
DRAFT STATUTORY RULES OF NORTHERN IRELAND

2012 No.

**The Renewable Heat Incentive Scheme
Regulations (Northern Ireland) 2012**

PART 3

ACCREDITATION AND REGISTRATION

Preliminary accreditation

26.—(1) The Department may, upon the application by a person who proposes to construct or operate an eligible installation which has not yet been commissioned, grant preliminary accreditation in respect of that eligible installation provided—

- (a) any necessary planning permission has been granted; or
- (b) such planning permission is not required and appropriate evidence of this is provided to the Department from the relevant planning authority.

(2) The Department must not grant preliminary accreditation to any plant under this regulation if, in its opinion, that plant is unlikely to generate heat for which periodic support payments may be paid.

(3) An application for preliminary accreditation must be in writing and supported by such of the information specified in Schedule 1 as the Department may require.

(4) The Department may attach such conditions as it considers appropriate in granting preliminary accreditation under this regulation.

(5) Where a plant has been granted preliminary accreditation (and such preliminary accreditation has not been withdrawn) and an application for accreditation is made under this Part, the Department must, subject to regulation 23, grant that application unless it is satisfied that—

- (a) there has been a material change in circumstances since the preliminary accreditation was granted such that, had the application for preliminary accreditation been made after the change, it would have been refused;
- (b) any condition attached to the preliminary accreditation has not been complied with;
- (c) the information on which the decision to grant the preliminary accreditation was based was incorrect in a material particular such that, had the Department known the true position when the application for preliminary accreditation was made, it would have been refused; or
- (d) there has been a change in applicable legislation since the preliminary accreditation was granted such that, had the application for preliminary accreditation been made after the change, it would have been refused.

(6) Where any of the circumstances mentioned in paragraph (7) apply in relation to a preliminary accreditation which the Department has granted and having regard to those circumstances the Department considers it appropriate to do so, the Department may—

- (a) withdraw the preliminary accreditation;

- (b) amend the conditions attached to the preliminary accreditation;
 - (c) attach conditions to the preliminary accreditation.
- (7) The circumstances referred to in paragraph (6) are as follows—
- (a) in the Department’s view there has been a material change in circumstances since the preliminary accreditation was granted;
 - (b) any condition attached to the preliminary accreditation has not been complied with;
 - (c) the Department considers that the information on which the decision to grant the preliminary accreditation was based was incorrect in a material particular;
 - (d) there has been change in the applicable legislation since the preliminary accreditation was granted such that, had the application for preliminary accreditation been made after the change, it would have been refused.
- (8) The Department must send the applicant a notice setting out—
- (a) its decision on an application for preliminary accreditation of a plant or on the withdrawal of any preliminary accreditation;
 - (b) any condition attached to the preliminary accreditation or any amendment to those conditions.
- (9) The notice sent pursuant to paragraph (8) must specify the date on which the grant or withdrawal of preliminary accreditation is to take effect and, where applicable, the date on which any conditions (or amendments to those conditions) attached to the preliminary accreditation are to take effect.
- (10) In paragraph (1), the reference to the person who proposes to construct an eligible installation includes a person who arranges for the construction of the eligible installation.
- (11) This regulation does not apply to a plant which will generate heat using—
- (a) a solar collector;
 - (b) a heat pump which complies with the requirements of regulation 8(a); or
 - (c) solid biomass, provided that the plant will have an installation capacity below 200kWth.