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STATUTORY RULES OF NORTHERN IRELAND

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**2005 No. 38**

**Renewables Obligation Order (Northern Ireland) 2005**

**Interpretation**

2.—(1) In this Order –

“advanced conversion technologies” means gasification, pyrolysis or anaerobic digestion, or any combination thereof;

“anaerobic digestion” means the bacterial fermentation of organic material in the absence of free oxygen;

“banking day” means a day on which banks are generally open in the City of London excluding Saturdays or Sundays;

“biomass” means fuel used in a generating station of which at least 98 per cent of the energy content (measured over a period of one month) is derived from plant or animal matter or substances derived directly or indirectly therefrom (whether or not such matter or substances are waste) and includes agricultural, forestry or wood wastes or residues, sewage and energy crops (provided that such plant or animal matter is not or is not derived directly or indirectly from fossil fuel);

“commissioned” means the completion of a process of such procedures and tests as from time to time constitute usual industry standards and practices for commissioning a generating station in order to demonstrate that the generating station is capable of commercial operation;

“the Company” means Northern Ireland Electricity plc;

“connected person”, in relation to an owner or operator of a generating station, or a party to a qualifying arrangement, means a person connected to him within the meaning of section 839 of the Income and Corporation Taxes Act 1988<sup>(1)</sup>;

“declared net capacity” means the highest generation of electricity (calculated by adding together the highest generation of electricity at the main terminals of each alternator and dynamo) which, on the assumption that the source of power is available uninterruptedly, can be maintained indefinitely without causing damage to the plant less so much of that electricity as is consumed by the plant;

“designated electricity supplier”; except where it appears for the second time in the definition of “renewables obligation” and where it appears in the definition of “Great Britain designated supplier”, means any electricity supplier supplying electricity in Northern Ireland;

“the Electricity Act” means the Electricity Act 1989<sup>(2)</sup>;

“eligible GBROC” means a GBROC that satisfies the conditions for eligibility set out in Schedule 1;

“eligible renewable sources” has the meaning given to it in Article 11;

“energy content” of a fuel means the gross calorific value of that fuel (as expressed by weight or by volume) multiplied by the weight or volume of that fuel;

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(1) 1988 c. 1; section 839 was amended by the Finance Act 1995 (c. 4), section 74 and Schedule 17, paragraph 20(b)

(2) 1989 c. 29

“energy crops” means a plant crop planted after 31st December 1989 and grown primarily for the purpose of being used as fuel;

“the Energy Order” means the Energy (Northern Ireland) Order 2003;

“gasification” means the substoichiometric oxidation or steam reformation of a substance to produce a gaseous mixture containing two or all of the following: oxides of carbon, methane and hydrogen;

“GBRO Order” means any order made pursuant to section 32 of the Electricity Act;

“GBROC” means a certificate issued by the Great Britain authority under section 32B of the Electricity Act and pursuant to a GBRO Order and save where the context otherwise requires includes a replacement GBROC;

“GBROC identifier” means an identifier unique to the GBROC determined by the Great Britain authority and containing the following information (or reference to that information in coded format) –

- (i) the month and year during which the electricity was generated;
- (ii) the location of the generating station;
- (iii) a description of the generating station including reference to the source or sources of fuel used to generate electricity by that generating station;
- (iv) the date of issue of the GBROC; and
- (v) a number allocated to a GBROC by the Great Britain authority in accordance with a GBRO Order.

“Great Britain authority” means the Gas and Electricity Markets Authority;

“Great Britain designated supplier” means a designated electricity supplier within the meaning of a GBRO Order;

“hydro generating station” means a generating station which is wholly or mainly driven by water (other than a generating station driven by tidal flows, waves, ocean currents or geothermal sources) and the “generating station” extends to all turbines supplied by the same civil works, except that any turbine driven by a compensation flow supplied by those civil works where there is a statutory obligation to maintain such compensation flow in a natural water course shall be regarded as a separate hydro generating station;

“late payment period” in relation to an obligation period, means the period from the specified day in relation to that obligation period to the following 30th November;

“licensed supplier” means an electricity supplier or an electricity supplier within the meaning of Part I of the Electricity Act;

“micro hydro generating station” means a hydro generating station which:

