
STATUTORY RULES OF NORTHERN IRELAND

2014 No. 301

**The Domestic Renewable Heat Incentive
Scheme Regulations (Northern Ireland) 2014**

PART 1

INTRODUCTORY

Citation and commencement

1. These Regulations may be cited as the Domestic Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2014 and shall come into operation on the day after the day on which they are made.

Interpretation

2. In these Regulations—

“accreditation” means a determination by the Department that a plant for which an accreditation application is made is an accredited domestic plant;

“accreditation application” means an application for accreditation of a plant under regulation 17 which has not been withdrawn by the applicant;

“accredited domestic plant” means a plant in respect of which RHI payments are payable;

“accredited RHI installation” has the meaning given by regulation 2 of the Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2012(1);

“additional plant” means any plant which provides heat to the same RHI property as an accredited domestic plant but which is not part of that accredited domestic plant;

“agricultural land” means any land used as arable, meadow or pasture ground only (including pastoral land), land used for a plantation or a wood or for the growth of saleable underwood, or land exceeding 0.1012 hectare used for the purposes of poultry farming, market gardens, nursery grounds, orchards or allotments, but does not include land occupied together with a house as a park, gardens or pleasure grounds, or land kept or preserved mainly or exclusively for purposes of sport or recreation or land used as a racecourse;

“air source heat pump” means a plant which generates heat by absorbing energy stored in the form of heat in the ambient air outside a property and uses that energy to heat a liquid;

“authorisation”, in relation to a metering arrangement, means approval by the Department of that metering arrangement under regulation 25;

“authorisation application” means an application for authorisation under regulation 23;

“biomass” means material, other than fossil fuel or peat, which is, or is derived directly or indirectly from, plant matter, animal matter, fungi or algae;

“biomass boiler” means a plant which—

- (a) is designed and installed to burn solid biomass to provide heat;
- (b) is designed to minimise direct heat loss to the immediate area in which it is installed;
- (c) is not capable of providing heat to a property without using a liquid to deliver that heat; and
- (d) is not designed to generate heat for the purpose of cooking food;

“biomass plant” means a plant which is a biomass boiler or a biomass stove but not both;

“biomass stove” means a plant which—

- (a) is designed and installed to burn solid biomass to generate heat which is radiated directly into the room in which it is installed; and
- (b) is not designed to generate heat for the purpose of cooking food;

“central register” means the register maintained by the Department under regulation 58;

“certified installer” means a person who is certified by the Microgeneration Certification Scheme⁽²⁾ or an equivalent scheme accredited under EN 45011⁽³⁾ or EN ISO/IEC 17065:2012⁽⁴⁾;

“commissioned”, in relation to a plant, means the completion of such procedures and tests as constitute, at the time they are undertaken, the usual industry standards and practices for that type of plant which demonstrate that it is capable of operating and generating heat;

“compressor” means a mechanical device which increases the pressure of refrigerant used in a heat pump;

“condensing plant” means a plant which is designed to use the latent heat released from the condensation of water vapour into a liquid with the resulting liquid leaving the boiler by way of a drain;

“deemed annual heat generation” has the meaning given by regulation 27;

“the Department” means the Department of Enterprise, Trade and Investment for Northern Ireland;

“domestic RHI scheme” means the scheme established by these Regulations;

“domestic hot water” means hot water used in an eligible property for a purpose other than space heating or heating a swimming pool;

“domestic hot water cylinder” means a tank used to store domestic hot water;

“dwelling” has the meaning given by regulation 2(1) of the Energy Performance of Buildings (Certificates and Inspections) Regulations (Northern Ireland) 2008⁽⁵⁾ and includes a dwelling occupied in connection with agricultural land or a fish farm;

“efficiency” means the ratio of the heat generated by a plant to its energy consumption;

“eligibility criteria” has the meaning given by regulation 3;

“eligible electricity meter” means an electricity meter which meets the relevant requirements set out in Annex 1 to the Measuring Instruments Directive, the specific requirements listed in Annex MI-003 to that Directive and the requirements for accuracy class A as defined in Annex MI-003 to that Directive;

(2) Details of which are available at www.microgenerationcertification.org.

(3) The ISBN for the English language version of this standard is ISBN 0580294153. Copies can be obtained from the British Standards Institution at www.bsigroup.com

(4) The ISBN for the English language version of this standard is ISBN 978 0 580 78472 9. Copies can be obtained from the British Standards Institution at www.bsigroup.com

(5) S.R. 2008/170, amended by S.R. 2008/241, S.R. 2009/369, S.R. 2013/12 and S.R. 2014/43

“eligible gas meter” means a gas meter which meets the relevant requirements set out in Annex 1 to the Measuring Instruments Directive, the specific requirements listed in Annex MI-002 to that Directive and the requirements for accuracy class 1.5 as defined in Annex MI-002 to that Directive;

“eligible heat meter” means a heat meter which meets the relevant requirements set out in Annex 1 to the Measuring Instruments Directive, the specific requirements listed in Annex MI-004 to that Directive and the requirements for accuracy class 3 as defined in Annex MI-004 to that Directive;

“eligible meter” means an eligible electricity meter, eligible gas meter, eligible heat meter or eligible oil meter;

“eligible metered heat”, in relation to an accredited domestic plant, is the figure calculated in accordance with regulation 30;

“eligible new-build property” means a property which is supplied with heat by a plant in respect of which an accreditation application is made and where—

- (a) any building that forms part of that property was built principally with the use of the labour or resources of the first owner (including where the resource was a loan which the first owner was liable to repay);
- (b) the date the property was first occupied was after the date the plant was first commissioned; and
- (c) the property has not, while the building was built or at any subsequent time been owned wholly or partly by a person who is not an individual;

“eligible oil meter” means an oil meter which meets the relevant requirements set out in Annex 1 to the Measuring Instruments Directive, the specific requirements listed in Annex MI-005 to that Directive and the requirements for accuracy class 1 as defined in Annex MI-005 to that Directive;

“eligible property” means a property that meets the requirements set out in Schedule 2;

“eligible purpose” means, in relation to heat generated by—

- (a) a biomass plant or heat pump for the purpose of space heating, or both space heating and domestic hot water heating, for an eligible property; or
- (b) a solar thermal plant for the purpose of domestic hot water heating for an eligible property;

“Energy Performance Certificate” or “EPC” has the meaning given by regulation 2(1) of the Energy Performance of Buildings (Certificates and Inspections) Regulations (Northern Ireland) 2008 **(6)**;

“financial year” means a 12 month period commencing on 1st April and ending on the following 31st March;

“first commissioning date” means the date on which a plant is first commissioned;

“fish farm” means an undertaking for the culture of fish in respect of which a fish culture licence is in force under section 11 of the Fisheries Act (Northern Ireland) 1966**(7)** other than fish—

- (a) which are purely ornamental; or
- (b) which are for exhibition;

“fuel” excludes electricity;

(6) S.R. 2008/170 as amended by S.R. 2013/12; there are other amending instruments which are not relevant to this definition.

(7) 1966 c.17

“grant from public funds” means a grant made by a public authority or by any person distributing funds on behalf of a public authority other than a RHPP grant;

“ground source heat pump” means a plant which generates heat by absorbing energy stored in the form of heat from the ground, including water in the ground, or surface water or both and uses that energy to heat a liquid;

“heat emitter guide” means version 1.0 of the document “MCS 021 heat emitter guide for domestic heat pumps” published on 16 December 2013⁽⁸⁾;

“heat meter” has the same meaning as that given in Annex MI-004 to the Measuring Instruments Directive;

“heat pump” means a plant which is an air source heat pump or a ground source heat pump but not both;

“initial tariff” means the tariff for an accredited domestic plant for its initial tariff period, calculated in accordance with regulation 33;

“initial tariff period” means the period commencing on a plant’s tariff start date and ending on the date which is 12 months thereafter;

“installation capacity” means the total installed peak heat output capacity of a plant;

“kWh” means kilowatt hour;

“kWth” means kilowatt thermal;

“landlord” means a person who owns a property (solely or together with one or more other owners) but does not occupy that property;

“measuring instrument” means an eligible meter, a temperature sensor, or any equipment which records information used to determine the efficiency of a biomass plant;

“Measuring Instruments Directive” means Directive [2004/22/EC](#) of the European Parliament and of the Council on measuring instruments;

“MCS Certificate” in relation to any plant means the certificate issued in respect of that plant under the Microgeneration Certification Scheme;

