
STATUTORY RULES OF NORTHERN IRELAND

2012 No. 396

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

PART 5

PERIODIC SUPPORT PAYMENTS

Payment of periodic support payments to participants

36.—(1) Periodic support payments shall accrue from the tariff start date and shall be payable for 20 years.

(2) Periodic support payments shall be calculated and paid by the Department.

(3) [^{F1}Subject to regulation 42(5) and paragraphs (7) to [^{F2}(7C)] the tariff for an accredited RHI installation] accredited RHI installation shall be fixed when that installation is accredited.

(4) Subject to paragraph (7), the tariff for a participant who is a producer of biomethane is the biomethane and biogas combustion tariff set out in Schedule 3.

[^{F3}(5) Subject to paragraphs (6) to [^{F4}(7C)] , the tariff for an accredited RHI installation is the tariff set out in Schedule 3, 3A [^{F5}, 4 or 5] as the case may be in relation to its source of energy or technology and installation capacity.]

(6) [^{F6}For the purposes of paragraphs (5) and (7) to [^{F7}(7C)] , where the accredited RHI installation] the accredited RHI installation is one of a number of plants forming part of the same heating system its installation capacity is to be taken to be the sum of the installation capacities of that accredited RHI installation and all plants for which an application for accreditation has been made (whether or not they have been accredited) which—

- (a) use the same source of energy and technology as that accredited RHI installation; and
- (b) form part of the same heating system as that accredited RHI installation.

(7) [^{F8}The tariffs [^{F9}for installations accredited before 18th November 2015][^{F10}, other than installations to which paragraph (7B) [^{F11}or (7C)] applies] —

- (a) for the period beginning with the commencement of these Regulations and ending with 31st March 2013, are the tariffs set out in Schedule 3; and
- (b) for each subsequent year commencing with 1st April and ending with 31st March, are the tariffs applicable on the immediately preceding 31st March adjusted by the percentage increase or decrease in the retail prices index for the previous calendar year (the resulting figure being rounded to the nearest tenth of a penny, with any twentieth of a penny being rounded upwards).]

[^{F12}(7A) The tariffs for installations accredited on or after 18th November 2015 [^{F13}, other than installations to which paragraph (7C) applies] —

- (a) for the period beginning with 18th November 2015 and ending with 31st March 2016, are the tariffs set out in Schedule 4; and
- (b) for each subsequent year commencing with 1st April and ending with the next 31st March, are the tariffs applicable on the immediately preceding 31st March adjusted by the percentage increase or decrease in the retail prices index for the previous calendar year (the resulting figure being rounded to the nearest tenth of a penny, with any twentieth of a penny being rounded upwards).]

[^{F14}(7B) The tariffs for installations accredited before 18th November 2015 and falling within the small or medium biomass tariffs set out in Schedule 3A, for the period beginning with the coming into operation of section 2 of the Northern Ireland (Regional Rates and Energy) Act 2018 and ending with 31st March 2019, are the tariffs set out in Schedule 3A adjusted by the percentage increase or decrease in the retail prices index for the calendar year 2017 (the resulting figure being rounded to the tenth of a penny, with any twentieth of a penny being rounded upwards).]

[^{F15}(7C) The tariffs for installations (whether accredited before or after the coming into operation of section 3 of the Northern Ireland (Regional Rates and Energy) Act 2019) falling within the small or medium biomass tariffs set out in Schedule 5—

- (a) for the period beginning with 1st April 2019 and ending with 31st March 2020, are the tariffs set out in Schedule 5;
- (b) for each subsequent year commencing with 1st April and ending with the next 31st March, are the tariffs applicable on the immediately preceding 31st March adjusted by the percentage increase or decrease in the consumer prices index for the previous calendar year (the resulting figure being rounded to the tenth of a penny, with any twentieth of a penny being rounded upwards).

