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STATUTORY RULES OF NORTHERN IRELAND

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**2007 No. 104**

**The Renewables Obligation Order (Northern Ireland) 2007**

**PART VIII**

**Provision of Information and Functions of the Authority**

**Provision of information to the Authority**

**27.**—(1) The Authority may require a designated electricity supplier to provide it with such information in such form and within such time as it may reasonably require which is, in the Authority's opinion, relevant to the question whether the supplier is discharging, or has discharged, his renewables obligation in relation to any obligation period.

(2) The Authority may request any person who generates, supplies or transmits electricity in relation to which a NIROC has been or may be issued, or any person who buys or sells such electricity or NIROCs (otherwise than as a consumer) to provide the Authority with such information in such form and within such time as it may reasonably request in order to carry out any of its functions under this Order.

(3) Where a designated electricity supplier receives a payment other than under Article 25 or 26 in relation to a failure by a Great Britain designated supplier to discharge its renewables obligation imposed in accordance with section 32(1) of the Electricity Act, the designated electricity supplier receiving the payment shall notify the Authority, immediately after receiving the payment, of the amount he received and the reason for the payment.

(4) In paragraph (2) the reference to any person who generates electricity in relation to which a NIROC has been or may be issued shall be taken to include a reference to any agent to whom any such NIROC has been or may be issued by virtue of Article 15.

**Exchange of information with the Great Britain Authority**

**28.**—(1) The Authority shall, as soon as reasonably practicable after the specified day, notify the Great Britain Authority of the GBROC identifier of each GBROC produced to it by a designated electricity supplier under Article 11 and the name of the designated electricity supplier which produced that GBROC and of the total number of GBROCs produced to the Authority under Article 11 in respect of the obligation period to which the specified day relates.

(2) The Authority shall, as soon as reasonably practicable after receiving a notification from the Great Britain Authority as to the NIROC identifiers of NIROCs produced to it by Great Britain designated suppliers under GBRO Orders, inform the Great Britain Authority of—

- (a) the NIROC identifier of any NIROC so notified which it has revoked under Article 23 and whether it has issued a replacement NIROC under Article 23(4)(b) in respect of any such NIROC (unless that replacement NIROC has itself been revoked);
- (b) the NIROC identifier of any NIROC so notified that has also been produced by a designated electricity supplier under Article 3(2) and the date on which it was so produced.

(3) The Authority may conduct enquiries or investigations in respect of whether any electricity which is or may be the subject of a GBROC issued under any provision included in a GBRO Order by virtue of section 32B(2A) of the Electricity Act has been supplied to customers in Northern Ireland and if, as a result of any such enquiry or investigation, the Authority is not satisfied that any such electricity has been so supplied it shall notify the Great Britain Authority accordingly.

(4) The Authority shall as soon as reasonably practicable after the specified day notify the Great Britain Authority as to the number of NIROCs produced to the Authority under Article 3 by each designated electricity supplier in respect of the obligation period to which the specified day relates.

(5) The Authority shall as soon as reasonably practicable after the specified day notify the Great Britain Authority as to—

- (a) which designated electricity suppliers have discharged their renewables obligation in full in respect of the obligation period to which the specified day relates; and
- (b) which designated electricity suppliers have discharged their renewables obligation in part in respect of the obligation period to which the specified day relates and the amount of electricity covered by all the qualifying certificates that each such designated electricity supplier has produced to the Authority in respect of the obligation period to which the specified day relates.

(6) The Authority shall as soon as reasonably practicable after the end of the late payment period notify the Great Britain Authority as to—

- (a) which designated electricity suppliers are to be treated as having discharged their renewables obligation in full in respect of the obligation period to which the end of the late payment period relates by virtue of Article 26(2); and
- (b) which designated electricity suppliers are to be treated as having discharged their renewables obligation in part in respect of the obligation period to which the end of the late payment period relates by virtue of Article 26(3) and the amount of electricity covered by all the qualifying certificates that each such designated electricity supplier has produced to the Authority in respect of the obligation period to which the late payment period relates.

### **Functions of the Authority**

**29.** In addition to the functions assigned to it elsewhere in this Order, the Authority shall have the following specific functions—

- (a) keeping, maintaining and making available to the public a list of generating stations granted preliminary accreditation and accreditation in accordance with Article 30, together with any applicable conditions attached to the preliminary accreditation or accreditation;
- (b) keeping and maintaining a list of NIROCs which have been revoked and making such list available to the public;
- (c) calculating and publishing before the start of each obligation period (with the exception of the first obligation period to which this Order relates) the amount of the payment per megawatt hour of electricity referred to in Article 10 resulting from the adjustments made to reflect changes in the retail prices index;
- (d) publishing from time to time the total NIROC claim;
- (e) by 1st April each year (with the exception of 1st April 2007 and 1 April 2008) publishing an annual report in relation to the obligation period ending on the 31st March in the previous calendar year, such report to include details (or, in the case of sub-paragraph (v), a summary) of—
  - (i) the compliance of each designated electricity supplier with his renewables obligation, including the extent to which that obligation has been met by the production of NIROCs pursuant to Article 3 or 12, payments made under Article 10

