAPACITY WHERE ARTICLE 26(5) OR (6) APPLIES

| <i>Generation type</i>                  | <i>Amount of electricity (in megawatt hours) to be stated in a NIROC issued in respect of the qualifying proportion of electricity generated using 2015/16 capacity</i> | <i>Amount of electricity (in megawatt hours) to be stated in a NIROC issued in respect of the remainder of the electricity generated using 2015/16 capacity</i> |
|---|---|---|
| Co-firing of regular bioliquid with CHP | 1   | 2   |
| Dedicated biomass with CHP              | $\frac{10}{19}$   | $\frac{2}{3}$   |
| High-range co-firing with CHP           | $\frac{5}{7}$   | $\frac{10}{9}$  |
| Low-range co-firing with CHP            | 1   | 2   |
| Mid-range co-firing with CHP            | $\frac{10}{11}$   | $\frac{5}{3}$   |
| Station conversion with CHP             | $\frac{2}{3}$   | 1   |
| Unit conversion with CHP                | $\frac{2}{3}$   | 1   |

Article 26(7)



## PART 2E

### AMOUNT OF ELECTRICITY TO BE STATED IN NIROCS ISSUED FOR ELECTRICITY GENERATED USING POST-2016 CAPACITY WHERE ARTICLE 26(7) APPLIES

| <i>Generation type</i>                  | <i>Amount of electricity (in megawatt hours) to be stated in a NIROC issued in respect of the qualifying proportion of electricity generated using post-2016 capacity</i> | <i>Amount of electricity (in megawatt hours) to be stated in a NIROC issued in respect of the remainder of the electricity generated using post-2016 capacity</i> |
|---|---|---|
| Co-firing of regular bioliquid with CHP | 1   | 2   |
| Dedicated biomass with CHP              | $\frac{5}{9}$   | $\frac{5}{7}$   |
| High-range co-firing with CHP           | $\frac{5}{7}$   | $\frac{10}{9}$  |
| Low-range co-firing with CHP            | 1   | 2   |
| Mid-range co-firing with CHP            | $\frac{10}{11}$   | $\frac{5}{3}$   |
| Station conversion with CHP             | $\frac{2}{3}$   | 1   |
| Unit conversion with CHP                | $\frac{2}{3}$   | 1”  |

#### Transitionals

**34.** Nothing in this Order is to affect—

- (a) the issue and revocation of a renewables obligation certificate in respect of electricity generated before 1st April 2013, and anything which falls to be done or determined (whether by the Authority or some other person) in relation to such issue or revocation, under the 2009 Order;
- (b) any obligations or requirements imposed on an operator of a generating station or some other person in respect of the obligation period ending on 31st March 2013, and anything which falls to be done or determined (whether by the operator of the generating station or some other person) in relation to any such obligations and requirements, under the 2009 Order;
- (c) any obligations and functions of the Authority in respect of that obligation period, and anything which falls to be done or determined (whether by the Authority or some other person) in relation to it, under the 2009 Order.

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

A senior officer of the  
Department of Enterprise, Trade and Investment

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Renewables Obligation Order (Northern Ireland) 2009 (“the 2009 Order”) and makes transitional provision.

The 2009 Order imposes an obligation (“the renewables obligation”) on all electricity suppliers which supply electricity in Northern Ireland. Suppliers must produce, by a specified day, a certain number of renewables obligation certificates (“NIROCs”) in respect of each megawatt hour of electricity that each supplies in Northern Ireland during a specified period known as an obligation period. The renewables obligation is administered by the Northern Ireland Authority for Utility Regulation (“the Authority”) who issue NIROCs to renewable electricity generators in respect of their renewable output.

Article 2 amends Article 2 of the 2009 Order to insert new definitions for different types of generating capacity, “advanced fuel”, “combustion unit” and “qualifying power output” and to amend the definitions of “energy crops”, “Renewables Directive” and “total installed capacity”. The definition of “regular biomass” is amended to exclude all “advanced fuels”.

Article 3 amends Article 4 of the 2009 Order to expand the definition of biomass to include all fossil derived bioliquids.

Article 4 amends Article 13 of the 2009 Order to remove a limit on the NIROCs issued for co-firing that suppliers can submit in each obligation period. It also inserts limits on the NIROCs issued for electricity generated using bioliquids that suppliers can submit in each obligation period. Consequential amendments are made by Article 24(4) to Article 31 of the 2009 Order and by Article 29 to Article 52 of the 2009 Order.

Article 5 makes a consequential amendment to Article 15 of the 2009 Order.

Article 6 amends Article 18A to extend the end date for the Northern Ireland Renewables Obligation from 2033 to 2037.

Articles 7(2) and 26(2) and (4) make consequential amendments to Articles 21(1) and 46 of the 2009 Order.

