
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**

Changes to legislation:

There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2012, Section 36.