“MCS register” means the register maintained by the Microgeneration Certification Scheme, or an equivalent scheme accredited under EN 45011 or EN ISO/IEC 17065:2012, of installers and plant which are certified under that scheme;

“metering arrangement” means a document which identifies the location and type of each eligible meter positioned in accordance with paragraph (3) or (4) of regulation 15, or paragraph (3), (4) or (5) of regulation 16;

“metering requirements” has the meaning given by regulation 14(1)(a);

“metering statement” means a written statement provided by the Department which contains the information specified in regulation 21(1)(f);

“ongoing obligations” means the obligations specified in Part 7;

“original plant” means an accredited domestic plant which is replaced by another plant;

“participant” means the owner of an accredited domestic plant or, where there is more than one owner, the owner who has provided to the Department under regulation 17(2)(g) or regulation 44(2) or (9) evidence that they have the authority to act on behalf of all owners;

“registered housing association” means a housing association registered in a register maintained under Part II of the Housing (Northern Ireland) Order 1992;

“relevant date” means the date on which these Regulations come into force;

(8) Details of which are available at www.microgenerationcertification.org

- “relevant installation standard” has the meaning given by regulation 8(3);
- “replacement plant” means a plant which is installed in place of an original plant and uses the same sources of energy as the original plant;
- “retail prices index” means—
- (a) the general index of retail prices (for all items) published by the Office for National Statistics; or
 - (b) where the index is not published for a calendar year, any substituted index or figures published by that Office;
- “RHI date” means, where an accreditation application is made in respect of a plant which is—
- (a) not a replacement plant, the date of accreditation; or
 - (b) a replacement plant, the date of accreditation that is specified in the statement of eligibility for the original plant.
- “RHI Emissions Certificate” means a document that meets the requirements set out in Schedule 5;
- “RHI payments” has the meaning given by regulation 26(1);
- “RHI property”, means an eligible property to which an accredited domestic plant provides heat;
- “RHPP” means Renewable Heat Premium Payment scheme;
- “RHPP grant” means a grant—
- (a) for the costs of purchasing or installing a renewable heating plant;
 - (b) which is administered by the Department; and
 - (c) which is applicable to Northern Ireland;
- “seasonal performance factor” means a ratio of the heat generated by a heat pump to its energy consumption and will be fixed at 2.5;
- “solar thermal plant” means a plant which generates heat using a liquid filled flat plate or evacuated tube solar collector;
- “solid biomass” includes wood pellets;
- “statement of eligibility” has the meaning given by regulation 21(1)(e);
- “subsequent tariff” means a tariff for an accredited domestic plant for any financial year commencing after the end of its initial tariff period, calculated in accordance with regulation 34;
- “tariff” means the payment rate for each kWh of heat generated by an accredited domestic plant;
- “tariff category” means a category of plant as listed in Schedule 4;
- “tariff end date” means the last day of the tariff lifetime;
- “tariff lifetime” means the period for which RHI payments are payable for an accredited domestic plant;
- “tariff period” is a twelve month period commencing on 1st April in any calendar year;
- “tariff start date” means the RHI date for an accredited domestic plant;
- “temperature sensor” means a device that measures temperature by employing an electrical signal;
- “Wh” means watt hour; and
- “working day” means any day other than—

- (a) a Saturday, Sunday, Good Friday, or Christmas Day; or
 - (b) a day which is a bank holiday in Northern Ireland under section 1 of the Banking and Financial Dealings Act 1971⁽⁹⁾.
- (2) The Interpretation Act (Northern Ireland) 1954⁽¹⁰⁾ shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

PART 2

ELIGIBILITY CRITERIA

Eligibility criteria

3. A plant which is a biomass plant, heat pump or solar thermal plant is eligible for accreditation where it has an installation capacity not exceeding 100kWth and it meets the requirements (“the eligibility criteria”) set out in—

- (a) regulations 4, 5 or 6 (whichever is applicable to the plant);
- (b) regulations 7 to 11;
- (c) if the plant is not the first and only plant to provide heat to a property, regulation 12; and
- (d) if regulation 13 requires that the heat generated by the plant must be metered, regulation 14.

Requirements for biomass plants

4.—(1) Where the plant is a biomass plant, the applicable requirements referred to in regulation 3(a) are that—

- (a) where the plant is designed and installed to also use a source of energy which is not a permitted source of energy (and that other source of energy is not used solely for ignition), paragraph (2) must be satisfied in respect of any part of the plant which uses that other source of energy (“the non-biomass part”);
- (b) it provides heating—
 - (i) solely to a single eligible property;
 - (ii) for an eligible purpose; and
 - (iii) if the plant is a biomass stove, it provides heating for that eligible purpose using a liquid-filled heat exchanger enclosed within it;
- (c) it is a condensing plant or meets the requirements set out in—
 - (i) at least one of the standards specified in paragraph 1(2) of Schedule 1 which is relevant to the plant and which is applicable on the plant’s first commissioning date, if the plant is a biomass boiler; or
 - (ii) the standard specified in paragraph 1(3) of Schedule 1, if the plant is a biomass stove;
- (d) it has a first commissioning date which is—
 - (i) on or after 1st September 2010 and earlier than the 1st April 2016;
 - (ii) on or after the 1st April 2016 and an RHI emissions certificate has been issued for the plant, a plant of the same make, model and installation capacity as the plant, or any other plant in the same type-testing range as the plant.

⁽⁹⁾ 1971 c.80.

⁽¹⁰⁾ 1954 c.33 (NI)

- (2) For the purposes of paragraph (1)(a), this paragraph is satisfied where the non-biomass part—
- (a) comprises an immersion heater for a domestic hot water cylinder or otherwise solely generates heat for the purpose of heating domestic hot water; or
 - (b) comprises a supplementary electric heater and a single control system governs the whole plant.
- (3) In paragraph (1), “permitted source of energy” means, if the source of energy is used by a biomass boiler or stove, solid biomass.
- (4) Schedule 5 has effect.

Requirements for heat pumps

5. Where the plant is a heat pump, the applicable requirements referred to in regulation 3(a) are that—

- (a) it provides heating—
 - (i) solely to a single eligible property; and
 - (ii) for an eligible purpose using liquid as a medium for delivering that heat;
- (b) it meets the requirements set out in the standards for heat pumps specified in paragraph 1(4)(a), (b), (c) or (d) of Schedule 1 which are applicable on the plant’s first commissioning date;
- (c) it has a seasonal performance factor of 2.5 or above;
- (d) it uses a compressor which is driven by electricity; and
- (e) if it is an air source heat pump, it is not designed to use heat in air which has been expelled from an appliance or building.

Requirements for solar thermal plants

6. Where the plant is a solar thermal plant, the applicable requirements referred to in regulation 3(a) are that it—

- (a) is designed and installed to provide heating solely to a single eligible property and solely for an eligible purpose using liquid as a medium for delivering that heat;
- (b) meets the requirements set out in whichever of the standards for solar thermal plants specified in paragraph 1(5)(a) and (b) of Schedule 1 are relevant to the plant and are applicable on the plant’s first commissioning date;
- (c) cannot also be used to generate electricity.

Installation requirements

7. The requirements referred to in regulation 3(b) are that, on the RHI date for the plant, all parts of the plant have the same first commissioning date and that date is on or after 1st September 2010.

Certification requirements

8.—(1) The requirements referred to in regulation 3(b) are that a plant with an installation capacity not exceeding Microgeneration Certification Scheme rules is certified under—

- (a) the Microgeneration Certification Scheme(11) as installed in accordance with the relevant installation standard in that scheme; or

(11) Details of which are available at www.microgenerationcertification.org.

- (b) a scheme accredited under EN 45011(12) OR EN ISO/IEC 17065:2012(13) as installed in accordance with the installation requirements applicable to the plant which apply under that scheme where—
- (i) that scheme is equivalent to the Microgeneration Certification Scheme; and
 - (ii) the requirements are those which apply on the plant’s first commissioning date and which are equivalent to the relevant installation standard.
- (2) The requirements referred to in regulation 3(b) are that the installer of a plant is certified under the Microgeneration Certification Scheme at the time of installation.
- (3) In paragraph (1), “relevant installation standard” means, if the first commissioning date for the plant is—
- (a) on or after the relevant date—
 - (i) where the plant is a biomass plant, version 4.0 of the document entitled “Microgeneration Installation Standard: MIS 3004 requirements for contractors undertaking the supply, design, installation, set to work, commissioning and handover of solid biofuels heating systems” published on 16th December 2013(14);
 - (ii) where the plant is a heat pump, version 4.0 of the document entitled “Microgeneration Installation Standard: MIS 3055 requirements for contractors undertaking the supply, design, installation, set to work, commissioning and handover of Microgeneration heat pump systems” published on 16th December 2013(15); or
 - (iii) where the plant is a solar thermal plant, version 4.0 of the document entitled “Microgeneration Installation Standard: MIS 3001 requirements for contractors undertaking the supply, design, installation, set to work, commissioning and handover of solar heating Microgeneration systems” published on 16th December 2013(16).
- (4) The requirements mentioned in paragraph (2) do not apply to an installation completed on or after 1st September 2010 but before the relevant date.

