
STATUTORY RULES OF NORTHERN IRELAND

2007 No. 104

The Renewables Obligation Order (Northern Ireland) 2007

PART V

NIROCs: Issue and Revocation

Criteria for issue of NIROCs

16.—(1) The criteria for the issue of NIROCs referred to in Article 14 and issue of replacement NIROCs referred to in Article 23(4) are those set out in paragraphs (2) to (9).

(2) The first criterion is that the Authority has previously confirmed in writing to either the operator of the generating station to which the NIROC relates or, where the NIROC is to be issued to an agent by virtue of Article 15, that agent that the generating station has been granted accreditation and the Authority has not since withdrawn that accreditation;

(3) The second criterion is that the Authority has been provided in writing with all the information listed in paragraphs 2(b)(i) to (iii) of Schedule 3 together with any other information which it reasonably requires in order to assess whether the NIROC should be issued and it is satisfied that such information is accurate and reliable.

(4) The third criterion is that, in the case of a NIROC certifying the matters within Article 54(2) or (2ZA) of the Energy Order, the operator of the generating station has provided the Authority with a declaration (which the Authority shall be entitled to accept as sufficient evidence of its contents, and which the operator need only provide once during every obligation period) applicable to the relevant electricity that—

- (a) the operator has not made (or, where the declaration relates to electricity that he proposes to generate after the declaration is made, that he will not make) the electricity available to any person in circumstances such that the operator knows or has reason to believe that the consumption of the electricity has resulted (or, as the case may be, will result) in it not having been supplied, in the case of a NIROC certifying the matters within Article 54(2) or (2ZA) of the Energy Order, by an electricity supplier to customers in Northern Ireland; and
- (b) the operator is not (and will not during the obligation period become) a person mentioned in Article 6(2)(b) or (4)(b).

(5) The fourth criterion is that, in the case of a NIROC certifying the matters within Article 54 (2ZA) or (2ZC) of the Energy Order—

- (a) each of the generating stations in relation to which the NIROC is to be issued—
 - (i) has a declared net capacity of 50 kilowatts or less,
 - (ii) is accredited as a generating station capable of generating electricity from the same eligible renewable source, and
 - (iii) is located in Northern Ireland;
- (b) the NIROC is to be issued to an agent by virtue of Article 15; and

- (c) the operators of the generating stations in relation to which the NIROC is to be issued have each appointed the same person to act as agent to receive the NIROC.
- (6) The fifth criterion is that, in the case of a NIROC certifying the matters within Article 54(2ZB) or (2ZC) of the Energy Order, the operator of the generating station has provided the Authority with a declaration (which the Authority shall be entitled to accept as sufficient evidence of its contents, and which the operator need only provide once during every obligation period) that the electricity generated by the generating station has been used in a permitted way.
- (7) The sixth criterion is that the electricity in respect of which the NIROC is to be issued is not or does not include electricity in respect of which a NIROC has already been issued and not revoked.
- (8) The seventh criterion is that the electricity in respect of which the NIROC is to be issued has been measured accurately using a meter which if used for ascertaining the quantity of electricity supplied by an electricity supplier to a customer would be approved for the purposes of paragraph 3 to Schedule 7 to the Electricity (Northern Ireland) Order 1992.
- (9) The eighth criterion is that the Authority is not prohibited from issuing a NIROC on any of the grounds set out in Article 17(2) and has not refused to issue a NIROC on any of the grounds set out in Article 17(3).