
STATUTORY RULES OF NORTHERN IRELAND

2008 No. 287

ELECTRICITY

The Guarantees of Origin of Electricity Produced from High-efficiency Cogeneration Regulations (Northern Ireland) 2008

Made - - - - 30th June 2008
22nd September
Coming into operation 2008

The Department of Enterprise, Trade and Investment, being a Department designated (1) for the purposes of section 2(2) of the European Communities Act 1972(2) in relation to measures relating to regulation of the electricity sector, makes the following Regulations in exercise of the powers conferred upon it by that section:

Citation, commencement and extent

1. These Regulations may be cited as the Guarantees of Origin of Electricity Produced from High-efficiency Cogeneration Regulations (Northern Ireland) 2008 and shall come into operation on 22 September 2008.

Commencement Information

II [Reg. 1](#) in operation at 22.9.2008, see [reg. 1](#)

Interpretation

2.—(1) For the purposes of these Regulations—

[^{F1}“the Energy Efficiency Directive” means Directive 2012/27/EU of the European Parliament and of the Council of 25th October 2012 on energy efficiency, amending Directives [2009/125/EC](#) and [2010/30/EU](#) and repealing Directives [2004/8/EC](#) and [2006/32/EC](#)(3), and any reference to Annexes II and X to the Directive is to be construed as a reference to those Annexes as amended from time to time]

(1) [S.I. 1998/745](#)

(2) [1972 c. 68](#) (c.46)

(3) Published by the Department for the Environment, Food and Rural Affairs and prepared in consultation with other Government Departments, as well as the Scottish Executive, the National Assembly for Wales, and the Northern Ireland Department of Enterprise, Trade and Investment. Available from www.chpqa.com or the CHPQA Administrator: telephone 0870v190 6196 or email chpqainfo@chpqa.com

Status: Point in time view as at 10/12/2014.

Changes to legislation: There are currently no known outstanding effects for the The Guarantees of Origin of Electricity Produced from High-efficiency Cogeneration Regulations (Northern Ireland) 2008. (See end of Document for details)

“the competent authority” shall be construed in accordance with regulation 3(2);

“CHPQA” means the Combined Heat and Power Quality Assurance programme, see the CHPQA Standard and accompanying CHPQA guidance notes. CHPQA standard, Issue 2, November 2007 published by the Department of Environment, Food and Rural Affairs⁽³⁾

“CHPGO” means a guarantee of origin of electricity produced from high-efficiency cogeneration;

“CHPGO holder” means the person to whom the CHPGO is issued or transferred;

“guarantee of origin” means, except in relation to paragraphs (3) to (5) of regulation 10, a certificate issued by the competent authority certifying that the electricity in respect of which the certificate is issued was electricity produced from high-efficiency cogeneration; and

“high-efficiency cogeneration” means cogeneration of electricity that meets the criteria of [F²Annex II to the Energy Efficiency Directive] .

(2) Expressions used in these Regulations and which are also used in the [F³Energy Efficiency Directive] have the meaning they bear in that Directive.

(3) The Interpretation Act (Northern Ireland) 1954⁽⁴⁾ shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Textual Amendments

- F1** Words in [reg. 2\(1\)](#) substituted (10.12.2014) by [The Guarantees of Origin of Electricity Produced from High-efficiency Cogeneration \(Amendment\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/284\)](#), [regs. 1\(1\), 2\(2\)\(a\)](#)
- F2** Words in [reg. 2\(1\)](#) substituted (10.12.2014) by [The Guarantees of Origin of Electricity Produced from High-efficiency Cogeneration \(Amendment\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/284\)](#), [regs. 1\(1\), 2\(2\)\(b\)](#)
- F3** Words in [reg. 2\(2\)](#) substituted (10.12.2014) by [The Guarantees of Origin of Electricity Produced from High-efficiency Cogeneration \(Amendment\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/284\)](#), [regs. 1\(1\), 2\(2\)\(c\)](#)

Commencement Information

- I2** [Reg. 2](#) in operation at 22.9.2008, see [reg. 1](#)

Issue of CHPGOs and the competent authority

3.—(1) CHPGOs shall be issued by the competent authority in accordance with these Regulations.

(2) The Department of Enterprise, Trade and Investment is the competent authority and is so designated [F⁴to supervise the issuing of CHPGOs in accordance with Article 14(10) of and Annex X to the Energy Efficiency Directive] .

(3) Published by the Department for the Environment, Food and Rural Affairs and prepared in consultation with other Government Departments, as well as the Scottish Executive, the National Assembly for Wales, and the Northern Ireland Department of Enterprise, Trade and Investment. Available from www.chpqa.com or the CHPQA Administrator: telephone 0870v190 6196 or email chpqa@chpqa.com

(4) 1954 c.33 (N.I.)