(7D) For the purposes of paragraph (7C) “the consumer prices index” means—

- (a) the consumer prices index calculated and published by the Office for National Statistics; or
- (b) where the index is not published for a year, any substituted index or figures published by that Office.]

(8) The Department must calculate the tariff rates each year in [^{F16}accordance with paragraphs (7) to [^{F17}(7C)] and publish] on or before 1st April of each year a table of tariffs for the period commencing with 1st April of that year and ending with 31st March of the following year.

[^{F18}(9) Where an accredited RHI installation falls within the small or medium biomass tariffs as set out in Schedule 4—

- (a) the tariff for the initial heat generated by the installation in any 12 month period commencing with, or with the anniversary of, the date of accreditation is the relevant tier 1 tariff specified in Schedule 4;
- (b) the tariff for further heat generated in that same 12 month period up to a maximum of 400,000 kWh is the relevant tier 2 tariff; and
- (c) any further heat generated over 400,000 kWh in the same 12 month period shall not be eligible for RHI payments.

[^{F19}(9A) Where an accredited RHI installation falls within the small or medium biomass tariffs set out in Schedule 3A [^{F20}and the tariff for the installation falls to be determined for the period mentioned in paragraph (7B)] —

- (a) the tariff for the initial heat generated by the installation in any 12 month period commencing with, or with the anniversary of, the date of accreditation (regardless of whether that date falls before or after the coming into operation of section 2 of the Northern

Ireland (Regional Rates and Energy) Act 2018) is the relevant Tier 1 tariff specified in Schedule 3A;

- (b) the tariff for further heat generated in that same 12 month period up to a maximum of 400,000 kWh is the relevant Tier 2 tariff specified in Schedule 3A; and
- (c) any further heat generated in that same 12 month period shall not be eligible for periodic payments.]

[
F21(9B) Where an accredited RHI installation falls within the small biomass tariff set out in Schedule 5—

- (a) the tariff for the initial heat generated by the installation in any 12 month period commencing with, or with the anniversary of, the date of accreditation (regardless of whether that date falls before or after the coming into operation of section 3 of the Northern Ireland (Regional Rates and Energy) Act 2019) is the Tier 1 tariff specified in Schedule 5;
- (b) the tariff for further heat generated in that same 12 month period is the relevant Tier 2 tariff specified in Schedule 5.

(9C) Where an accredited RHI installation falls within either of the medium biomass tariffs set out in Schedule 5—

- (a) the tariff for the initial heat generated by the installation in any 12 month period commencing with, or with the anniversary of, the date of accreditation (regardless of whether that date falls before or after the coming into operation of section 3 of the Northern Ireland (Regional Rates and Energy) Act 2019) is the relevant tariff specified in Schedule 5; and
- (b) any further heat generated in that same 12 month period shall not be eligible for periodic payments.]

(10) [F22For the purposes of paragraphs (9) [F23to (9C)] , “the initial heat” means] the heat in kWh generated by an accredited RHI installation running at its installation capacity for 1,314 hours.]

[F24(11) Despite regulation 1(3) of the Renewable Heat Incentive Scheme (Amendment) Regulations (Northern Ireland) 2017 (S.R. (NI) 2017 No.32) (which provides for those Regulations to cease to have effect on 31 March 2018), paragraphs (3) to (10) and Schedule 3A continue to have effect as amended by those Regulations in relation to heat generated before 1 April 2018.]