- or the production of eligible GBROCs pursuant to Article 11 or treated as met by payments made under Article 26;
- (ii) the sums received by each United Kingdom supplier under Articles 25 and 26;
  - (iii) the number of NIROCs issued by the Authority in accordance with Articles 14, 15 and 23, the number of NIROCs accepted by it as evidence under Article 3(1), the number of GBROCs accepted by it under Article 11, the number of NIROCs accepted by it under Article 12, and the number of NIROCs issued but not yet deleted in respect of the obligation period;
  - (iv) the number of NIROCs respect by the Authority in accordance with Articles 14, 15 and 23, broken down into different descriptions of generating stations (as referred to in paragraph 2 of Schedule 3);
  - (v) the outcome of any enquiries or investigations conducted by the Authority pursuant to paragraph (f); and
  - (vi) any other matters which the Authority considers relevant to the implementation of this Order;
- (f) monitoring implementation of the renewables obligation and compliance with this Order by designated electricity suppliers and operators of generating stations (including compliance by operators of generating stations with any conditions attached to their accreditation) and such monitoring may include conducting enquiries or investigations into—
- (i) the quantities of electricity generated from eligible renewable sources by accredited generating stations;
  - (ii) the quantities of such electricity supplied to customers in Northern Ireland;
  - (iii) the transfer and holding of NIROCs (including the transfer and holding of NIROCs issued to agents by virtue of Article 15);
  - (iv) the effect of such matters on the making and allocation of payments under Articles 10, 25 and 26; and
  - (v) the effect of the renewables obligation on designated electricity suppliers and the operators of generating stations;
- (g) publishing at its discretion reports of enquiries or investigations conducted by the Authority pursuant to paragraph (f); and
- (h) the provision of such information to the Great Britain Authority as the Authority considers may be relevant to the exercise of the Great Britain Authority's functions under any GBRO Order.

### **Preliminary accreditation and accreditation of generating stations**

**30.**—(1) Paragraphs (2) to (9) shall apply to the granting and withdrawing of preliminary accreditation and accreditation of generating stations.

(2) Where a generating station in respect of which—

- (a) consent under Article 39 of the Electricity (Northern Ireland) Order 1992 has been obtained; or
- (b) planning permission under the Planning (Northern Ireland) Order 1991(1) has been granted

has not been commissioned, the Authority may, upon the application of the person who proposes to construct or operate the generating station, grant the station preliminary accreditation as being capable of generating electricity from eligible renewable sources.

(3) Where a generating station has been commissioned, the Authority may, upon application of its operator (or, where NIROCs relating to electricity generated in whole or in part by that generating station will be issued to an agent by virtue of Article 15, that agent), grant the station accreditation for the purposes of Article 16(2).

(4) Where a generating station has been granted preliminary accreditation (and such preliminary accreditation has not been withdrawn) an application for its accreditation is validly made under paragraph (3), the Authority shall not grant that application if—

- (a) in the Authority's view there was a material change in circumstances since the preliminary accreditation was granted;
- (b) the Authority has reason to believe that the information on which the decision to grant the preliminary accreditation was based was incorrect in a material particular; or
- (c) there has been a change in applicable legislation since the preliminary accreditation was granted such that, had the application for preliminary accreditation been made under the amended legislation, it would not in the Authority's view have been granted

but otherwise shall grant the application.

(5) The Authority may, in granting preliminary accreditation or accreditation, attach such conditions as appear to it to be appropriate.

(6) Where any of the circumstances mentioned in paragraph (7) apply, the Authority may—

- (a) withdraw the preliminary accreditation or accreditation from any generating station;
- (b) amend conditions attached to the preliminary accreditation or accreditation under paragraph (5);
- (c) attach conditions to the preliminary accreditation or accreditation.

(7) The circumstances referred to in paragraph (6) are as follows—

- (a) in the Authority's view there has been a material change in the circumstances since the preliminary accreditation or accreditation was granted;
- (b) any condition subject to which preliminary accreditation or accreditation was granted has not been complied with;
- (c) the Authority has reason to believe that the information on which the decision to grant the preliminary accreditation or accreditation was based was incorrect in a material particular;
- (d) there has been a change in applicable legislation since the preliminary accreditation or accreditation was granted such that, had the application for preliminary accreditation or accreditation been made under the amended legislation, it would not in the Authority's view have been granted.

(8) The Authority shall notify the applicant in writing of—

- (a) its decision on an application for preliminary accreditation or accreditation of a generating station;
- (b) any conditions attached to the preliminary accreditation or accreditation; and
- (c) any withdrawal of preliminary accreditation or accreditation.

(9) In providing written notification under paragraph (8), the Authority shall specify the date on which the grant or withdrawal or preliminary accreditation or accreditation is to take effect and, where applicable, the date on which any conditions attached to the preliminary accreditation or accreditation are to take effect.

(10) In paragraph (2), the reference to the person who proposes to construct the generating station shall include a person who arranges for the construction of the generating station.