Article 7(4) amends Article 21(3) of the 2009 Order to add corrosion control and fouling reduction to the uses of fossil fuel or waste which are permitted ancillary purposes.

Article 8 amends Article 22 of the 2009 Order to prevent NIROCs from being issued in respect of electricity generated from landfill gas unless the electricity meets certain conditions.

Article 9 renumbers Article 22A of the 2009 Order to Article 21A.

Article 10 renumbers Article 22B of the 2009 Order to 21B.

Article 11 amends Article 23 of the 2009 Order to remove the minimum gross calorific value requirements applying to liquid fuels produced by means of pyrolysis. It also sets rules for how renewable output is to be apportioned between generating capacity accredited or installed during different obligation periods and where electricity is generated in different ways. Article 11(3) to (5) make consequential amendments to Article 24(2) to (4) of the 2009 Order.

Article 12(2) amends Article 24(1) of the 2009 Order to exclude all advanced fuels from the scope of that Article.

Article 13 amends Article 25 of the 2009 Order to change the provisions for determining the amount of electricity that must be generated by a generating station in order to be eligible for a NIROC

depending on the way in which it has been generated (“bands”). Article 31 amends Part 1 of Schedule 2 to the 2009 Order to insert some new bands, to remove some existing bands and to amend the definitions of some existing bands. Article 32 substitutes Part 2 of Schedule 2 to the 2009 Order to set out the levels of support for the bands applying to generating capacity accredited, and additional capacity added, before 1st May 2013. Article 33 inserts a new Part 2A of Schedule 2 to the 2009 Order to set out the levels of support for the bands applying to generating capacity accredited, and additional capacity added on or after 1st May 2013. Consequential amendments are made by Article 20 to Article 28 of the 2009 Order, by Article 22 to Article 29 of the 2009 Order and by Article 24(2) and (3) to Article 31 of the 2009 Order.

Article 14 substitutes Article 26 of the 2009 Order to replace the provisions for determining the amount of electricity which is eligible for a higher level of support by virtue of being generated by a qualifying combined heat and power generating station, and for determining what that higher level of support should be. The new bands are set out in Parts 2C to 2E of Schedule 2 to the 2009 Order, as inserted by Article 33.

Article 15 inserts new Articles 26A to 26E into the 2009 Order. New Article 26A sets the level of support for electricity generated from high-range co-firing in the 2013/14 obligation period. New Articles 26B and 26C set the level of support for electricity generated from co-firing of regular bioliquid and from low-range co-firing in the 2013/14 and 2014/15 obligation periods. New Articles 26D and 26E set the level of support for low-range co-firing of energy crops supplied under contracts made before 23rd October 2012. Article 23 makes consequential amendments to Article 30 of the 2009 Order.

Articles 16 and 17 amend Article 27 of the 2009 Order to set the level of support for microgenerators.

Article 19 amends Article 27A of the 2009 Order to set the level of support for qualifying new onshore wind stations and qualifying new solar photovoltaic stations.

Article 20 amends Article 28 of the 2009 Order to set the level of support for generating stations which were accredited as at 11th July 2006.

Article 21 inserts a new Article 28A into the 2009 Order to set out the circumstances in which electricity generated by certain wave and tidal stream generating stations will be entitled to 5 NIROCs per megawatt hour.

Article 25 amends Article 34 of the 2009 Order to enable the Authority to treat a notification by the operator of a generating station as sufficient evidence that the energy content of the biomass burned in a combustion unit makes up less than 50% of the energy content of all of the energy sources burned in that unit.

Article 27 amends Article 46A of the 2009 Order to implement, in relation to the renewables obligation, Commission Decision 2011/13/EU on certain types of information about biofuels and bioliquids to be submitted by economic operators to Member States<sup>(15)</sup>. Article 27(3) makes a consequential amendment to Article 46 of the 2009 Order.

Article 28 inserts a new Article 50A into the 2009 Order. Article 50A enables generating stations to submit a request to the Authority to be registered as grace period generating station, and so obtain the levels of support available to generating stations accredited on 30th April 2013. Requests may be submitted only in respect of stations first commissioned on or after 1st May 2013 and in respect of which an application for accreditation is made on or before 30th September 2013. The request must be accompanied by various documents, including a declaration that the station would have been commissioned on or before 30th April 2013 if the grid connection or certain radar works had been completed by the date specified in the agreement for the grid connection or the radar works.

Article 34 makes transitional provision in respect of the obligation period ending on 31st March 2013.

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(15) OJ L 9, 13.1.2011, p.11

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**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a Northern Ireland Statutory Rule: *The Renewables Obligation (Amendment) Order (Northern Ireland) 2014 No. 146*

A explanatory memorandum is available alongside the Order on [www.legislation.gov.uk](http://www.legislation.gov.uk).