
DRAFT STATUTORY RULES OF NORTHERN IRELAND

2013 No.

**The Renewables Obligation (Amendment)
Order (Northern Ireland) 2013**

Amendments to Article 2 of the 2009 Order (interpretation)

2.—(1) Article 2 of the 2009 Order⁽¹⁾ is amended as follows.

(2) In paragraph (1), after the definition of “the 2007 Order” insert—

““2013/14 capacity” means—

- (a) in relation to a generating station accredited on or before 30th April 2013, any capacity which—
 - (i) in the Authority’s view, forms part of the station from a date no earlier than 1st May 2013 and no later than 31st March 2014, and
 - (ii) does not form part of the capacity of the station as accredited;
- (b) in relation to a generating station which is registered under Article 50A as a grace period generating station, any capacity which—
 - (i) in the Authority’s view, forms part of the station from a date no later than 31st March 2014, and
 - (ii) does not form part of the capacity of the station as accredited;
- (c) in relation to a generating station which—
 - (i) was not accredited on or before 30th April 2013,
 - (ii) was accredited on or before 31st March 2014, and
 - (iii) is not registered under Article 50A as a grace period generating station,the capacity of the station as accredited, together with any additional capacity which, in the Authority’s view, forms part of the station from a date no later than 31st March 2014;

“2013/15 capacity” means any capacity which is—

- (a) 2013/14 capacity, or
- (b) 2014/15 capacity;

“2014/15 capacity” means—

- (a) in relation to a generating station accredited on or before 31st March 2014, any capacity which—
 - (i) in the Authority’s view, forms part of the station from a date no earlier than 1st April 2014 and no later than 31st March 2015, and
 - (ii) does not form part of the capacity of the station as accredited;
- (b) in relation to a generating station which—
 - (i) was not accredited on or before 31st March 2014, and

(1) Article 2 was amended by Article 3 of [S.R. 2011 No. 169](#)

- (ii) was accredited on or before 31st March 2015,
the capacity of the station as accredited, together with any additional capacity which, in the Authority's view, forms part of the station from a date no later than 31st March 2015;
"2015/16 capacity" means—
- (a) in relation to a generating station accredited on or before 31st March 2015, any capacity which—
- (i) in the Authority's view, forms part of the station from a date no earlier than 1st April 2015 and no later than 31st March 2016, and
- (ii) does not form part of the capacity of the station as accredited;
- (b) in relation to a generating station which
- (i) was not accredited on or before 31st March 2015, and
- (ii) was accredited on or before 31st March 2016,
the capacity of the station as accredited, together with any additional capacity which, in the Authority's view, forms part of the station from a date no later than 31st March 2016;".
- (3) In paragraph (1), after the definition of "accreditation" insert—
"advanced fuel" means a liquid or gaseous fuel which is produced directly or indirectly from the gasification or the pyrolysis of—
- (a) waste, or
- (b) biomass;".
- (4) In paragraph (1), after the definition of "combined heat and power generating station" insert—
"combustion unit" means a boiler, turbine or engine;".
- (5) In paragraph (1), for the definition of "energy crops" substitute—
"energy crops" means—
- (a) a perennial crop planted at high density, the stems of which are harvested above ground level at intervals of less than twenty years and which is one of the following—
- (i) *Acer pseudoplatanus* (also known as sycamore);
- (ii) *Alnus* (also known as alder);
- (iii) *Betula* (also known as birch);
- (iv) *Castanea sativa* (also known as sweet chestnut);
- (v) *Corylus avellana* (also known as hazel);
- (vi) *Fraxinus excelsior* (also known as ash);
- (vii) *Populus* (also known as poplar);
- (viii) *Salix* (also known as willow);
- (ix) *Tilia cordata* (also known as small-leaved lime); or
- (b) a perennial crop which is one of the following—
- (i) *Arundo donax* (also known as giant reed);
- (ii) *Bambuseae*, where the crop was planted after 31st December 1989 and is grown primarily for the purpose of being used as fuel;
- (iii) *Miscanthus*;
- (iv) *Panicum*;

- (v) Pennisetum (other than Pennisetum setaceum (also known as fountain grass), Pennisetum clandestinum (also known as kikuyu grass) and Pennisetum villosum (also known as feathertop grass));
 - (vi) Phalaris;”.
- (6) In paragraph (1), after the definition of “plant” insert—
- ““post-2016 capacity” means—
- (a) in relation to a generating station accredited on or before 31st March 2016, any capacity which—
 - (i) in the Authority’s view, forms part of the station from a date no earlier than 1st April 2016, and
 - (ii) does not form part of the capacity of the station as accredited;
 - (b) in relation to a generating station which—
 - (i) is accredited, and
 - (ii) was not accredited on or before 31st March 2016,the capacity of the station as accredited, together with any additional capacity which, in the Authority’s view, forms part of the station;
- “pre-2013 capacity” means—
- (a) in relation to a generating station accredited on or before 30th April 2013, the capacity of the station as accredited, together with any additional capacity, which in the Authority’s view, forms part of the station from a date no later than 30th April 2013;
 - (b) in relation to a generating station which is registered under Article 50A as a grace period generating station, the capacity of the station as accredited;”.
- (7) In paragraph (1), after the definition of “qualifying power output” insert—
- ““qualifying proportion”, in relation to electricity generated by a qualifying combined heat and power generating station, is the proportion which the qualifying power output of the station bears to its total power output;”.
- (8) In paragraph (1), in the definition of “regular biomass”—
- (a) in sub-paragraph (d) omit “gasification or pyrolysis;” and
 - (b) after sub-paragraph (d) insert—
 - “(e) advanced fuel;”.
- (9) In paragraph (1), for the definition of “Renewables Directive” substitute—
- ““Renewables Directive” means Directive [2009/28/EC](#) of the European Parliament and of the Council on the promotion of the use of energy from renewable sources, and in Article 46A and Schedules A1 and 3A references to Annex 5 to the Directive are to be construed as references to Annex 5 to the Directive as amended from time to time;”.
- (10) In paragraph (1), in the definition of “total installed capacity” after sub-paragraph (b) insert—
- “(c) in relation to a type of generating capacity forming part of a generating station, the maximum capacity at which that generating capacity could be operated for a sustained period without causing damage to it (assuming the source of power used by it to generate electricity was available to it without interruption);”.
- (11) After paragraph (6) insert—
- “(7) Any reference in this Order to a “type of generating capacity” is a reference to one of the following—

- (a) pre-2013 capacity;
- (b) 2013/14 capacity;
- (c) 2014/15 capacity;
- (d) 2015/16 capacity;
- (e) post-2016 capacity.”.