
STATUTORY RULES OF NORTHERN IRELAND

2020 No. 306

**The Electricity (Priority Dispatch)
Regulations (Northern Ireland) 2020**

Amendment of 1992 Order: priority dispatch

3.—(1) For Article 11AB of the 1992 Order substitute—

“Conditions on transmission and distribution licences relating to priority dispatch

11ABA.—(1) A transmission or distribution licence must include such conditions as appear to the Authority to be requisite or expedient to ensure that, in the dispatch of electricity generating installations, priority is given to—

- (a) generating installations which fall within paragraph (2); and
- (b) generating installations which fall within paragraph (4).

(2) A generating installation falls within this paragraph if it uses renewable energy sources and—

- (a) has an installed electricity capacity of less than the relevant amount (as defined by paragraph (3)); or
- (b) is an installation that the Authority is satisfied is a demonstration project for an innovative technology within the meaning of the Electricity Regulation (see Article 2(24) of that Regulation).

(3) The “relevant amount” referred to in paragraph (2)(a) is—

- (a) in relation to an installation commissioned on any date falling before 1 January 2026, 400 kW;
- (b) in relation to an installation commissioned on or after 1 January 2026, 200kW.

(4) A generating installation falls within this paragraph if—

- (a) it is an installation which—
 - (i) uses only energy from renewable sources;
 - (ii) uses energy from renewable sources and other energy sources, but qualifies to be treated as a hybrid plant in accordance with the criteria set out in the Decision Paper SEM-11-062 of the Single Electricity Market Committee of 26th August 2011;
 - (iii) generates electricity from high efficiency co-generation; or
 - (iv) is a waste energy plant; and

(b) it has transitional status, as defined by paragraphs (5) to (7).

(5) A generating installation has “transitional status” if it is an installation that under the first sentence of Article 12(6) of the Electricity Regulation is to continue to benefit from priority dispatch (but this is subject to paragraph (6)).

(6) If a relevant event occurs on or after 4 July 2019 in relation to an installation mentioned in paragraph (5), the installation is to be treated as ceasing to have transitional status with effect from the date of that event (or, if more than one such event occurs after 3 July 2019 in relation to the installation, with effect from the date of the earliest of those events).

(7) For the purposes of paragraph (6), a relevant event occurs in relation to a generating installation when—

- (a) the generating installation becomes subject to a modification which requires a new connection agreement; or
- (b) the generation capacity of the installation is increased.

(8) Conditions included under paragraph (1) in a licence (“priority dispatch conditions”) must ensure that—

- (a) priority given as mentioned in that paragraph is given in accordance with Article 12(2) and (6) of the Electricity Regulation and, in particular, the criteria for priority dispatch specified in the Decision Paper SEM-20-072 of the Single Electricity Market Committee of 4th November 2020;
- (b) priority is given to a demonstration project mentioned in paragraph (2)(b) only for the time, and to the extent, necessary for achieving the demonstration purposes of the project.

(9) Priority dispatch conditions included in a licence are subject to the requirements and prohibitions imposed on the holder of that licence under this Order for the maintenance of a safe and secure electricity supply.

(10) A licence which includes priority dispatch conditions must also include conditions requiring that, where the licence holder takes any measures for the maintenance of a safe and secure electricity supply which would (but for paragraph (9)) significantly contravene priority dispatch conditions, the licence holder must—

- (a) take such corrective action as is necessary to ensure that such contravention is minimised; and
- (b) report to the Authority on those measures and the corrective action taken.

(11) This Article is without prejudice to the generality of Article 11(1) (power to include conditions in a licence).

(12) In this Article—

“the 2009 Directive” means [Directive 2009/28/EC](#) of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives [2001/77/EC](#) and [2003/30/EC](#)(1);

“energy from renewable sources” has the meaning given in Article 2(a) of the 2009 Directive;

“high efficiency co-generation” means co-generation of electricity that meets the criteria of Annex II of the Energy Efficiency Directive (as defined in Article 11AC(8));

“priority dispatch conditions” has the meaning given in paragraph (8);

“renewable energy” has the meaning given in Article 2(50) of the Electricity Regulation;

“waste energy plant” means any stationary or mobile technical unit and equipment dedicated to the thermal treatment of waste with recovery and beneficial use of the combustion heat generated, including the incineration by oxidation of waste as well as other thermal waste treatment processes such a pyrolysis, gasification or plasma

(1) O.J. No. L 140, 5.6.2009, p.16-62

processes insofar as the substances resulting from the treatment are subsequently combusted with recovery and beneficial use of the combustion heat generated.”.

(2) Article 11ABA inserted by paragraph (1) applies in relation to licences existing at the time when that paragraph comes into operation as well as in relation to licences granted after that time.

(3) The Authority must exercise its functions under Article 14 of the 1992 Order so as to secure that the conditions required by Article 11ABA are included in (and the conditions required by Article 11AB of the 1992 Order are removed from) such existing licences on the coming into operation of paragraph (1).