Plants used to generate heat before the first commissioning date

9.—(1) The requirements referred to in regulation 3(b) are that no part of the plant which generates heat, other than any of the components listed in paragraph (2), was used before the plant’s first commissioning date.

- (2) The components referred to in paragraph (1) are—
- (a) immersion heaters and other components which solely generate heat for the purpose of heating domestic hot water;
 - (b) supplementary electric heaters; and
 - (c) circulation pumps.

Requirements regarding funding of plants

10. The requirements referred to in regulation 3(b) are that—

(12) The ISBN for the English language version of this standard is ISBN 0580294153. Copies can be obtained from the British Standards Institution at www.bsigroup.com.

(13) The ISBN for the English language version of this standard is ISBN 978 0 580 78472 9. Copies can be obtained from the British Standards Institution at www.bsigroup.com.

(14) Published on www.microgenerationcertification.org.

(15) Published on www.microgenerationcertification.org.

(16) Published on www.microgenerationcertification.org.

- (a) some or all of the costs of the purchase or installation of the plant are met by any owner or former owner of the plant using that person's own funds (including a loan which that person was liable to repay) or by a RHPP grant; or
- (b) the plant is owned by the Northern Ireland Housing Executive or by a registered housing association.

Requirement that plant is not an accredited RHI installation

11. The requirements referred to in regulation 3(b) are the plant is not, and has not been at any time, an accredited RHI installation.

Requirements where more than one plant provides heat to a property

12.—(1) The requirements referred to in regulation 3(c) are that where the plant ("plant A") provides heat to a property to which any other plant provides heat or has previously provided heat, in relation to that other plant, or if there is more than one in relation to each such plant, ("plant B"),—

- (a) paragraph (2) or (3) applies; and
 - (b) paragraph (4) applies.
- (2) This paragraph applies if plant B—
- (a) is not, and has not at any time been, an accredited domestic plant; and
 - (b) is not a plant for which an accreditation application has been made and has not been rejected.
- (3) This paragraph applies if plant B is, or has previously been, an accredited domestic plant and—
- (a) either plant A or plant B (but not both) is a solar thermal plant; or
 - (b) plant B is an original plant and plant A is a replacement plant.
- (4) This paragraph applies if plant B—
- (a) is not, and has not at any time been, an accredited RHI installation; and
 - (b) is not a plant for which an application for accreditation has been made and not withdrawn by the applicant (and accreditation has not been refused) under the Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2012(17).

Plants where heat generation must be metered

- 13.—**(1) The heat generated by the plant ("plant A") must be metered if—
- (a) plant A is not a solar thermal plant; and
 - (b) plant A falls within paragraph (2), (3), (4), (5), (6), (7), (8) or (9).
- (2) Plant A falls within this paragraph where it provides heat to the same property as another plant ("plant B"), except where plant B—
- (a) is a solar thermal plant;
 - (b) is designed and installed to heat only one room;
 - (c) captures heat from air which is expelled from a property and transfers that heat into fresh air entering that property without generating additional heat;
 - (d) is an immersion heater for a domestic hot water cylinder or is any other plant which solely generates heat for the purpose of heating domestic hot water; or

- (e) is a supplementary electric heater which is controlled by the same control system as the control system governing plant A.
- (3) Plant A falls within this paragraph where it is a biomass plant with an installation capacity which is not sufficient to provide space heating for all parts of the property to which it provides heat and its first commissioning date is on or after the relevant date.
- (4) Plant A falls within this paragraph where the property to which it provides heat was occupied for less than 183 days in the 12 month period on its RHI date.
- (5) Plant A falls within this paragraph where it is a heat pump and is capable of using a fuel when generating heat for an eligible purpose.
- (6) Plant A falls within this paragraph where its installation capacity exceeds the Microgeneration Certification Scheme rules.
- (7) Plant A falls within this paragraph where the Department installs an eligible meter in order to collect data, assess performance and monitor progress against renewable heat targets.
- (8) Plant A falls within this paragraph where any other plant has been or is installed which generates heat for the RHI property.
- (9) Plant A falls within this paragraph where the property to which it provides heat is the subject of a private tenancy or a public tenancy.
- (10) In this regulation—
- “private tenancy” means any tenancy of a dwelling except—
- (a) a fee farm grant; or
 - (b) a tenancy for a term certain exceeding 99 years, unless that tenancy is, or may become, terminable before the end of that term by notice given to the tenant; or
 - (c) a tenancy the purpose of which is to confer on the tenant the right to occupy a dwelling for a holiday; and
- “public tenancy” means a tenancy under which the estate of the landlord belongs to—
- (a) the Crown (whether in right of Her Majesty’s Government in the United Kingdom or in Northern Ireland);
 - (b) a government department;
 - (c) the Northern Ireland Housing Executive;
 - (d) a registered housing association;
- or is held in trust for Her Majesty for the purposes of a government department.

Metering requirements

- 14.—**(1) The requirements referred to in regulation 3(d) are that, in relation to all eligible meters used in relation to the plant—
- (a) the requirements set out in paragraph (2) are met (“the metering requirements”); or
 - (b) the metering requirements in paragraph (2)(a) and (b) are met and the Department is satisfied that, were the plant given accreditation, no participant would, as a consequence of the failure to meet the other metering requirements, be entitled to receive RHI payments which are materially greater than would be the case were all the metering requirements met.
- (2) The requirements referred to in paragraph (1)(a) are that—
- (a) a certified installer was responsible for the installation of any eligible meter which is installed on or after the relevant date;

- (b) a certified installer was responsible for the installation of any eligible meter which is installed earlier than the relevant date or for checking that any such meter was properly installed;
- (c) each eligible meter is positioned in accordance with the requirements specified in regulation 15 if the plant is a biomass plant, or regulation 16 if the plant is a heat pump;
- (d) each eligible meter is properly calibrated;
- (e) each eligible meter is properly installed and in good working order; and
- (f) each eligible meter bears a label which identifies the meter using a unique reference number which enables the meter to be consistently identified when the information recorded by the meter is submitted to the Department.

Positioning of meters when recording heat generated by biomass plants

15.—(1) For the purposes of regulation 14(2)(c), where the plant (“plant A”) is a biomass plant meters must be positioned in accordance with paragraph (2), (3) or (4).

(2) Meters are positioned in accordance with this paragraph if one or more eligible heat meters are installed to record the heat output delivered by a liquid from plant A.

(3) Meters are positioned in accordance with this paragraph if one or more eligible heat meters are installed to record separately—

- (a) the combined heat output of plant A and any other plant (“plant B”); and
- (b) the heat output of plant B.

(4) Meters are positioned in accordance with this paragraph if one or more eligible meters are installed to record separately—

- (a) the combined heat output of plant A and plant B; and
- (b) any energy consumption by plant B.

Positioning of meters when recording heat generated by heat pumps

16.—(1) For the purposes of regulation 14(2)(c), where the plant (“plant A”) is a heat pump, meters must be positioned in accordance with paragraph (2), (3), (4), or (5).

(2) Meters are positioned in accordance with this paragraph if one or more eligible meters are installed to record separately—

- (a) the heat output from any component of plant A which is a compressor, and any other components of plant A which the owner of plant A will be seeking to be included in the calculation of eligible metered heat (“the metered components”); and
- (b) any relevant energy consumption by the components of plant A that are metered under this paragraph.

(3) Meters are positioned in accordance with this paragraph if one or more eligible meters are installed to record separately—

- (a) the combined heat output of the metered components and any other plant (“plant B”);
- (b) the heat output of plant B; and
- (c) any relevant energy consumption by the metered components.

(4) Meters are positioned in accordance with this paragraph if one or more eligible meters are installed to record separately—

- (a) the combined heat output of the metered components and plant B;
- (b) any energy consumption by plant B; and

- (c) any relevant energy consumption by the metered components.
- (5) Meters are positioned in accordance with this paragraph if plant A is capable of providing heating as well as cooling and one or more eligible meters are installed to record sufficient information about plant A to enable the eligible metered heat generated by plant A to be determined.
- (6) In this regulation, “relevant energy consumption” means consumption of energy which is not energy from—
 - (a) a liquid filled flat plate or evacuated tube solar collector; or
 - (b) a source other than heat from the air, water or the ground.

