
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 154

The Renewables Obligation Order (Northern Ireland) 2009

PART 6

Banding and Grandfathering

Review of banding provisions

31.—(1) In this Order, “banding provision” means a provision of Articles 25 to 29.

(2) The Department may commence a review of the banding provisions in October 2010 and at subsequent four yearly intervals.

(3) The Department may review all or any of the banding provisions at any time if satisfied that one or more of the following conditions is satisfied—

- (a) the charges imposed by network operators on persons, or a class of persons, making a request for connection to and use of a transmission or distribution system have changed significantly since the Department made the banding provisions;
- (b) the charges imposed by network operators on persons, or a class of person, who generate electricity have changed significantly since the Department made the banding provisions;
- (c) a way of generating electricity is being or has been developed that—
 - (i) is likely to be used to generate from renewable sources electricity which is supplied to customers in Northern Ireland, and
 - (ii) is not listed in the first column of Part 2 of Schedule 2;
- (d) there has been a change, since the Department made the banding provisions, in any support, whether financial or otherwise, provided under any enactment other than Articles 52 to 55F of the Energy Order to persons generating electricity from renewable sources and that change is likely to have a significant impact on the generation of electricity from renewable sources;
- (e) the costs of generating electricity in any of the ways listed in the first column of Part 2 of Schedule 2 are significantly different from the costs of generating electricity in that way to which the Department had regard when making the banding provisions;
- (f) there is evidence over a significant period that the provisions of Article 13(3) to (5) are having a material effect on trade in NIROCs to which Article 13(3) and (4) applies;
- (g) in an obligation period the number of NIROCs issued by, produced to or likely to be produced to the Authority exceeds or is likely to exceed the total number of NIROCs required to be produced to the Authority in respect of that obligation period by designated electricity suppliers;
- (h) an event has occurred which—
 - (i) is relevant to the matters set out in Article 54B(4) of the Energy Order,
 - (ii) was not foreseen by the Department when making the banding provisions, and

(iii) has or is likely to have a material effect on the operation of this Order.

(4) In this Article, “network operators” are persons authorised by a licence under Article 10(1) of the Electricity (Northern Ireland) Order 1992 to participate in the transmission of electricity.