
DRAFT STATUTORY RULES OF NORTHERN IRELAND

2012 No.

**The Renewable Heat Incentive Scheme
Regulations (Northern Ireland) 2012**

PART 3

ACCREDITATION AND REGISTRATION

Applications for accreditation

- 22.**—(1) An owner of an eligible installation may apply for that installation to be accredited.
- (2) All applications for accreditation must be made in writing to the Department and must be supported by—
- (a) such of the information specified in Schedule 1 as the Department may require;
 - (b) a declaration that the information provided by the applicant is accurate to the best of the applicant's knowledge and belief;
 - (c) a declaration that the applicant is the owner, or one of the owners, of the eligible installation for which accreditation is being sought.
- (3) The Department may, where an eligible installation is owned by more than one person, require that—
- (a) an application submitted under this regulation is made by only one of those owners;
 - (b) the applicant has the authority from all other owners to be the participant for the purposes of the scheme; and
 - (c) the applicant provides to the Department, in such manner and form as the Department may request, evidence of that authority.
- (4) Before accrediting an eligible installation, the Department may arrange for a site inspection to be carried out in order to satisfy itself that a plant should be accredited.
- (5) The Department may, in granting accreditation, attach such conditions as it considers to be appropriate.
- (6) Where an application for accreditation has, in the Department's opinion, been properly made in accordance with paragraphs (2) and (3) and the Department is satisfied that the plant is an eligible installation the Department must (subject to regulation 23 and regulation 46(3))—
- (a) accredit the eligible installation;
 - (b) notify the applicant in writing that the application has been successful;
 - (c) enter on a central register maintained by the Department the applicant's name and such other information as the Department considers necessary for the proper administration of the scheme;
 - (d) notify the applicant of any conditions attached to the accreditation;

- (e) in relation to an applicant who is or will be generating heat from solid biomass, having regard to the information provided by the applicant, specify by notice to the applicant which of regulations 28 or 29 applies;
- (f) provide the applicant with a written statement (“statement of eligibility”) including the following information—
 - (i) the date of accreditation;
 - (ii) the applicable tariff;
 - (iii) the process and timing for providing meter readings;
 - (iv) details of the frequency and timetable for payments; and
 - (v) the tariff lifetime and tariff end date.

(7) Where the Department does not accredit a plant it must notify the applicant in writing that the application for accreditation has been rejected, giving reasons.

(8) Once a specification made in accordance with paragraph (6)(e) has been notified to an applicant, it cannot be changed except where the Department considers that an error has been made or on the receipt of new information by the Department which demonstrates that the specification should be changed.

Exceptions to duty to accredit

23.—(1) The Department must not accredit an eligible installation unless the applicant has given notice (which the Department has no reason to believe is incorrect) that, as applicable—

- (a) no grant from public funds has been paid or will be paid or other public support has been provided or will be provided in respect of any of the costs of purchasing or installing the eligible installation; or
- (b) such a grant or support was paid in respect of an eligible installation which was completed and first commissioned between 1st September 2010 and the date on which these Regulations come into force, and has been repaid to the person or authority who made it.

(2) In this regulation, “grant from public funds” means a grant made by a public authority or by any person distributing funds on behalf of a public authority and “public support” means any financial advantage provided by a public authority.

(3) The Department must not accredit an eligible installation if it has not been commissioned.

(4) The Department may refuse to accredit an eligible installation if its owner has indicated that one of the applicable ongoing obligations will not be complied with.

(5) The Department may refuse to accredit a plant which is a component plant within the meaning of regulation 14(2).

Changes in ownership

24.—(1) This regulation applies where ownership of all or part of an accredited RHI installation is transferred to another person.

(2) No periodic support payment may be made to a new owner until—

- (a) that owner has notified the Department of the change in ownership; and
- (b) the steps set out in paragraph (3) have been completed.

(3) On receipt of a notification under paragraph (2), the Department—

- (a) may require the new owner to provide such of the information specified in Schedule 1 as the Department considers necessary for the proper administration of the scheme;

- (b) may review the accreditation of the accredited RHI installation to ensure that it continues to meet the eligibility criteria and should remain an accredited RHI installation.
- (4) Where the Department has received the information required under paragraph (3)(a) and is satisfied as to the matters specified in paragraph (3)(b) it must—
 - (a) update the central register referred to in regulation 22(6)(c);
 - (b) where the new owner is the participant, send the new owner a statement of eligibility setting out the information specified in regulation 22(6)(c); and
 - (c) where applicable, send the new owner (if the new owner is the participant) a notice in accordance with regulation 22(6)(f).
- (5) If, within a period of 12 months from the transfer of ownership of the accredited RHI installation, no notification is made in accordance with paragraph (2) or paragraph (4) does not apply, the installation will on the expiry of that period cease to be accredited and accordingly no further periodic support payments will be paid in respect of the heat it generates.
- (6) The period specified in paragraph (5) may be extended by the Department where the Department considers it is just and equitable to do so.
- (7) Subject to paragraph (8), following the successful completion of the steps required under paragraphs (3) and (4), the new owner of an accredited RHI installation will receive periodic support payments calculated from the date of completion of those steps for the remainder of the tariff lifetime of that accredited RHI installation.
- (8) Where a transfer of ownership of all or part of an accredited RHI installation takes place and results in that accredited RHI installation being owned by more than one person, the Department may require that only one of those owners is the participant for the purposes of the scheme and require that owner to comply with sub-paragraphs (b) and (c) of regulation 22(3).