PART 3

ACCREDITATION OF PLANTS

Accreditation applications

- 17.—**(1) An owner of a plant which meets the eligibility criteria may apply to the Department for that plant to be given accreditation if that person owns or occupies the property to which the plant provides heat.
- (2) Accreditation applications must include—
- (a) all of the information specified in Part 1 of Schedule 3;
 - (b) such of the information specified in Part 2 of Schedule 3 as the Department may require;
 - (c) any declarations by the applicant which the Department may require;
 - (d) if regulation 13 requires that the heat generated by the plant for which accreditation is sought must be metered—
 - (i) confirmation from a certified installer who was responsible for, or checked, the installation of the meters, that eligible meters are installed in accordance with the metering requirements; and
 - (ii) a statement from that installer as to whether eligible meters are installed in accordance with paragraph (2), (3) or (4) of regulation 15, or paragraph (2), (3), (4) or (5) of regulation 16;
 - (e) if eligible meters are positioned in accordance with paragraph (3) or (4) of regulation 15, or paragraph (3), (4) or (5) of regulation 16, an authorisation application;
 - (f) if the plant is a heat pump and regulation 13 requires that the heat it generates must be metered, a statement as to which components of the heat pump the applicant is seeking to be included in the calculation of eligible metered heat; and
 - (g) if the plant is owned by more than one person, such evidence as the Department may require that the accreditation application is made by only one of those owners and that the owner who is making the accreditation application has the authority from all other owners to be the participant.
- (3) An accreditation application must be received by the Department within 12 months of—
- (a) the first commissioning date for the plant if that date is on or after the relevant date; or
 - (b) the relevant date if the first commissioning date for the plant is earlier than the relevant date.

Powers of the Department when considering an accreditation application

- 18.**—(1) The Department may by notice request—
- (a) that information about the plant or any eligible meters installed in relation to it be provided—
 - (i) by the certified installer who was responsible for the installation of the plant;
 - (ii) by the certified installer who was responsible for, or checked, the installation of the meters; or
 - (iii) by the applicant and verified by the relevant certified installer referred to in paragraph (i) or (ii) as applicable;
 - (b) that the applicant provide details of a further Energy Performance Certificate for the eligible property if the Department has reason to believe that the applicant has not provided details of the most recent Energy Performance Certificate; and
 - (c) that the applicant provides such other information specified in Part 2 of Schedule 3 as the Department may require.
- (2) The Department may arrange for a site inspection to be carried out in order to satisfy itself that the plant should be given accreditation.

Time limits for provision of information

- 19.** Where the Department gives a notice under regulation 18(1), the applicant must comply with that request within—
- (a) three months of the date of the notice if the heat generated by the plant for which accreditation is being sought must be metered under regulation 13 and the information is evidence that the metering requirements are met;
 - (b) 28 days of the date of the notice in any other case.

Conditions of accreditation

- 20.** The Department may make an accreditation subject to any conditions it considers to be appropriate.

Accreditation

- 21.**—(1) Where paragraph (2) applies, subject to regulation 22, the Department must—
- (a) give accreditation for the plant;
 - (b) notify the participant that the accreditation application has been successful;
 - (c) enter on the central register the participant’s name and such other information as the Department considers necessary for the proper administration of the domestic RHI scheme;
 - (d) notify the participant of any conditions attached to the accreditation;
 - (e) provide the participant with a written statement (a “statement of eligibility”) including the following information—
 - (i) the RHI date for the plant;
 - (ii) the applicable initial tariff and details of how subsequent tariffs will be calculated;
 - (iii) details of the frequency and timetable for payments;
 - (iv) the tariff lifetime and tariff end date;

- (v) if the plant is a heat pump, the seasonal performance factor for the heat pump; and
 - (vi) the deemed annual heat generation for the plant;
- (f) where regulation 13 requires that the heat generated by the plant must be metered, provide the participant with a statement containing the following information (a “metering statement”)—
- (i) confirmation that the heat generated by the plant must be metered;
 - (ii) notification as to whether eligible meters must be positioned in accordance with paragraph (2), (3) or (4) of regulation 15, or paragraph (2), (3), (4) or (5) of regulation 16;
 - (iii) if eligible meters are positioned in accordance with paragraph (3) or (4) of regulation 15, or paragraphs (3), (4) or (5) of regulation 16, confirmation as to the details of the metering arrangement for which the Department has given authorisation;
 - (iv) if the plant is a heat pump, confirmation as to which components of the heat pump will be included in the calculation of eligible metered heat; and
 - (v) the process and timing for providing meter readings in accordance with regulation 39(4).
- (2) This paragraph applies where—
- (a) an accreditation application has, in the Department’s opinion, been properly made in accordance with regulation 17;
 - (b) the Department is satisfied that the plant meets the eligibility criteria; and
 - (c) the Department has given authorisation where regulation 13 requires that the heat generated by the plant must be metered and the accreditation application includes a statement that meters are positioned in accordance with paragraph (3) or (4) or regulation 15, or paragraph (3), (4) or (5) of regulation 16.

(3) Where, at the time the Department is giving accreditation for a plant which does not meet the metering requirements but the requirements in regulation 14(1)(b) are met, the Department considers that the RHI payments for that plant are likely to be materially less than would be the case if the metering requirements were met, it must notify the participant of this.

Rejection of accreditation applications

- 22.—**(1) The Department may reject an accreditation application if—
- (a) the Department is not satisfied that the accreditation application has been properly made in accordance with regulation 17;
 - (b) the Department is not satisfied that the plant meets the eligibility criteria;
 - (c) the Department has reason to believe that one or more of the applicable ongoing obligations will not be complied with; or
 - (d) subject to paragraph (2), information requested by the Department is not provided within the time limit specified in regulation 19.
- (2) The Department must not reject an accreditation application on the basis that information has not been provided in accordance with regulation 19(b) if—
- (a) the applicant contacted the Department before the 28 day period expired stating that the information sought is not yet available or that it cannot be provided or providing alternative information; and

- (b) fewer than three months have passed since the date of the first notice in which the Department requested the information.
- (3) Where the Department decides to reject an accreditation application it must notify the applicant that the application has been rejected, giving reasons.

PART 4

AUTHORISATION OF METERING ARRANGEMENTS

Authorisation applications

23.—(1) Where the owner of a plant (“plant A”) is required by regulation 17(2)(e) or 42(4) to make an authorisation application, that application must be made in accordance with this regulation.

(2) An authorisation application in respect of plant A must not be made before an accreditation application is made in respect of plant A.

(3) A person who makes an authorisation application to the Department will provide it with -

- (a) details of the metering arrangement;
- (b) if eligible meters are positioned in accordance with paragraph (3) or (4) of regulation 15, or paragraph (3) or (4) of regulation 16, evidence from the certified installer who was responsible for, or checked, the installation of the meters explaining why the heat output from plant A cannot be metered separately from the heat output from another plant (“plant B”);
- (c) if eligible meters are positioned in accordance with paragraph (4) of regulation 15, or paragraph (4) of regulation 16, evidence from the certified installer who was responsible for, or checked, the installation of the meters explaining why the heat output from plant B cannot be metered separately from the heat output from plant A;
- (d) if eligible meters are positioned in accordance with paragraph (5) of regulation 16, evidence that plant A is a heat pump which is capable of providing heating as well as cooling; and
- (e) any other information which the Department may request in order to enable it to consider the authorisation application.

Powers of the Department when considering an authorisation application

24. The Department may—

- (a) arrange for a site inspection to be carried out by the Department or its authorised agent;
- (b) request that information about the meters be provided from a certified installer who was responsible for, or checked, the installation of the meters;
- (c) if information is provided by the person making the authorisation application, request evidence that the accuracy of the information is verified by the certified installer who was responsible for, or checked, the installation of the meters.

Authorisation

25.—(1) Where paragraph (2) applies, the Department must—

- (a) give authorisation for the metering arrangement; and
- (b) notify the applicant that the authorisation application has been successful.

