
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 154

The Renewables Obligation Order (Northern Ireland) 2009

PART 7

Issue and Revocation of NIROCs

General criteria for the issue of NIROCs

34.—(1) Once during each obligation period the person to whom a NIROC is to be issued must confirm to the Authority in writing, whether before or after the generation of the electricity to which the NIROC relates, that that electricity, to the best of the person's knowledge and belief, has been or (as the case may be) will be—

- (a) in the case of a NIROC certifying the matters within Article 54(3) or (4) of the Energy Order, supplied by a designated electricity supplier to customers in Northern Ireland or in the circumstances referred to in paragraph (6);
- (b) in the case of a NIROC certifying the matters within Article 54(5) or (6) of the Energy Order used in a permitted way.

(2) The electricity in respect of which a NIROC is to be issued—

- (a) must be generated during a month in which the generating station generating it is accredited under this Order and any conditions to which the accreditation is subject are met;
- (b) subject to paragraph (3), must be measured using a meter which, if used for ascertaining the quantity of electricity supplied by an authorised supplier to a customer, would be approved for the purposes of paragraph 3 of Schedule 7 to the Electricity Order; and
- (c) must not include electricity in respect of which a renewables obligation certificate—
 - (i) has already been issued under this Order and has not been revoked;
 - (ii) has already been issued under an Order made under sections 32 to 32M of the Electricity Act (whether or not it has been revoked).

(3) Paragraph (2)(b) does not apply in relation to electricity generated by a generating station the operator of which has agreed with the Authority that estimates may be provided instead of measurements using a meter.

(4) Any information which—

- (a) is relevant to the question whether a NIROC is to be issued, and
- (b) is requested by or required to be provided to the Authority under Article 45 (provision of information to the Authority),

must be provided in the form and time requested and must be (in the Authority's opinion) accurate and reliable.

(5) Where such information relates to the fuel used in the generation of that electricity and the fuel did not originate at the generating station, in determining whether that information is accurate and reliable the Authority must have regard to—

- (a) the distance over which the fuel was transported; and
- (b) the conditions under which the fuel was prepared and transported.

(6) The circumstances referred to in Article 15 and paragraph (1)(a) are—

- (a) the electricity in question is sold or intended to be sold by the operator or, as the case may be, by an intermediary acting on his behalf through the SEM Pool;
- (b) there exists in relation to each unit of that electricity a relevant arrangement within the meaning of paragraph (7) (and no more than one such arrangement);
- (c) the terms of that relevant arrangement shall be materially complied with by the parties thereto.

(7) For the purposes of paragraph (6), a relevant arrangement means an agreement between the operator of the generating station and an electricity supplier which provides that, in relation to the period to which the declaration relates, the electricity supplier—

- (a) shall purchase through the SEM Pool not less than an amount of electricity specified in or determined under the agreement being an amount that shall not exceed the amount of electricity sold through the SEM Pool by the operator or, as the case may be, the intermediary in that period;
- (b) shall purchase through the SEM Pool a total amount of electricity which is not less than the aggregate of:
 - (i) the amount of electricity specified in or determined under the agreement; and
 - (ii) the amount of electricity specified or determined in any other relevant arrangements to which that electricity supplier is a party in respect of that period; and
- (c) shall supply to customers in Northern Ireland from the electricity purchased through the SEM Pool a total amount of electricity which is not less than the aggregate of the amounts of electricity referred to in sub-paragraphs (b)(i) and (b)(ii).

(8) In this Article—

- (a) “SEM Pool” means the wholesale electricity trading and settlement arrangements established by the Trading and Settlement Code.
- (b) “Trading and Settlement Code” means the Single Electricity Market Trading and Settlement Code referred to in the SEM Memorandum as that Code may be amended or replaced from time to time.
- (c) The “SEM Memorandum” means the Memorandum of Understanding referred to in Article 2(3) of the Electricity (Single Wholesale Market) (Northern Ireland) Order 2007.
- (d) “intermediary” in relation to the operator of any generating station means the intermediary body, as defined in the Trading and Settlement Code, appointed in respect of that operator.