Producers of biomethane

- 25.—**(1) A producer of biomethane for injection may apply to the Department to be registered as a participant.
- (2) Applications for registration must be in writing and supported by—
 - (a) such of the information specified in Schedule 1 as the Department may require;
 - (b) a declaration that the information provided by the applicant is accurate to the best of the applicant's knowledge and belief;
 - (c) details of the process by which the applicant proposes to produce biomethane and arrange for its injection; and
 - (d) a notice given in accordance with paragraph (6).
 - (3) The Department may in registering an applicant attach such conditions as it considers appropriate.
 - (4) Where the application for registration is properly made in accordance with paragraph (2), the Department must (subject to paragraphs (5) to (8))—
 - (a) notify the applicant in writing that registration has been successfully completed and the applicant is a participant;
 - (b) enter on a central register maintained by the Department the date of registration and the applicant's name;
 - (c) notify the applicant of any conditions attached to their registration as a participant; and
 - (d) send the applicant a statement of eligibility including such of the information specified in regulation 22(6)(f) as the Department considers applicable.

(5) The Department may refuse to register an applicant if the applicant has indicated that one or more of the applicable ongoing obligations will not be complied with.

(6) The Department must not register an applicant unless that applicant has given notice (which the Department has no reason to believe is incorrect) that no grant from public funds has been paid or will be paid or other public support has been provided or will be provided in respect of any of the equipment used to produce the biomethane for which the applicant is intending to claim periodic support payments.

(7) The Department must not register an applicant if it would result in periodic support payments being made to more than one participant for the same biomethane.

(8) The Department must not register the applicant unless, at the time of making the application, injections of biomethane produced by that applicant has commenced.

(9) In this regulation, “grant from public funds” and “public support” have the meanings given in regulation 23(2).

Preliminary accreditation

26.—(1) The Department may, upon the application by a person who proposes to construct or operate an eligible installation which has not yet been commissioned, grant preliminary accreditation in respect of that eligible installation provided—

- (a) any necessary planning permission has been granted; or
- (b) such planning permission is not required and appropriate evidence of this is provided to the Department from the relevant planning authority.

(2) The Department must not grant preliminary accreditation to any plant under this regulation if, in its opinion, that plant is unlikely to generate heat for which periodic support payments may be paid.

(3) An application for preliminary accreditation must be in writing and supported by such of the information specified in Schedule 1 as the Department may require.

(4) The Department may attach such conditions as it considers appropriate in granting preliminary accreditation under this regulation.

(5) Where a plant has been granted preliminary accreditation (and such preliminary accreditation has not been withdrawn) and an application for accreditation is made under this Part, the Department must, subject to regulation 23, grant that application unless it is satisfied that—

- (a) there has been a material change in circumstances since the preliminary accreditation was granted such that, had the application for preliminary accreditation been made after the change, it would have been refused;
- (b) any condition attached to the preliminary accreditation has not been complied with;
- (c) the information on which the decision to grant the preliminary accreditation was based was incorrect in a material particular such that, had the Department known the true position when the application for preliminary accreditation was made, it would have been refused; or
- (d) there has been a change in applicable legislation since the preliminary accreditation was granted such that, had the application for preliminary accreditation been made after the change, it would have been refused.

(6) Where any of the circumstances mentioned in paragraph (7) apply in relation to a preliminary accreditation which the Department has granted and having regard to those circumstances the Department considers it appropriate to do so, the Department may—

- (a) withdraw the preliminary accreditation;

- (b) amend the conditions attached to the preliminary accreditation;
 - (c) attach conditions to the preliminary accreditation.
- (7) The circumstances referred to in paragraph (6) are as follows—
- (a) in the Department’s view there has been a material change in circumstances since the preliminary accreditation was granted;
 - (b) any condition attached to the preliminary accreditation has not been complied with;
 - (c) the Department considers that the information on which the decision to grant the preliminary accreditation was based was incorrect in a material particular;
 - (d) there has been change in the applicable legislation since the preliminary accreditation was granted such that, had the application for preliminary accreditation been made after the change, it would have been refused.
- (8) The Department must send the applicant a notice setting out—
- (a) its decision on an application for preliminary accreditation of a plant or on the withdrawal of any preliminary accreditation;
 - (b) any condition attached to the preliminary accreditation or any amendment to those conditions.
- (9) The notice sent pursuant to paragraph (8) must specify the date on which the grant or withdrawal of preliminary accreditation is to take effect and, where applicable, the date on which any conditions (or amendments to those conditions) attached to the preliminary accreditation are to take effect.
- (10) In paragraph (1), the reference to the person who proposes to construct an eligible installation includes a person who arranges for the construction of the eligible installation.
- (11) This regulation does not apply to a plant which will generate heat using—
- (a) a solar collector;
 - (b) a heat pump which complies with the requirements of regulation 8(a); or
 - (c) solid biomass, provided that the plant will have an installation capacity below 200kWth.