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STATUTORY RULES OF NORTHERN IRELAND

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**2009 No. 154**

**The Renewables Obligation Order (Northern Ireland) 2009**

**PART 7**

**Issue and Revocation of NIROCs**

**Refusing to issue and revoking NIROCs**

**37.**—(1) The Authority may refuse to issue a NIROC—

- (a) where any criterion in Articles 34 to 36 which relates to that NIROC is not (in its opinion) met;
- (b) where any information referred to in Article 34(4) or any confirmation provided to it under this Part is not (in its opinion) accurate and reliable.

(2) Where, in relation to any electricity generated by a generating station in a month, the Authority is satisfied that—

- (a) any information referred to in Article 34(4) is false;
- (b) any confirmation provided to it under this Part is false; or
- (c) a NIROC was issued on the basis of any fraudulent behaviour, statement or undertaking on the part of the operator of that generating station or a connected person or, where NIROCs are issued to an agent by virtue of Article 33, that agent,

the Authority must revoke all NIROCs issued in respect of that electricity in that month.

(3) The Authority must also revoke any NIROC which it has issued where it is satisfied that the NIROC is inaccurate.

(4) Where the Authority—

- (a) is no longer satisfied that a NIROC should have been issued;
- (b) has reasonable doubts as to the accuracy or reliability of the information upon which it relied prior to the issue of a NIROC; or
- (c) has been unable, due to a failure or refusal by any person (whether inside or outside Northern Ireland) to provide it with any information reasonably requested by it, to check the accuracy of either a NIROC or any information which it relied upon prior to the issue of a NIROC,

it may revoke the NIROC (or another NIROC which is identical in all material respects and which has been issued to the same person).

(5) In determining whether to revoke a NIROC under paragraph (3) or (4), the Authority may disregard any changes to the amounts for “gross output” (within the meaning of Article 23) and “input electricity” (within the meaning of Article 22) which were used by it to determine a generating station’s renewable output in a month if satisfied that, in all the circumstances, it is reasonable for it to do so.

(6) Where the Authority revokes a NIROC it must delete that NIROC from the Register and as soon as reasonably practicable afterwards give notice in writing of such revocation to the person who was the registered holder of the NIROC at the time of its revocation.