Textual Amendments

- F1 Words in reg. 36(3) substituted (1.4.2018) by Northern Ireland (Regional Rates and Energy) Act 2018 (c. 6), ss. 2(2), 3(2) (with reg. 2(14)-(16))
- F2 Word in reg. 36(3) substituted (1.4.2019) by Northern Ireland (Regional Rates and Energy) Act 2019 (c. 13), ss. 3(1), 6(2) (with ss. 2(2), 3(13))
- F3 Reg. 36(5) inserted (1.4.2018) by Northern Ireland (Regional Rates and Energy) Act 2018 (c. 6), ss. 2(3), 3(2) (with reg. 2(14)-(16))
- F4 Word in reg. 36(5) substituted (1.4.2019) by Northern Ireland (Regional Rates and Energy) Act 2019 (c. 13), ss. 3(2)(a), 6(2) (with ss. 2(2), 3(13))
- F5 Words in reg. 36(5) substituted (1.4.2019) by Northern Ireland (Regional Rates and Energy) Act 2019 (c. 13), ss. 3(2)(b), 6(2) (with ss. 2(2), 3(13))
- F6 Words in reg. 36(6) substituted (1.4.2018) by Northern Ireland (Regional Rates and Energy) Act 2018 (c. 6), ss. 2(4), 3(2) (with reg. 2(14)-(16))
- F7 Word in reg. 36(6) substituted (1.4.2019) by Northern Ireland (Regional Rates and Energy) Act 2019 (c. 13), ss. 3(3), 6(2) (with ss. 2(2), 3(13))

- F8** Reg. 36(7) ceases to have effect as specified (temp. until 31/3/2018) (coming into force in accordance with reg. 1(2) of the amending Rule) by virtue of The Renewable Heat Incentive Scheme (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/32), regs. 1, **5(4)**
- F9** Words in reg. 36(7) inserted (18.11.2015) by The Renewable Heat Incentive Schemes (Amendment) Regulations (Northern Ireland) 2015 (S.R. 2015/371), regs. 1, **10(2)**
- F10** Words in reg. 36(7) inserted (1.4.2018) by Northern Ireland (Regional Rates and Energy) Act 2018 (c. 6), **ss. 2(5)**, 3(2) (with reg. 2(14)-(16))
- F11** Words in reg. 36(7) inserted (1.4.2019) by Northern Ireland (Regional Rates and Energy) Act 2019 (c. 13), **ss. 3(4)**, 6(2) (with ss. 2(2), 3(13))
- F12** Reg. 36(7A) inserted (18.11.2015) by The Renewable Heat Incentive Schemes (Amendment) Regulations (Northern Ireland) 2015 (S.R. 2015/371), regs. 1, **10(3)**
- F13** Words in reg. 36(7A) inserted (1.4.2019) by Northern Ireland (Regional Rates and Energy) Act 2019 (c. 13), **ss. 3(5)**, 6(2) (with ss. 2(2), 3(13))
- F14** Reg. 36(7B) inserted (1.4.2018) by Northern Ireland (Regional Rates and Energy) Act 2018 (c. 6), **ss. 2(6)**, 3(2) (with reg. 2(14)-(16))
- F15** Reg. 36(7C)(7D) inserted (1.4.2019) by Northern Ireland (Regional Rates and Energy) Act 2019 (c. 13), **ss. 3(6)**, 6(2) (with ss. 2(2), 3(13))
- F16** Words in reg. 36(8) substituted (1.4.2018) by Northern Ireland (Regional Rates and Energy) Act 2018 (c. 6), **ss. 2(7)**, 3(2) (with reg. 2(14)-(16))
- F17** Word in reg. 36(8) substituted (1.4.2019) by Northern Ireland (Regional Rates and Energy) Act 2019 (c. 13), **ss. 3(7)**, 6(2) (with ss. 2(2), 3(13))
- F18** Reg. 36(9)(10) inserted (18.11.2015) by The Renewable Heat Incentive Schemes (Amendment) Regulations (Northern Ireland) 2015 (S.R. 2015/371), regs. 1, **10(4)**
- F19** Reg. 36(9A) inserted (1.4.2018) by Northern Ireland (Regional Rates and Energy) Act 2018 (c. 6), **ss. 2(8)**, 3(2) (with reg. 2(14)-(16))
- F20** Words in reg. 36(9A) inserted (1.4.2019) by Northern Ireland (Regional Rates and Energy) Act 2019 (c. 13), **ss. 3(8)**, 6(2) (with ss. 2(2), 3(13))
- F21** Reg. 36(9B)(9C) inserted (1.4.2019) by Northern Ireland (Regional Rates and Energy) Act 2019 (c. 13), **ss. 3(9)**, 6(2) (with ss. 2(2), 3(13))
- F22** Words in reg. 36(10) substituted (1.4.2018) by Northern Ireland (Regional Rates and Energy) Act 2018 (c. 6), **ss. 2(9)**, 3(2) (with reg. 2(14)-(16))
- F23** Words in reg. 36(10) substituted (1.4.2019) by Northern Ireland (Regional Rates and Energy) Act 2019 (c. 13), **ss. 3(10)**, 6(2) (with ss. 2(2), 3(13))
- F24** Reg. 36(11) inserted (1.4.2018) by Northern Ireland (Regional Rates and Energy) Act 2018 (c. 6), **ss. 2(10)**, 3(2) (with reg. 2(15))