Textual Amendments

- F4** Words in [reg. 3\(2\)](#) substituted (10.12.2014) by [The Guarantees of Origin of Electricity Produced from High-efficiency Cogeneration \(Amendment\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/284\)](#), [regs. 1\(1\), 2\(3\)](#)

Commencement Information

- I3** [Reg. 3](#) in operation at 22.9.2008, see [reg. 1](#)

Request to issue CHPGOs

4.—(1) A producer of electricity may request a CHPGO from the competent authority.

(2) A request may not be made for a CHPGO under paragraph (1) where the electricity is produced outside Northern Ireland.

(3) A request under paragraph (1) shall not be considered duly made until the competent authority is provided with all the information specified in Schedule 1 and the statement required under paragraph (4).

(4) The person making a request under paragraph (1) shall provide with the request a statement that in respect of the electricity which is the subject of the request—

- (a) he is entitled to the issue of a CHPGO under these Regulation;
- (b) he has not made and does not intend to make a request for a CHPGO in respect of the same electricity in another Member State of Great Britain; and
- (c) he has not made and does not intend to make another request under paragraph (1) in respect of the same electricity.

Commencement Information

- I4** [Reg. 4](#) in operation at 22.9.2008, see [reg. 1](#)

Issue and content of CHPGOs

5.—(1) Where the competent authority—

- (a) Receives a request made in accordance with regulation 4(1); and
- (b) Is satisfied that the electricity to which the request relates was produced from high-efficiency cogeneration; and
- (c) Receives any charge payable under regulation 9;

The authority shall issue a CHPGO in respect of that electricity.

(2) A CHPGO shall be issued to the person making the request for it under Regulation 4(1) or such other person as that person may specify in the request.

[^{F5}(2A) A CHPGO—

- (a) shall be issued by reference to a standard size of 1MWh; and
- (b) shall relate to the net electricity output measured at the station boundary and exported to the grid.]

(3) A CHPGO—

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- (a) shall contain the [^{F6}information required by paragraph (b) of Annex X to the Energy Efficiency Directive] ; and
 - (b) may contain such other matters as the competent authority considers appropriate.
- (4) Where a CHPGO has been issued in respect of any electricity and not revoked, a further CHPGO in respect of the same electricity shall not be issued by the competent authority.

Textual Amendments

- F5** Reg. 5(2A) inserted (10.12.2014) by The Guarantees of Origin of Electricity Produced from High-efficiency Cogeneration (Amendment) Regulations (Northern Ireland) 2014 (S.R. 2014/284), regs. 1(1), 2(4)(a)
- F6** Words in reg. 5(3) substituted (10.12.2014) by The Guarantees of Origin of Electricity Produced from High-efficiency Cogeneration (Amendment) Regulations (Northern Ireland) 2014 (S.R. 2014/284), regs. 1(1), 2(4)(b)

Commencement Information

- I5** Reg. 5 in operation at 22.9.2008, see [reg. 1](#)

Replacement CHPGOs

6.—(1) The CHPGO holder may request the competent authority to review the issue of the CHPGO and to issue a replacement CHPGO if—

- (a) the CHPGO holder believes that the CHPGO is inaccurate; and
- (b) the request is made in writing to the competent authority within 21 days of the issue of the CHPGO.

(2) A request under paragraph (1) shall—

- (a) state the particulars of the CHPGO which the CHPGO holder believes are inaccurate, and
- (b) provide all necessary information in support of that request.

(3) The competent authority shall acknowledge to the CHPGO holder the receipt of a request under paragraph (1) within seven days of receipt.

(4) The competent authority shall (on the basis of the information provided in a request under paragraph (1))—

(5) The 40 day period may be extended if so agreed by the CHPGO holder and the competent authority.

(6) If the competent authority decides—

- (a) to revoke the CHPGO, it shall give notice under regulation 8(2);
- (b) not to revoke the CHPGO, it shall as soon as possible given written notice to the CHPGO holder, with reasons for that decision; and
- (c) to issue a replacement CHPGO, it shall do so as soon as possible.

Commencement Information

- I6** Reg. 6 in operation at 22.9.2008, see [reg. 1](#)

Transfer of CHPGOs

7.—(1) If the CHPGO holder no longer operates the plant to which the CHPGO relates, he may request the competent authority to transfer the CHPGO to the person who does operate that plant.

(2) If the competent authority receives—

- (a) a written request for a transfer referred to in paragraph (1);
- (b) satisfactory evidence of the matters referred to in that paragraph; and
- (c) any charge payable under regulation 9;

it shall effect the transfer of the CHPGO.

