STATUTORY INSTRUMENTS

2003 No. 419

The Energy (Northern Ireland) Order 2003

PART VII

ELECTRICITY FROM RENEWABLE SOURCES

[F1 Payment as alternative to complying with renewables obligation order

55.—(1) A renewables obligation order may provide—

(a) that an electricity supplier may (in whole or in part) discharge his renewables obligation by making a payment to the Authority before the last discharge day, and

(b) that an electricity supplier's renewables obligation that was not discharged in whole or in part before the last discharge day is to be treated as having been discharged to the extent specified in the order where the payment for which the order provides is made to the Authority before the end of the late payment period.

(2) The order may make provision—

(a) as to the sum which for the purposes of paragraph (1) is to correspond to a renewables obligation certificate

(b) for the sums that must be paid in order for an obligation to be treated as having been discharged to increase at a rate specified in the order for each day after the last discharge day;

(c) for different sums or rates falling within sub-paragraph (a) or (b) in relation to different periods;

(d) for different such sums or rates in relation to electricity generated in different cases or circumstances specified in the order (including those of a kind referred to in Article 53(2)(c));

(e) for any such sum or rate to be adjusted from time to time for inflation by a method specified in the order.

(3) The method specified under paragraph (2)(e) may, in particular, refer to a specified scale or index (as it may have effect from time to time) or to other specified data of any description.

(4) A renewables obligation order may provide that, where—

(a) a renewables obligation is one in relation to which provision made by virtue of paragraph (1)(b) applies in the case of the electricity supplier who is subject to the obligation, and

(b) the period ending with such day (after the last discharge day) as may be specified in or determined under the order has not expired,

the taking of steps under Article 45 in respect of a contravention by that supplier of that obligation is prohibited or otherwise restricted to the extent specified in the order.

(5) A renewables obligation order may provide that, in a case in which the amount received by the Authority, or by the Great Britain Authority, by way of discharge payments for a period falls short of the amount due in respect of that period, every person who—

(a) was subject to a renewables obligation for the relevant period or for a subsequent period specified in or determined under the order, and

(b) is of a description so specified or determined,

must by the time and in the circumstances so specified or determined make a payment (or further payment) to the Authority of an amount calculated in the manner so specified or determined.

(6) A renewables obligation order may not by virtue of paragraph (5) confer an entitlement on the Authority to receive a payment in respect of the shortfall for any period—

(a) in the case of a shortfall in the amount received by the Authority, if the receipt of the payment is to be while a prohibition or restriction by virtue of paragraph (4) applies, in one or more cases, to the taking of steps in relation to contraventions of renewables obligations for that period, or

(b) in the case of a shortfall in the amount received by the Great Britain authority, if the receipt of the payment is to be while a prohibition or restriction by virtue of a corresponding provision having effect in Great Britain applies, in one or more cases, to the taking of steps in relation to contraventions of Great Britain obligations for that period.

(7) The provision that may be made by virtue of paragraph (5) includes—

(a) provision for the making of adjustments and repayments at times after a requirement to make payments in respect of a shortfall for a period has already arisen, and

(b) provision that Articles 42 to 51 are to apply in relation to a requirement imposed by virtue of that paragraph on a person who is not a licence holder as if the person were a licence holder.

(8) References in this Article to an electricity supplier's renewables obligation include references to his renewables obligation in relation to a particular period.

(9) For the purposes of this Article the amount received by the Authority by way of discharge payments for a period falls short of the amount due in respect of that period if, and to the extent that, the Authority would have received more by way of discharge payments if every renewables obligation for that period, so far as it was not otherwise discharged, had been discharged by payment.

(10) For the purposes of this Article the amount received by the Great Britain authority by way of discharge payments for a period falls short of the amount due in respect of that period if, and to the extent that, that authority would have received more by way of discharge payments if every Great Britain obligation for that period, so far as not otherwise discharged, had been discharged by payment.

(11) In this Article—

"discharge payment", in relation to a period, means—

(a) a payment by virtue of paragraph (1)(a) for discharging (in whole or in part) an electricity supplier's renewables obligation for that period,

(b) so much of a payment by virtue of paragraph (1)(b) for securing that such an obligation is treated as discharged to any extent as does not exceed the payment that would have discharged that obligation to the same extent if it had been made before the last discharge day, or

(c) so much of any payment to the Great Britain authority as corresponds in relation to a Great Britain obligation for that period, to anything falling within paragraph (a) or (b) above;

"Great Britain obligation" means a renewables obligation of a Great Britain supplier under section 32 of the Electricity Act 1989;

"last discharge day" means the day specified as the day by which renewables obligation certificates must be produced for the purposes of Article 52(4);

"last payment period" means such period beginning with the last discharge day as may be specified;

"the relevant period"—

(a) in relation to a shortfall in amounts received by the Authority by way of discharge payments for a period, means that period, and

(b) in relation to a shortfall in amounts received by the Great Britain authority by way of discharge payments for a period, means any period that includes the whole or a part of that period.**]**

F1 Arts. 52-55F substituted (1.2.2009) for arts. 52-55 by Energy (Amendment) Order (Northern Ireland) 2009 (S.R. 2009/35), **art. 2** (with art. 4)

Changes to legislation:
The Energy (Northern Ireland) Order 2003, Section 55 is up to date with all changes known to be in force on or before 17 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:
Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 2 para. 5(7) inserted by 2024 c. 13 Sch. 30 para. 36(5)
- art. 12(5AA) inserted by S.I. 2019/530 reg. 135(4) (This amendment not applied to legislation.gov.uk. Reg. 135 omitted (15.9.2020) by virtue of S.I. 2020/1016, regs. 1(2), 3(49))
- art. 63(6)(y) inserted by 2024 c. 13 Sch. 30 para. 35(b)