Commencement Information

- I1** Reg. 36 in operation at 1.11.2012, see **reg. 1**

Periodic support payments for accredited RHI installations in simple systems

37.—(1) This regulation applies to participants who own an accredited RHI installation (“the installation”) which—

- (a) is generating and supplying heat solely for one or more eligible purposes used in one building;
- (b) does not deliver heat by steam^{F25}.]
- ^{F26}(c)

(2) Subject to regulations 39 and 40, participants shall be paid a periodic support payment for the installation in respect of each quarterly period calculated in accordance with one of the following formulae, as applicable—

- (a) $A \times B$; or
- (b) where the installation is generating heat from the combustion of biogas,
 $A \times (B - C)$,

where—

- (a) A is the tariff for the installation determined in accordance with regulation 36;
- (b) B is the heat in kWhth generated by the installation during the relevant quarterly period; and
- (c) C is the heat in kWhth directed from the installation or delivered by any other source to the biogas production plant which produced the biogas combusted in the relevant quarterly period (other than heat contained in feedstock used to produce biogas by anaerobic digestion).

Textual Amendments

- F25** Words in Reg. 37(1)(b) substituted (18.11.2015) by The Renewable Heat Incentive Schemes (Amendment) Regulations (Northern Ireland) 2015 (S.R. 2015/371), regs. 1, **11**
- F26** Reg. 37(1)(c) omitted (18.11.2015) by virtue of The Renewable Heat Incentive Schemes (Amendment) Regulations (Northern Ireland) 2015 (S.R. 2015/371), regs. 1, **11**

Commencement Information

- I2** Reg. 37 in operation at 1.11.2012, see **reg. 1**

Periodic support payments accredited RHI installations for complex systems

38.—(1) This regulation applies to participants who own an accredited RHI installation (“the installation”) which does not fall within regulation 37.

(2) Subject to regulations 39 and 40, participants shall be paid a periodic support payment for the installation in respect of each quarterly period calculated in accordance with one of the following formulae, as applicable—

- (a) $A \times B \times D / E$; or
- (b) where the accredited RHI installation is generating heat from the combustion of biogas,
 $A \times (B - C) \times D / E$,

where—

- (a) A is the tariff for the installation determined in accordance with regulation 36;
- (b) B is the heat in kWhth used by the heating system of which the installation forms part during the relevant quarterly period for eligible purposes;
- (c) C is the heat in kWhth directed from the installation or delivered from any other source to the biogas production plant which produced the biogas combusted in the relevant quarterly period (other than heat contained in feedstock to produce biogas by anaerobic digestion) or, where there is not such heat, zero;
- (d) D is the heat in kWhth generated by the installation during the relevant quarterly period; and
- (e) E is the heat in kWhth generated by all plants supplying heat to the same heating system of which the installation forms part in the relevant quarterly period.

[^{F27}38A.—(1) No periodic support payments may be made in relation to any heat generated by any capacity of a CHP system to which paragraph (2) or (3) applies.