Commencement Information

I7 Reg. 7 in operation at 22.9.2008, see [reg. 1](#)

Revocation of CHPGOs

8.—(1) The competent authority shall revoke a CHPGO where—

- (a) it decides that the CHPGO is inaccurate;
- (b) it is satisfied that the information provided under regulation 4 in connection with the request for the CHPGO is incorrect in a material particular; or
- (c) it is otherwise satisfied that the CHPGO should not have been issued, or was issued to the wrong person.

(2) Where the competent authority revokes a CHPGO, it shall as soon as possible give written notice to the CHPGO holder.

(3) A CHPGO that is revoked—

- (a) under sub-paragraph (1)(a), shall be treated as if it had not been issued;
- (b) under sub-paragraphs (1)(b) or (c), shall cease to have effect from the date that notice is given under paragraph (2).

Commencement Information

I8 Reg. 8 in operation at 22.9.2008, see [reg. 1](#)

Charging

9.—(1) The competent authority may require the payment of a charge from—

- (a) A producer of electricity who requests a CHPGO under Regulation 4; or
- (b) A CHPGO holder who requests a transfer of a CHPGO under Regulation 8.

(2) A charge payable under paragraph (1) shall not exceed the costs of the competent authority in complying with the request to which it relates.

(3) The competent authority shall not be required to issue or transfer a CHPGO until the charge is paid.

Commencement Information

I9 Reg. 9 in operation at 22.9.2008, see [reg. 1](#)

Recognition of CHPGOs

10.—(1) A public authority shall recognise a CHPGO issued by any competent authority as proof of the matters referred to in [F7Annex X to the Energy Efficiency Directive] .

(2) For the purposes of the regulation a public authority means any Northern Ireland Minister, government department, public body of any description or any person holding public office.

(3) Subject to paragraph (4), a public authority shall recognise, as proof of the [F8:information referred to in paragraph (b) of Annex X to the Energy Efficiency Directive] , a CHPGO which has been issued in accordance with [F9Article 14(10) of the Energy Efficiency Directive] outside Northern Ireland.

(4) A public authority is not required to recognise, to the extent referred to in paragraph (3), a CHPGO issued outside Northern Ireland if—

- (a) it has been requested to refuse or withdraw such recognition by the authority which issued or supervised the issue of the CHPGO; or
- (b) on the basis of objective, transparent and non-discriminatory criteria, it is satisfied that the CHPGO should not have been issued or that refusal of recognition is necessary for the prevention of fraud.

(5) Where a public authority has refused to recognise a CHPGO issued in another Member State, it shall recognise that CHPGO where the Commission of the European Communities requires such recognition under [F10Article 14(10) of the Energy Efficiency Directive] .

(6) Nothing in this regulation shall require a public authority to satisfy itself that a CHPGO issued in another Member State or Great Britain has been properly issued.

Textual Amendments

- F7** Words in [reg. 10\(1\)](#) substituted (10.12.2014) by [The Guarantees of Origin of Electricity Produced from High-efficiency Cogeneration \(Amendment\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/284\)](#), regs. 1(1), [2\(5\)\(a\)](#)
- F8** Words in [reg. 10\(3\)](#) substituted (10.12.2014) by [The Guarantees of Origin of Electricity Produced from High-efficiency Cogeneration \(Amendment\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/284\)](#), regs. 1(1), [2\(5\)\(b\)\(i\)](#)
- F9** Words in [reg. 10\(3\)](#) substituted (10.12.2014) by [The Guarantees of Origin of Electricity Produced from High-efficiency Cogeneration \(Amendment\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/284\)](#), regs. 1(1), [2\(5\)\(b\)\(ii\)](#)
- F10** Words in [reg. 10\(5\)](#) substituted (10.12.2014) by [The Guarantees of Origin of Electricity Produced from High-efficiency Cogeneration \(Amendment\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/284\)](#), regs. 1(1), [2\(5\)\(c\)](#)

Commencement Information

- I10** [Reg. 10](#) in operation at 22.9.2008, see [reg. 1](#)

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 30 June 2008



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

Status: Point in time view as at 10/12/2014.

Changes to legislation: There are currently no known outstanding effects for the The Guarantees of Origin of Electricity Produced from High-efficiency Cogeneration Regulations (Northern Ireland) 2008. (See end of Document for details)

SCHEDULE 1

Regulation 4(3)

Information to be supplied with a request for a CHPGO

1. The name and address and, if a company, the registered number, of the person requesting the issue of the CHPGO.

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Commencement Information

I11 [Sch. 1 para. 1](#) in operation at 22.9.2008, see [reg. 1](#)

2. Where the person signing the statement required under regulation 4(4) is not the person making the request, the name and address of the person signing the statement.