- (a) has a declared net capacity of 1.25 megawatts or less;
- (b) has always been in private ownership and operation; and
- (c) has never generated electricity under an arrangement which has ever been a qualifying arrangement;

“NIROC” means a certificate issued by the Authority under Article 54 of the Energy Order and pursuant to this Order;

“NIROC Identifier” has the meaning given to it in paragraph 2 of Schedule 3;

“NIROC sequence number” has the meaning given to it in Article 4(9);

“Non-Fossil Fuel Order” means (except where it is used in Schedule 1) the Electricity (Non-Fossil Fuel Sources) Order (Northern Ireland) 1994<sup>(3)</sup>; or the Electricity (Non-Fossil Fuel Sources) Order (Northern Ireland) 1996<sup>(4)</sup>;

“obligation period” means any of the periods referred to in the first column of Schedule 2;

“particulars”, in relation to a NIROC, has the meaning given to it in paragraph 2 of Schedule 3;

“plant”, with reference to crops or plant matter, includes shrubs and trees;

“pyrolysis” means the thermal degradation of a substance in the absence of any oxidising agent (other than that which forms part of the substance itself) to produce char and one or both of gas and liquid;

“qualifying arrangement” means (except where used in paragraphs 15 and 16 of Schedule 1) an arrangement which was originally made pursuant to a Non-Fossil Fuel Order (and includes any replacement of such an arrangement where that replacement was made pursuant to an order made under Article 57 of the Energy Order);

“qualifying certificate” means a certificate issued pursuant to this Order that relates to electricity generated from eligible renewable sources, or an eligible GBROC;

“Register” has the meaning given to it in Article 4(1);

“registered holder” has the meaning given to it in paragraph 2 of Schedule 3;

“renewables obligation” has the meaning given to it in Article 3 except where this term is referred to in Articles 15(5) and (6);

“replacement GBROC” means a GBROC issued in accordance with the provisions of a GBRO Order to replace another GBROC;

“replacement NIROC” means a NIROC issued in accordance with Article 5(3)(b) and (4);

“specified day”, in relation to an obligation period, means the 1st October immediately following it;

“United Kingdom supplier” means a designated electricity supplier or a Great Britain designated supplier;

“waste” has the meaning given to it in Article 2(2) of the Waste and Contaminated Land (Northern Ireland) Order 1997<sup>(5)</sup>, but does not include gas derived from landfill sites or gas produced from the treatment of sewage; and

the expression “the United Kingdom” includes the territorial sea of the United Kingdom and waters in any area designated under section 1(7) of the Continental Shelf Act 1964<sup>(6)</sup>.

(2) For the purposes of the definition of “hydro generating station”, the “civil works” which are to be regarded as supplying a particular turbine (“the relevant turbine”) are all the man-made weirs, man-made structures and man-made works for holding water which are located on the inlet side of the relevant turbine, but excluding any such weirs, structures or works which supply another turbine before water is supplied to the weirs, structures and works which supply the relevant turbine.

(3) Any reference in this Order to provision of information “in writing” shall include the provision of such information by electronic mail, facsimile or similar means which are capable of producing a document containing the text of any communication.

(4) Any reference in this Order to the supply of electricity shall, in respect of a supply made in Northern Ireland, be construed in accordance with the definition of “supply” in Article 3 of the

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(3) [S.R. 1994 No. 132](#)

(4) [S.R. 1996 No. 407](#)

(5) [S.I.1997/278 \(N.I. 19\)](#)

(6) [1964 c. 29](#). Section 1(7) of the Continental Shelf Act 1964 was amended by the Oil and Gas (Enterprise) Act 1982 ([c. 23](#)), section 37 and Schedule 3, paragraph 1.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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Electricity (Northern Ireland) Order 1992<sup>(7)</sup>, and in respect of any other supply, be construed in accordance with the definition of “supply” in section 4(4) of the Electricity Act<sup>(8)</sup>.

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<sup>(7)</sup> S.I. 1992/231 (N.I. 1)

<sup>(8)</sup> The definition of “supply” in section 4(4) of the Electricity Act was substituted by section 28(1) and (3)(b) of the Utilities Act 2000, c. 27