(2) This paragraph applies if the Department is satisfied that—

- (a) all eligible meters located in accordance with the metering arrangement are positioned in accordance with the relevant paragraph of regulations 15 or 16;
 - (b) the requirements set out in paragraph (3) are met; and
 - (c) the requirements set out in paragraphs (4) to (6) are met as applicable.
- (3) The requirements set out in this paragraph are that the location and type of eligible meters identified in the metering arrangement will or would if the plant (“plant A”) were given accreditation, enable sufficient information to be gathered for the Department to calculate plant A’s eligible metered heat in a way that will not result in RHI payments which are materially greater than if eligible meters were installed in accordance with regulation 15(2) (for biomass plants), or 16(2) (for heat pumps).
- (4) The requirements set out in this paragraph are that, if eligible meters are positioned in accordance with paragraph (3) or (4) of regulation 15, or paragraph (3) or (4) of regulation 16, the heat output from plant A cannot be metered separately from the heat output from another plant (“plant B”).
- (5) The requirements set out in this paragraph are that, if eligible meters are installed in accordance with paragraph (4) of regulation 15, or paragraph (4) of regulation 16—
- (a) eligible meters cannot be installed to separately record the heat output from plant B; and
 - (b) other measurements recorded by eligible meters can be used to calculate the heat output from plant A.
- (6) The requirements set out in this paragraph are that, if eligible meters are installed in accordance with paragraph (5) of regulation 16, plant A is a heat pump which is capable of providing heating as well as cooling.

PART 5

RHI PAYMENTS

Duty to make RHI payments

26.—(1) Subject to Parts 8 and 10, the Department must make payments, referred to in these Regulations as “RHI payments”, to a participant (“P”) in respect of the heat generated by P’s accredited domestic plant.

- (2) RHI payments accrue for seven years from the tariff start date.
- (3) The Department—
 - (a) must calculate the amount of RHI payments in accordance with regulation 27, 28, 29 or 30 and make RHI payments in arrears;
 - (b) may decide on the frequency of any RHI payments.
- (4) The total RHI payments made to a participant under paragraph (1) will not exceed £2500 in any given year.
- (5) Where—
 - (a) the Department does not have all of the data it requires to calculate an RHI payment; and
 - (b) is unable to obtain any missing data under regulation 39(4),
 the Department may estimate that data in order to make that calculation.

Calculation of deemed annual heat generation

27.—(1) The amount of heat in kWh which an accredited domestic plant is deemed to generate every 12 months (the “deemed annual heat generation”) is calculated in accordance with this regulation.

(2) If the accredited domestic plant is a biomass plant which provides space heating (but not heating for domestic hot water) to the RHI property, the deemed annual heat generation is the heat demand for space heating specified in the relevant EPC for that property.

(3) If the accredited domestic plant is a biomass plant which provides both space heating and domestic hot water heating to the RHI property, the deemed annual heat generation is the heat demand for space heating and water heating specified in the relevant EPC for that property.

(4) If the accredited domestic plant is a heat pump which provides space heating (but not heating for domestic hot water) to the RHI property, the deemed annual heat generation is calculated in accordance with the following formula—

$$A \times \left(1 - \frac{1}{B} \right)$$

where—

A is the heat demand for space heating specified in the relevant EPC for that property;

B is the seasonal performance factor for the heat pump.

(5) If the accredited domestic plant is a heat pump which provides both space heating and domestic hot water heating to the RHI property, the deemed annual heat generation is calculated in accordance with the following formula—

$$A \times \left(1 - \frac{1}{B} \right)$$

where—

A is the heat demand for space heating and water heating specified in the relevant EPC for that property;

B is the seasonal performance factor for the heat pump.

Calculation of RHI payments for biomass plants and heat pumps

28. The RHI payment for an accredited domestic plant that is a biomass plant or a heat pump is calculated using the following formula, that is to say—

deemed annual heat generation x relevant tariff = RHI payment for any given year.

Calculation of RHI payments for solar thermal

29. The RHI payment for an accredited domestic plant that is a solar thermal plant shall be calculated using the following formula, that is to say—

estimated annual generation x Relevant Tariff = RHI payment for any given year,

where the estimated annual generation is the figure recorded as such in the MCS Certificate for the plant in question.

Calculation of RHI payments where heat generated by a plant must be metered

30.—(1) The RHI payment for an accredited domestic plant that is metered under regulation 13 shall be calculated using the following formula, that is to say—

metered annual heat output x relevant tariff = RHI payment for any given year.

(2) Notwithstanding paragraph (1), eligible metered heat is the heat in kWh recorded by eligible meters positioned in accordance with regulations 15 or 16 generated by—

- (a) the accredited domestic plant; or
- (b) the accredited domestic plant and any additional plants if the heat generated by the accredited domestic plant is recorded together with the heat generated by such additional plants.

(3) RHI payments in any year shall not in any case exceed the amount which would be paid in accordance with regulation 27 or regulation 28 if a meter had not been installed in relation to that accredited domestic plant

Payment of upfront support

31.—(1) In addition to any RHI payment made by the Department under regulation 27 or regulation 28, subject to paragraph (2), the Department shall make an upfront payment in the quantum specified in column (2) of Table 2 of Schedule 4 opposite the reference to the plant in column (1).

(2) Upfront payments shall be made only in respect of accredited domestic plant commissioned on or after 1st September 2010 which have not received the support of a RHPP grant.

(3) Upfront payments shall not be made in respect of replacement plants installed in accordance with regulation 43.

PART 6

CALCULATION OF TARIFFS

Duty to calculate and publish tariffs

32.—(1) The Department must calculate in accordance with this Part and publish on its website, by the dates specified in paragraphs (2) and (3), tables specifying in relation to each tariff category—

- (a) the initial tariffs for accredited domestic plants with a tariff start date in the tariff period immediately following the date on which the table is published; and
- (b) the subsequent tariffs for accredited domestic plants for the financial year which commences on or after the date on which the table is published.

(2) The tables of initial and subsequent tariffs must be published by—

- (a) 1st April 2015, but only where the relevant date is earlier than that date; and
- (b) On 1st April of each subsequent calendar year.

Calculation of initial tariffs

33.—(1) The initial tariff for an accredited domestic plant is calculated in accordance with this regulation.

(2) For the period beginning with the commencement of these Regulations and ending with 31st March 2015, the initial tariff for each plant is the tariff specified in column (2) of Table 1 of Schedule 4 opposite the reference to the plant in column (1).

(3) For each subsequent year commencing with 1st April and ending with the following 31st March, the initial tariff for each plant is the tariff applicable to it on the immediately preceding 31st March in the previous year adjusted by the percentage increase or decrease (as applicable) in

the retail prices index for the previous calendar year (the resulting figure being stated to two decimal places and rounded to the nearest hundredth of a penny, with any two hundredth of a penny being rounded upwards).

Calculation of subsequent tariffs

34.—(1) The subsequent tariff for an accredited domestic plant is calculated in accordance with this regulation.

(2) For each year commencing with 1st April and ending with the following 31st March, the subsequent tariff for each plant is the tariff applicable to it on the immediately preceding 31st March in the previous year adjusted by the percentage increase or decrease (as applicable) in the retail prices index for the previous calendar year (the resulting figure being stated to two decimal places and rounded to the nearest hundredth of a penny, with any two hundredth of a penny being rounded upwards).

PART 7

ONGOING OBLIGATIONS FOR PARTICIPANTS

Ongoing obligations: general

- 35.** A participant (“P”) must comply with the following ongoing obligations, as applicable—
- (a) if the accredited domestic plant is a biomass boiler, upon a request by the Department P must provide to the Department evidence as to the type of fuel purchased and used in that plant for any period specified in the request during which P was a participant;
 - (b) P must not receive any grant from public funds, other than a RHPP grant, for any of the costs of the purchase or installation of the accredited domestic plant other than any grant which was notified to the Department when the accreditation application was made;
 - (c) P must ensure that the accredited domestic plant continues to meet the eligibility criteria;
 - (d) P must comply with any condition attached to P’s accreditation;
 - (e) P must keep the accredited domestic plant in good working order;
 - (f) if P is not the owner of the RHI property, P must provide a copy of any notification under regulation 36(1)(i) or 36(1)(j) to the owner or owners of that property;
 - (g) P must repay any overpayment in accordance with any notice served under regulation 51;
 - (h) P must not move the accredited domestic plant to a new location;
 - (i) P must comply with such other administrative requirements that the Department may specify in relation to the effective administration of the domestic RHI scheme;
 - (j) on receipt of a request for access under regulation 47 or regulation 54(3)(b), P must—
 - (i) allow the Department or the Department’s authorised agent, as applicable, access to the RHI property to carry out any of the activities described in those regulations; and
 - (ii) offer reasonable cooperation to that person;
 - (k) if P does not live in the RHI property P must have, at all times, agreement from all occupants of the property that those occupants will:
 - (i) allow the Department or the Department’s authorised agent reasonable access in the event of a request under regulation 47 or regulation 54(3)(b);
 - (ii) cooperate with a decision by the Department to install a meter under regulation 45 or remove it under regulation 46; and

- (iii) cooperate with any request for assistance made under regulations 54(3)(b) or 54(3)(c);
- (l) P must not seek accreditation under the Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2012(18) for an accredited domestic plant, or any other plant which provides heat to the same RHI property as an accredited domestic plant; and
- (m) P must cooperate with:
 - (i) a decision by the Department to install a meter under regulation 45 or remove it under regulation 46; and
 - (ii) any request for assistance made under regulations 54(3)(b) or 54(3)(c).

