
DRAFT STATUTORY INSTRUMENTS

2014 No.

The Domestic Renewable Heat
Incentive Scheme Regulations 2014

PART 7

Ongoing obligations for participants

Ongoing obligations: general

- 39.** A participant (“P”) must comply with the following ongoing obligations, as applicable—
- (a) if the accredited domestic plant is a biomass plant, upon a request by the Authority P must provide to the Authority 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 for any of the costs of the purchase or installation of the accredited domestic plant other than any grant which was notified to the Authority 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 40(1)(i) or 40(1)(j) to the owner or owners of that property;
 - (g) P must repay any overpayment in accordance with any notice served under regulation 60;
 - (h) P must not move the accredited domestic plant to a new location;
 - (i) P must comply with such other administrative requirements that the Authority may specify in relation to the effective administration of the domestic RHI scheme;
 - (j) on receipt of a request for access under regulation 56 or regulation 63(3)(b), P must—
 - (i) allow the Secretary of State, the Authority or the Authority’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) P must comply with any other requests by the Secretary of State under regulation 63(3)(c);
 - (l) 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 allow the Secretary of State, the Authority or the Authority’s authorised agent reasonable access in the event of a request under regulation 56 or regulation 63(3)(b) and will co-operate with such a request; and

- (m) P must not seek accreditation under the Renewable Heat Incentive Scheme Regulations 2011(1) for an accredited domestic plant, or any other plant which provides heat to the same RHI property as an accredited domestic plant.

Ongoing obligations: changes affecting accredited domestic plants

- 40.**—(1) A participant (“P”) must notify the Authority 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 Authority 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

41. A participant (“P”) must submit a declaration each year to the Authority, at such time and in such form as the Authority 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 Authority before the accreditation application was determined; or
 - (ii) funding from any other source (other than under a loan or a Green Deal Plan for which an owner is liable to make, or has made, payments) 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 Authority of the installation of that plant under regulation 40(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 Authority, the Secretary of State or the Authority's authorised agent for the purposes of carrying out any function under these Regulations; and
- (f) where the Authority 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

42. 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 PM and NOx.

Ongoing obligations: metering

43.—(1) This regulation applies to a participant ("P") where the Authority 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 Authority 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 Authority 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 Authority 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 Authority may request; and
- (b) by the date (if any) specified by the Authority or at such regular intervals as the Authority may request to enable it to discharge its functions under these Regulations.

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

Ongoing obligations: provision of information

44.—(1) A participant ("P") must provide to the Authority on request any information which P holds and which the Authority 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 Authority.

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