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Commencement Information

I12 [Sch. 1 para. 2](#) in operation at 22.9.2008, see [reg. 1](#)

3. Whether the person requesting the issue of the CHPGO is the producer of the electricity in respect of which the CHPGO is requested and, if not, the name and address and, if a company the registered number, of the producer.

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Commencement Information

I13 [Sch. 1 para. 3](#) in operation at 22.9.2008, see [reg. 1](#)

4. The beginning and end of the period covered by the request.

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Commencement Information

I14 [Sch. 1 para. 4](#) in operation at 22.9.2008, see [reg. 1](#)

5. The place where the electricity in respect of which the CHPGO is requested was produced, and the name, if any, of the plant.

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Commencement Information

I15 [Sch. 1 para. 5](#) in operation at 22.9.2008, see [reg. 1](#)

6. The quantity of electricity in respect of which the CHPGO is requested, together with the total quantity of electricity produced by the plant during the period covered by the request.

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Commencement Information

I16 [Sch. 1 para. 6](#) in operation at 22.9.2008, see [reg. 1](#)

7. The information relating to the plant which a person would be required to provide if they requested a certificate under CHPQA in relation to that plant.

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Commencement Information

I17 Sch. 1 para. 7 in operation at 22.9.2008, see [reg. 1](#)

8. The primary fuel source from which the electricity was produced.

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Commencement Information

I18 Sch. 1 para. 8 in operation at 22.9.2008, see [reg. 1](#)

9. The heat to power ratio of the plant producing it.

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Commencement Information

I19 Sch. 1 para. 9 in operation at 22.9.2008, see [reg. 1](#)

10. The amount of useful heat utilised during the period covered by the request.

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Commencement Information

I20 Sch. 1 para. 10 in operation at 22.9.2008, see [reg. 1](#)

11. Such further information as the competent authority may, in the particular circumstances of the case, reasonably require

- (a) for the purposes of ascertaining the accuracy of the information required to be provided under paragraphs 1 to 10; or
- (b) to enable the competent authority to be satisfied that any electricity produced is from high-efficiency cogeneration.

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Commencement Information

I21 Sch. 1 para. 11 in operation at 22.9.2008, see [reg. 1](#)

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Textual Amendments

F11 Sch. 2 omitted (10.12.2014) by virtue of The Guarantees of Origin of Electricity Produced from High-efficiency Cogeneration (Amendment) Regulations (Northern Ireland) 2014 (S.R. 2014/284), regs. 1(1), 2(6)

Status: Point in time view as at 10/12/2014.

Changes to legislation: There are currently no known outstanding effects for the *The Guarantees of Origin of Electricity Produced from High-efficiency Cogeneration Regulations (Northern Ireland) 2008*. (See end of Document for details)

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations implement as respects Northern Ireland Article 5 of the Directive [2004/8/EC](#) (OJ L 52, 21.2.2004, p.50) of the European Parliament and of the council on the promotion of cogeneration based on a useful heat demand in the internal energy market and amending Directive [92/42/EEC](#) (OJ L 167, 22.6.1992, p.17). That article provides for the issue of guarantees of origin of electricity from high-efficiency cogeneration. The cogeneration of electricity is more commonly referred to in the United Kingdom as electricity produced from combined heat and power or CHP.

Regulation 3 provides that the Department of Enterprise, Trade and Investment, as the competent authority, is the issuer of guarantees of origin of electricity produced from high-efficiency cogeneration.

Regulation 4 provides for the procedure that a producer of electricity must follow to obtain a guarantee, Schedule 1 sets out the information that a producer must provide to the competent authority. Paragraph 7 of that Schedule refers to the Combined Heat and Power Quality Assurance (CHPQA) programme. The CHPQA Standard, Issue 2, November 2007 published by the Department for Environment, Food and Rural Affairs. It may be obtained from www.chpqa.com. Or the CHPQA administrator telephone 0870 190 6196 and E-mail: chpqa@chpqa.com

Regulation 5 provides for the issue and content of a guarantee. Schedule 2 specifies the information to be included in a guarantee of origin.

Regulation 6 sets out when a guarantee may be replaced.

Regulation 7 provides for the transfer of a guarantee.

Regulation 8 sets out when and how a guarantee may be revoked.

Regulation 9 provides that a charge may be made for the issue or transfer of a guarantee.

Regulation 10 provides for the recognition of guarantees, including those issued by competent authorities outside Northern Ireland.

Status:

Point in time view as at 10/12/2014.

Changes to legislation:

There are currently no known outstanding effects for the The Guarantees of Origin of Electricity Produced from High-efficiency Cogeneration Regulations (Northern Ireland) 2008.