Ongoing obligations: changes affecting accredited domestic plants

- 36.**—(1) A participant (“P”) must notify the Department if, at any time in the tariff lifetime—
- (a) P becomes aware that any of the information provided in support of the accreditation application for P’s accredited domestic plant is incorrect;
 - (b) the accredited domestic plant no longer generates heat for the RHI property;
 - (c) a replacement plant is installed which generates heat for the RHI property;
 - (d) any other plant is installed which generates heat for the RHI property;
 - (e) the RHI property is occupied for less than 183 days in any 12 month period after the RHI date for the plant, unless the Department has provided a metering statement for the plant;
 - (f) the accredited domestic plant no longer provides heat for an eligible purpose;
 - (g) P becomes aware that P will not be able to comply with an ongoing obligation;
 - (h) P ceases to comply with an ongoing obligation;
 - (i) P, or another owner of the accredited domestic plant, intends to transfer ownership of all or part of the accredited domestic plant within 28 days;
 - (j) any change in ownership of all or part of the accredited domestic plant has taken effect;
 - (k) there is any other change in circumstances which may affect P’s eligibility to receive RHI payments; or
 - (l) any meter which is required under a metering statement for the accredited domestic plant is moved, is replaced, is reset or ceases to operate, be in good working order or be an eligible meter, or any eligible meters are added or removed.
- (2) A notification under this regulation must be made within 28 days of P becoming aware of the circumstances to which the notification relates.

Ongoing obligations: annual declarations

- 37.** A participant (“P”) must submit a declaration each year to the Department, at such time and in such form as the Department may request, confirming—
- (a) that P continues to own the accredited domestic plant;
 - (b) that, to the best of P’s knowledge and belief, no owner or previous owner of the accredited domestic plant has received—
 - (i) any grant from public funds for the cost of the purchase or installation of the accredited domestic plant other than any grant which was notified to the Department before the accreditation application was determined; or

- (ii) funding from any other source (other than under a loan) which reimbursed all of the costs incurred by P, any other owner or any previous owner for the cost of the purchase or installation of the accredited domestic plant;
- (c) that the accredited domestic plant is in good working order and has not been replaced with another plant, unless P has notified the Department of the installation of that plant under regulation 36(1);
- (d) the number of days on which the RHI property was occupied in the 12 month period ending on the date the declaration is given and the number of days on which P expects the property to be occupied in the next 12 months;
- (e) if P does not live in the RHI property, that all occupants of the property have agreed to permit access to the property by the Department or the Department's authorised agent for the purposes of carrying out any function under these Regulations; and
- (f) where the Department has provided a metering statement for the accredited domestic plant, that each eligible meter which is required under that statement is in good working order.

Ongoing obligations: emissions from biomass

38. Where an accredited domestic plant is a biomass plant to which an RHI emission certificate applies, a participant must—

- (a) use fuel of a type specified in the RHI emission certificate;
- (b) use fuel with a moisture content which is no greater than the maximum moisture content specified in the RHI emission certificate; and
- (c) operate the plant in accordance with the manufacturer's instructions for that plant in relation to the control of emissions of Particulate Matter (PM) and Nitrogen Oxides (NOx).

Ongoing obligations: metering

39.—(1) This regulation applies to a participant ("P") where the Department has provided a metering statement for an accredited domestic plant.

- (2) P must ensure that—
 - (a) the heat generated by the plant is metered from the date on which the Department provides the metering statement until the tariff end date;
 - (b) eligible meters are positioned in accordance with the paragraph of regulation 15 or 16 specified in the metering statement; and
 - (c) if the Department has authorised a metering arrangement, each eligible meter identified in that arrangement is located as identified in that arrangement.
- (3) P must keep each eligible meter which is required under a metering statement for the accredited domestic plant—
 - (a) in good working order; and
 - (b) positioned in accordance with the paragraph of regulation 15 or 16 specified in the metering statement.
- (4) The Department may request that P provide meter readings and other data from all eligible meters required by these Regulations.
- (5) Any meter readings or other data requested under paragraph (4) must be provided by P—
 - (a) in such form as the Department may request; and
 - (b) by the date (if any) specified by the Department or at such regular intervals as the Department may request to enable it to discharge its functions under these Regulations.

(6) Nothing in this regulation prevents the Department from accepting further data from a participant, if the Department considers it appropriate to do so.

Ongoing obligations: provision of information

40.—(1) A participant (“P”) must provide to the Department on request any information which P holds and which the Department requires in order to discharge its functions under these Regulations.

(2) P must retain a copy of—

- (a) any information relied on when making any accreditation application or, if P did not make that application, given to P by the person who made the application; and
- (b) any other evidence which verifies that the accredited domestic plant meets the eligibility criteria and that P is continuing to comply with the ongoing obligations,

whether or not copies of that documentation have been supplied to the Department.

(3) P must comply with any request for information under paragraph (1) within 28 days of the request or such later date as the Department may specify.

PART 8

CHANGES AFFECTING ACCREDITED DOMESTIC PLANTS

Review of accreditation following notification of a change in circumstances

41.—(1) This regulation applies where the Department receives a notification under regulation 36 and regulations 43 and 44 do not apply.

(2) Where this regulation applies, subject to regulation 42(2)(b), no RHI payment may be made for the accredited domestic plant until the requirements set out in paragraph (4) are met.

(3) On receipt of the notification, the Department may—

- (a) require the participant to provide such of the information specified in Schedule 3 and any declarations as the Department considers necessary for the proper administration of the domestic RHI scheme; and
- (b) review the accreditation of the accredited domestic plant to ensure that it continues to meet the eligibility criteria.

(4) The requirements referred to in paragraph (2) are that the Department has notified the participant that—

- (a) it is satisfied that the matters to which the notification relates are such that it is unnecessary to review the accreditation of the plant; or
- (b) it has carried out a review and is satisfied that the plant should continue to be an accredited domestic plant.

(5) Following a notification under paragraph (4) the Department must resume payment of RHI payments in accordance with these Regulations.

Changes affecting whether accredited domestic plants must be metered

42.—(1) This regulation applies where—

- (a) a metering statement has not been provided for an accredited domestic plant;
- (b) the Department has reviewed the accreditation of an accredited domestic plant under Regulation 41 or has carried out an investigation under Part 10; and

- (c) the Department considers that, were an accreditation application made in respect of the accredited domestic plant on the date on which the Department concluded its review or investigation, regulation 13 would require the heat generated by the plant to be metered.
- (2) Where this regulation applies—
 - (a) the heat generated by the plant must be metered; and
 - (b) no RHI payment may be made for the accredited domestic plant until the Department has provided the participant with a metering statement under paragraph (5).
- (3) The Department may require the participant to provide a statement from a certified installer who was responsible for, or checked, the installation of any meters installed in respect of the plant—
 - (a) confirming that each eligible meter is installed in accordance with the metering requirements; and
 - (b) stating whether the eligible meters are installed in accordance with paragraph (2), (3) or (4) of regulation 15, or paragraph (2), (3), (4) or (5) of regulation 16.
- (4) If eligible meters are positioned in accordance with paragraph (3) or (4) of regulation 15, or paragraph (3), (4) or (5) of regulation 16, the participant must make an authorisation application.
- (5) The Department must provide the participant with a metering statement if it—
 - (a) is satisfied that the requirements in regulation 14 are met; and
 - (b) has given authorisation, if applicable.
- (6) RHI payments for the accredited domestic plant are calculated in accordance with—
 - (a) regulations 27 and 28 for the period commencing on the tariff start date and ending on the date on which the Department received the notification under regulation 36 or commenced its investigation under Part 10; and
 - (b) regulation 30 for the period commencing on the date on which the Department provides the participant with a metering statement and ending on the tariff end date.
- (7) No RHI payments are payable for the period commencing on the day after the date on which the Department received the notification under regulation 36 and ending on the day before the date on which the Department provides the participant with a metering statement.

