
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 247

ELECTRICITY

Energy (Amendment) Order (Northern Ireland) 2015

Laid before the Assembly in draft

Made - - - - 13th May 2015

Coming into operation in accordance with Article 1(1)

The Department of Enterprise, Trade and Investment makes the following Order in exercise of the powers conferred on it by Article 56(1) of the Energy (Northern Ireland) Order 2003⁽¹⁾.

Citation and commencement

1.—(1) This Order may be cited as the Energy (Amendment) Order (Northern Ireland) 2015 and shall come into operation on the day after the day on which it is made.

(2) The Interpretation Act (Northern Ireland) 1954 (c.33)⁽²⁾ applies to this Order as it applies to an Act of the Assembly.

Amendment of the Energy (Northern Ireland) Order 2003

2.—(1) After Article 55E of the Energy (Northern Ireland) Order 2003 insert—

“Renewables obligation closure order

55EA.—(1) The Department may make a renewables obligation closure order.

(2) A renewables obligation closure order is an order which provides that no renewables obligation certificates are to be issued under a renewables obligation order in respect of electricity generated after a specified date.

(3) Provision made under paragraph (2) may specify different dates in relation to different cases or circumstances.

(4) The cases or circumstances mentioned in paragraph (2) may in particular be described by reference to—

- (a) accreditation of a generating station, or
- (b) the addition of generating capacity to a generating station.

(1) S.I. 2003/419 (N.I.6): see Article 2(2) for the definition of “the Department” and see section 55(4) of the Energy Act 2013
(2) 1954 c.33 (N.I.)

- (5) A renewables obligation closure order may include provision about—
- (a) the meaning of “accreditation” and “generating capacity” in paragraph (4),
 - (b) when generating capacity is to be treated as added to a generating station for the purposes of that paragraph.

(6) Power to make provision in a renewables obligation order (and any provision contained in such an order) is subject to provision contained in a renewables obligation closure order; but this Article is not otherwise to be taken as affecting the power to make provision in a renewables obligation order of the kind mentioned in paragraph (2).

(7) Article 55D applies in relation to a renewables obligation closure order as it applies in relation to a renewables obligation order (and paragraph (3) is not to be taken as limiting the application of that Article).

Renewables obligation closure orders: procedure

55EB.—(1) Before making a renewables obligation closure order, the Department must consult—

- (a) the Authority,
- (b) the Council,
- (c) such generators of electricity from renewable sources as the Department considers appropriate, and
- (d) such other persons, if any, as the Department considers appropriate.

(2) The requirement to consult may be satisfied by consultation before, as well as consultation after, the making of the Energy (Amendment) Order (Northern Ireland) 2015.”.

(3) In Article 55F(1) of the Energy (Northern Ireland) Order 2003 (Interpretation of Articles 52 to 55F)—

- (a) for “55E” substitute “55EB”;
- (b) after the definition of “renewables obligation order” insert—
““renewables obligation closure order” is to be construed in accordance with Article 55EA;”;
- (c) in the definition of “specified”, after “renewables obligation order” insert “or a renewables obligation closure order”.

(4) In Article 66 of the Energy (Northern Ireland) Order 2003 (Regulations, orders and directions), in paragraph (2) after “52(1) insert “, 55EA”.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 13th May 2015.

J Mills
A senior officer of the
Department of Enterprise, Trade and Investment

EXPLANATORY NOTE

(This note is not part of the Regulations)

This Order amends Article 55 of the Energy (Northern Ireland) Order 2003 (“the Energy Order”) to take account of amendments to section 32 of the Electricity Act 1989 (1989 c.29) by the Energy Act 2013.

Article 2(1) inserts new Articles 55EA and 55EB to the Energy Order to confer a power on the Department to make a renewables obligation closure order. The closure order will prevent renewables obligation certificates from being issued under any renewables obligation order in respect of electricity generated after a specified date (Article 55EA(2)). Different closure dates may be specified for different cases or circumstances (Article 55EA(3)). The powers in Articles 52 to 55F of the Energy Order (renewables obligation) will be subject to any provisions contained in a closure order (Article 55EA(6)). The closure order may make provision as to the functions of the Authority in relation to the closure of the renewables obligation and may make transitional provision and savings (Article 55EA(7)).

The procedure for making a closure order is set out in Article 55EB. Articles 2(2) and (3) make consequential amendments to Article 55F (Interpretation of Articles 52 to 55F) and Article 66 (Regulations, orders and directions) of the Energy Order.