(2) This paragraph applies to capacity which generated heat and electricity before 1st May 2013 and which—

- (a) uses solid biomass or solid biomass contained in municipal waste to generate heat and electricity, and
- (b) forms part of a generating station which—
 - (i) is accredited under the NIRO, and
 - (ii) is or at any time since it was so accredited, has been a qualifying combined heat and power generating station within the meaning of article 2 of the Renewables Obligation Order.

(3) This paragraph applies to capacity which first generates heat and electricity on or after 1st October 2015 and—

- (a) which—
 - (i) uses solid biomass to generate heat and electricity;
 - (ii) forms part of a generating station which is accredited under the NIRO, and
 - (iii) is capacity in respect of which a declaration made in accordance with article 26(8) of the Renewables Obligation Order; has been made; or
- (b) which—
 - (i) uses solid biomass contained in municipal waste to generate heat and electricity;
 - (ii) forms part of a generating station which is accredited under the NIRO; and
 - (iii) forms part of a generating station which is or at any time since it was so accredited, has been a qualifying combined heat and power generating station within the meaning of article 2 of the Renewables Obligation Order.

(4) For the purpose of this regulation, “the Renewables Obligation Order” means the Renewables Obligation Order (Northern Ireland) 2009.]

Textual Amendments

F27 Reg. 38A inserted (18.11.2015) by [The Renewable Heat Incentive Schemes \(Amendment\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/371\)](#), regs. 1, 12

Commencement Information

I3 Reg. 38 in operation at 1.11.2012, see [reg. 1](#)

Fossil fuel contamination of solid biomass and fossil fuel used for permitted ancillary purposes

39.—(1) This regulation applies to participants generating heat in an accredited RHI installation where the heat is generated from solid biomass contained in municipal waste.

(2) The periodic support payment calculated in accordance with regulation 37 or 38 shall be reduced pro rata to reflect the proportion of the energy content of the municipal waste used in the relevant quarterly period which was composed of fossil fuel and, where fossil fuel has been used for permitted ancillary purposes in accordance with regulation 28, to reflect the proportion of fossil fuel so used which resulted in the generation of heat.

Commencement Information

I4 Reg. 39 in operation at 1.11.2012, see [reg. 1](#)

Fossil fuel contamination adjustment to periodic support payments for producers and combusters of biogas produced from gasification and pyrolysis

40.—(1) This regulation applies to participants producing biogas from gasification or pyrolysis and generating heat from that biogas in an accredited RHI installation.

(2) Where, in accordance with regulation 30, a participant uses feedstock contaminated with fossil fuel, the periodic support payment calculated in accordance with regulation 37 or 38 shall be reduced pro rata to reflect the proportion of fossil fuel contamination in the feedstock used by the participant in the relevant quarterly period.

Commencement Information

I5 Reg. 40 in operation at 1.11.2012, see [reg. 1](#)

Periodic support payments to producers of biomethane

41. Participants producing biomethane for injection shall be paid a periodic support payment in respect of each quarterly period calculated in accordance with the following formula—

$$A \times (B - (C + D + E)) \times F$$

where—

- (a) A is the biomethane and biogas combustion tariff determined in accordance with regulation 36;
- (b) B is the kWh of biomethane injected in any quarterly period;
- (c) C is the kWh of propane contained in B;
- (d) D is the kWhth of heat supplied to the biogas production plant (other than heat contained in feedstock to produce biogas by anaerobic digestion) which produced the biogas from which the biomethane was made, from any heat source other than heat generated from the combustion of that biogas;
- (e) E is the kWhth of heat supplied to the biomethane production process; and
- (f) F applies only in relation to biomethane made using biogas produced from gasification or pyrolysis, and is the proportion of biomass contained in the feedstock used in the relevant quarterly period to produce the biogas.

Commencement Information

I6 Reg. 41 in operation at 1.11.2012, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2012, PART 5.