Replacement plants

- 43. Where a replacement plant is installed—
 - (a) an accreditation application for that plant may be made by the owner of the replacement plant if that person is a participant in relation to the original plant; and
 - (b) no RHI payments are payable for the period commencing on the date on which the original plant ceased to provide heat to the property and ending on the day before the date on which the Department received the accreditation application for the replacement plant.

Changes in ownership of accredited domestic plants

- 44.—(1) This regulation applies where a participant transfers ownership of all or part of an accredited domestic plant to another person (“the new owner”).
- (2) Once the Department becomes aware of the transfer of ownership, no RHI payment may be made until—
 - (a) the new owner has notified the Department of the change in ownership and has confirmed, if the plant is owned by more than one person, that they have the authority from all owners to be the new participant; and
 - (b) the Department has taken the steps set out in paragraph (5).

- (3) On receipt of a notification under paragraph (2), the Department may—
- (a) require the new owner to provide such of the information specified in Schedule 3 and any declarations as the Department considers necessary for the proper administration of the domestic RHI scheme; and
 - (b) review the accreditation of the accredited domestic plant to ensure that it continues to meet the eligibility criteria.
- (4) In carrying out the review referred to in paragraph (3)(b) the Department may, in order to satisfy itself that the accredited domestic plant continues to meet the eligibility criteria, take any of the steps set out in regulation 18.
- (5) Where the Department is satisfied that the accredited domestic plant continues to meet the eligibility criteria or has decided not to carry out a review it must—
- (a) update the central register; and
 - (b) send the new owner a statement of eligibility setting out the information specified in regulation 21(1)(e).
- (6) If the Department becomes aware of the transfer of ownership and, within a period of 12 months from the transfer of ownership of the accredited domestic plant taking effect—
- (a) no notification is made by the new owner in accordance with paragraph (2)(a); or
 - (b) any information required under paragraph (3)(a) is not provided to the Department,
- the plant shall on the expiry of that period cease to be an accredited domestic plant and accordingly no further RHI payments will be paid for the plant.
- (7) The period specified in paragraph (6) may be extended by the Department where the Department considers it is just and equitable to do so.
- (8) Subject to paragraph (9) and Part 10, RHI payments are calculated from the date of completion of the steps set out in paragraph (5) for the remainder of the tariff lifetime of that accredited domestic plant.
- (9) Where a transfer of ownership of all or part of an accredited domestic plant takes place and that accredited domestic plant is then owned by more than one person, the Department may require any person claiming to have the authority from all owners to be the new participant to provide to the Department, in such manner and form as the Department may request, evidence of this authority.

PART 9

METERING FOR MONITORING PURPOSES BY THE DEPARTMENT

Installation of a meter at the Department's request

45. The Department may install an eligible meter in order to collect data, assess performance and monitor progress against renewable heat targets under regulation 13(7).

Removal of an eligible meter

46. The Department may remove an eligible meter installed under regulation 45.

PART 10

INSPECTION AND ENFORCEMENT

Inspection

47.—(1) The Department or its authorised agent may request entry on a week-day between 9am and 5pm to inspect an accredited domestic plant and to do one or more of the following—

- (a) verify that the participant is complying with all applicable ongoing obligations;
- (b) verify meter readings;
- (c) take samples and remove them from the premises for analysis;
- (d) take photographs, measurements or video or audio recordings of the accredited domestic plant.

(2) Where the Department is satisfied that a request made under paragraph (1) has been unreasonably refused by the participant or an occupant of the RHI property, or that the participant or occupant has unreasonably failed to cooperate with the Department or its authorised agent, the Department must send a notice to the participant specifying—

- (a) details of—
 - (i) the request for entry and the reason why the refusal is considered unreasonable; or
 - (ii) the manner in which the participant or occupant has failed to cooperate and why that failure is considered unreasonable; and
- (b) the action the Department proposes to take under this Part, if any.

Power to withhold RHI payments during investigation

48.—(1) Where the Department has reasonable grounds to suspect—

- (a) that a participant has failed or is failing to comply with an ongoing obligation; or
- (b) that an accredited domestic plant has been given accreditation wholly or partly as a result of the provision of information which is incorrect in a material particular,

and the Department requires time to investigate, it may withhold all or part of that participant's RHI payments pending the outcome of that investigation.

(2) Within 21 days of a decision to withhold RHI payment under paragraph (1), the Department must send a notice to the participant which—

- (a) specifies—
 - (i) the respect in which the Department suspects the participant has failed or is failing to comply with an ongoing obligation; or
 - (ii) a description of the information suspected to be incorrect and upon which the accreditation was based; and
- (b) sets out the date from which RHI payments will be withheld and the next steps in the investigation.

(3) The Department's investigation must be commenced and completed as soon as is reasonably practicable.

(4) Upon conclusion of its investigation under this regulation, the Department must inform the participant of—

- (a) the outcome of this investigation;
- (b) the action the Department proposes to take under this Part, if any; and

(c) the participant's right of review.

(5) Subject to regulation 42, where the Department concludes that there has been no material breach of an ongoing obligation or provision of incorrect information, it must resume payment of RHI payments in accordance with these Regulations and pay to the participant any RHI payments withheld during the course of its investigation.

(6) Within 6 months of sending of a notice under paragraph (2), the Department must either resume payment of RHI payments or must send the participant a notice under regulation 49, 50 or 51.

Power to withhold RHI payments in the case of non-compliance

49.—(1) Where the Department is satisfied—

- (a) that a participant is failing to comply with an ongoing obligation, or
- (b) that an accredited domestic plant has been given accreditation wholly or partly as a result of the provision of information which is incorrect in a material particular,

it may withhold all or part of that participant's RHI payments.

(2) Within 21 days of a decision to withhold RHI payments the Department must send a notice to the participant specifying—

- (a) where there is a failure to comply with an ongoing obligation, in the respect in which the Department is satisfied that the participant is failing to comply;
- (b) where the accredited domestic plant was given accreditation as a result of the provision of incorrect information, details of the respect in which the information is incorrect;
- (c) the amount of RHI payments that will be withheld, to the extent this is known to the Department;
- (d) the date from which RHI payments will be withheld;
- (e) where applicable, the steps that the participant must take to satisfy the Department that it is complying with the ongoing obligation;
- (f) where applicable, the steps that the participant must take to satisfy the Department that, notwithstanding the provision of incorrect information, the accredited domestic plant should continue to be an accredited domestic plant;
- (g) the date by which the steps referred to in sub-paragraph (e) or (f) must be completed;
- (h) the consequences of the participant failing to take the steps required under sub-paragraph (e) or (f) by that date; and
- (i) details of the participant's right of review.

(3) Subject to regulation 42(2)(b) and (7), where the Department is satisfied that the participant has taken the steps specified in paragraph (2)(e) or (f), as applicable, within the time specified, it must resume payment of RHI payments in accordance with these Regulations.

(4) The Department may extend the time specified in paragraph (2)(g) where it is satisfied that it is reasonable to do so.

(5) If, within 3 months of receipt by the participant of a notice served under paragraph (2), the Department is satisfied that the participant has taken the steps specified in that notice, the Department may pay, within 28 days of being so satisfied, all RHI payments withheld under this regulation.

Revocation of accreditation

50.—(1) Where the Department is satisfied that—

- (a) there is or has been a serious or repeated failure by a participant to comply with an ongoing obligation;

(b) there has been a failure to comply with a notice under regulation 49(2); or
(c) an accredited domestic plant has been given accreditation wholly or partly as a result of the provision of information which was incorrect in a material particular,
the Department may take one or more of the steps set out in paragraph (2).

- (2) Where paragraph (1) applies the Department may—
- (a) revoke the accreditation for the relevant accredited domestic plant; or
 - (b) revoke the accreditation for any other accredited domestic plants owned by that participant.
- (3) Before revoking accreditation the Department must send the participant a notice specifying—
- (a) the reason for the intended revocation of accreditation including details of the respect in which the participant has failed to comply or details of the incorrect information;
 - (b) an explanation of the effect of the revocation; and
 - (c) details of the participant’s right of review.
- (4) where accreditation of an accredited domestic plant has been revoked, the Department—
- (a) may reject any further accreditation application for a plant owned by the same person; and
 - (b) must, if the Department has given registration for a metering and monitoring agreement relating to the accredited domestic plant, withdraw that registration.

