



Northern Ireland (Regional Rates and Energy) Act 2019

2019 CHAPTER 13

Renewable heat incentive scheme

4 Voluntary buy-out arrangements

After regulation 23A insert—

“23B Voluntary buy-out arrangements

- (1) The powers conferred by paragraph (2) may only be exercised in the period while there is no Executive.
- (2) The Department may, in respect of the financial year beginning with 1st April 2019 and each of the two financial years immediately following, prepare and publish in such manner as it thinks appropriate arrangements (“buy-out arrangements”) which—
 - (a) enable a participant to apply in writing to the Department to receive a payment (“a buy-out payment”) in respect of an accredited RHI installation;
 - (b) set out the method by which the Department is to determine—
 - (i) whether a participant qualifies for a buy-out payment in respect of an accredited RHI installation; and
 - (ii) if the participant does qualify, the amount of that payment;
 - (c) where the Department determines that a participant does not qualify for a buy-out payment, require the Department to serve a notice on the participant stating that fact and setting out how the Department made that determination;
 - (d) where the Department determines that a participant qualifies for a buy-out payment, require the Department to serve on the participant a notice (“a buy-out offer”) setting out—
 - (i) the proposed amount of that payment,

- (ii) how that payment is calculated, and
 - (iii) the effect of paragraph (5);
 - (e) enable the participant to serve a notice on the Department accepting or rejecting the buy-out offer; and
 - (f) require the Department, subject to paragraph (4)(b), to make to a participant the buy-out payment proposed in a buy-out offer which has been accepted by the participant.
- (3) The method referred to in paragraph (2)(b)—
- (a) must be such as to take into account the amount of periodic support payments previously received by the participant in respect of the accredited RHI installation; and
 - (b) may accordingly be such that the participant does not qualify for a buy-out payment.
- (4) The buy-out arrangements may contain such other provisions as appear to the Department to be necessary or expedient for the proper administration of the arrangements, including provisions—
- (a) setting out the times at which, or the periods within which, the steps mentioned in paragraph (2) must be taken by a participant or, as the case may be, the Department;
 - (b) preventing a buy-out payment being made to a participant at any time when periodic support payments to the participant are being withheld or reduced under Part 7 or are suspended under that Part;
 - (c) for the Department to suspend periodic support payments in respect of an accredited RHI installation while an application in respect of that installation is being dealt with under the arrangements;
 - (d) applying provisions of these regulations relating to the scheme to the arrangements (with or without modifications).
- (5) Where in accordance with the buy-out arrangements, the Department makes a buy-out payment to a participant in respect of an accredited RHI installation, the installation ceases from the date of the payment to be an accredited RHI installation.
- (6) In paragraph (1) “the period while there is no Executive” means the period—
- (a) beginning with the coming into operation of section 4 of the Northern Ireland (Regional Rates and Energy) Act 2019; and
 - (b) ending on the next occasion when the offices of all of the Northern Ireland Ministers (including those of the First Minister and the deputy First Minister) are filled.”