Overpayment notices and offsetting

51.—(1) The Department may take one of the steps set out in paragraph (2) where the Department is satisfied that a participant or former participant has received RHI payments (“overpayments”) which—

- (a) exceed the amount to which that person was entitled under these Regulations;
 - (b) were paid whilst there was a failure by that person to comply with an ongoing obligation or following such a failure; or
 - (c) were paid for an accredited domestic plant which was given accreditation wholly or partly as a result of the provision of information which was incorrect in a material particular.
- (2) The steps set out in this paragraph are—
- (a) requiring a participant or former participant who has received overpayments to repay a specified sum in relation to some or all of those payments; or
 - (b) offsetting a specified sum in relation to some or all of those overpayments against future RHI payments.
- (3) Within 21 days of a decision to take action under paragraph (1) the Department must send the participant or former participant who has received any overpayments a notice specifying—
- (a) the value of any RHI payments which the Department believes are overpayments;
 - (b) the specified sum which the Department is seeking to recover;
 - (c) whether the specified sum must be repaid or will be offset;
 - (d) where applicable, the date by which the specified sum must be repaid; and
 - (e) the participant’s former participant’s right of review.
- (4) Where a participant or former participant who is required to repay a specified sum under this regulation fails to make payment in full by the date specified under paragraph (3)(d), the Department may recover any outstanding sum as a civil debt.
- (5) The Department must not require a participant or former participant to repay, or offset, a specified sum which exceeds any overpayments received by that person.

Revocation of sanctions

52.—(1) The Department may at any time revoke a sanction imposed in accordance with this Part if it is satisfied that—

- (a) there was an error involved in the original imposition of the sanction; or
- (b) it is just and equitable in the particular circumstances of the case to do so.

(2) Where, as a result of the imposition of a sanction to which—

- (a) paragraph (1)(a) applies, a participant or former participant has been deprived of RHI payments to which the participant or former participant was entitled, the Department must repay to the participant or former participant a sum equivalent to those payments;
- (b) paragraph (1)(b) applies, a participant or former participant has been deprived of RHI payments which the participant or former participant would otherwise have received, the Department may repay to the participant or former participant a sum equivalent to those payments if in the Department’s view it is just and equitable in the particular circumstances of the case to do so.

(3) Within 21 days of a decision to revoke a sanction, the Department must send a notice to the participant or former participant specifying—

- (a) the sanction which has been revoked;
- (b) the reason for the revocation; and
- (c) where paragraph (2) applies, the amount which will be repaid.

(4) In this regulation, “sanction” means an action taken by the Department under regulation 48(1), 49(1), 49(2), 50(2), 50(4) or 51(2).

Right of review

53.—(1) Any prospective, current or former participant aggrieved by a decision by the Department in the exercise of its functions under these Regulations (other than a decision made in accordance with this regulation) may have that decision reviewed by the Department.

(2) An application for review must be made by notice in such format as the Department may require and must—

- (a) be received by the Department within 28 days of the date of receipt of notification of the decision being reviewed;
- (b) specify the decision which that person wishes to be reviewed; and
- (c) specify the grounds on which the application is made.

(3) A person who has made an application in accordance with paragraph (2) must provide the Department with such information which is in that person’s possession as the Department may reasonably request to allow it to discharge its functions under this regulation.

(4) A review under this regulation may not be carried out by any person who was involved in the decision which is being reviewed.

(5) On review the Department may—

- (a) affirm its decision;
- (b) revoke or vary its decision.

(6) Within 21 days of completing a review under this regulation, the Department must send the person who made the application a notice setting out its decision and giving reasons for that decision.

PART 11

POWERS AND FUNCTIONS OF THE DEPARTMENT

Scheme review and evaluation

- 54.**—(1) The Department must keep the operation of the domestic RHI scheme under review.
- (2) The Department may select an accredited domestic plant for monitoring for the purpose of that review (“evaluation monitoring”).
- (3) Where the Department makes a decision to select an accredited domestic plant for evaluation monitoring—
- (a) the Department must write to the participant who owns the accredited domestic plant to advise that it has been selected for evaluation monitoring; and
 - (b) the Department may request entry at any reasonable hour to—
 - (i) inspect the accredited domestic plant;
 - (ii) install any measuring instruments and related equipment (“metering equipment”) which the Department may consider necessary;
 - (iii) inspect any metering equipment installed under this regulation;
 - (iv) carry out meter readings or download any information recorded by the metering equipment;
 - (v) check, repair or replace any metering equipment;
 - (c) the Department may request that the participant—
 - (i) assist with the maintenance of the meters or the taking of readings;
 - (ii) keep any records specified by the Department;
 - (iii) provide any information held by the participant that is required by the Department, including any information prepared by the certified installer who was responsible for the installation of the accredited domestic plant.

Right of review of decision by the Department

- 55.**—(1) Any participant aggrieved by a decision by the Department in the exercise of a function under regulation 54 may have that decision reviewed by the Department.
- (2) An application for review must be made by notice in such format as the Department may require and must—
- (a) be received by the Department within 28 days of the date of receipt of notification of the decision being reviewed;
 - (b) specify the decision which that person wishes to be reviewed; and
 - (c) specify the grounds on which the application is made.
- (3) A person who has made an application in accordance with paragraph (2) must provide the Department with such information which is in that person’s possession as the Department may reasonably request to allow the Department to discharge its functions under this regulation.
- (4) On review the Department may—
- (a) affirm the decision;
 - (b) revoke or vary the decision.
- (5) Within 21 days of completing a review under this regulation, the Department must send the person who made the application a notice setting out its decision and giving reasons for that decision.

PART 12

ADDITIONAL POWERS AND FUNCTIONS OF THE DEPARTMENT

Provision of information to the Department

56. Where the Department requests information from a person making an accreditation application, authorisation application or registration application (“an applicant”) or a participant under these Regulations, or an applicant or participant is otherwise required to provide any information or declarations—

- (a) that information and those declarations must be provided in such manner and form as the Department may reasonably request and must be accurate to the best of the applicant’s or participant’s knowledge and belief; and
- (b) the costs of providing the information are to be borne by that applicant or participant.

Reliance on declarations and other information available to the Department

57.—(1) When exercising any functions under these Regulations, the Department may—

- (a) treat any declarations provided to it by an applicant in support of any application under these Regulations, or by a participant, as conclusive as to the matters to which they relate, unless the Department has reason to believe that any such declaration is not accurate;
 - (b) verify any information provided by an applicant or participant against any information on the MCS register and any other information available to the Department;
 - (c) treat inclusion of a plant on the MCS register as evidence that the plant has been certified on the basis that the plant is installed in accordance with a relevant installation standard or a standard which is equivalent to a relevant installation standard; and
 - (d) treat any information about a plant on the MCS register as conclusive as to the matters to which it relates.
- (2) In this regulation, “applicant” has the meaning given by regulation 56.

Duty to maintain a central register

58. The Department must maintain a register of—

- (a) all accredited domestic plants; and
- (b) all meters installed for monitoring purposes under regulation 45.

Duty to publish guidance

59.—(1) The Department must publish procedural guidance to participants in connection with the administration of the domestic RHI scheme.

(2) The Department must publish the following information on its website—

- (a) annual reports on the RHI scheme; and
- (b) information in aggregate form as to—
 - (i) the number of accredited domestic plants;
 - (ii) the number of those plants which are biomass plants, air source heat pumps, ground source heat pumps, solar thermal plants.

PART 13

MISCELLANEOUS PROVISIONS

Notices, notifications and applications

60. All notices, notifications and applications under these Regulations—

- (a) must be in writing; and
- (b) may be transmitted by electronic means.

Consequential amendments

61.—(1) The Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2012(19) are amended as follows.

(2) In regulation 23 (exceptions to duty to accredit), replace paragraph (1)(b) with—

“(b) such a grant or support has been repaid to the person or authority who made it.”

(3) In regulation 23 (exceptions to duty to accredit), after paragraph (5) insert—

“(6) The Department must not accredit an eligible plant if—

- (a) it is, or at any time has been, an accredited domestic plant within the meaning given by regulation 2 of the Domestic Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2014;
- (b) an application for accreditation of the plant has been made under those Regulations and that application has not been withdrawn by the applicant or rejected by the Department; or
- (c) it provides heat to the same property as an accredited domestic plant or a plant for which an application for accreditation under those Regulations has been made which has not been withdrawn or rejected.”.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 8th December 2014.



C Stewart
A senior officer of the
Department of Enterprise, Trade and Investment