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STATUTORY INSTRUMENTS

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**2011 No. 2860**

**ENERGY**

**The Renewable Heat Incentive Scheme Regulations 2011**

*Made - - - - 27th November 2011*

*Coming into force in accordance with regulation 1*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 100 and 104 of the Energy Act 2008 <sup>M1</sup>.

In accordance with section 105(3) of that Act, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

In accordance with section 100(7) of that Act, the Secretary of State has obtained the consent of the Scottish Ministers to the making of these Regulations.

**Marginal Citations**

**M1** 2008 c.32. Section 100 is amended by [S.I. 2011/2195](#), which was made on 5.9.11 and came into force on 6.9.11.

**PART 1**

Introductory provisions

**Citation and commencement**

1. These Regulations may be cited as the Renewable Heat Incentive Scheme Regulations 2011 and come into force on the day after the day on which they are made.

**Interpretation**

2.—<sup>F1</sup>(1) In these Regulations—

“accreditation” means accreditation of an eligible installation by the Authority following an application under regulation 22;

“accredited RHI installation” means an eligible installation which has been given accreditation;

“the Act” means the Energy Act 2008;

<sup>F2</sup>“additional biomethane” has the meaning given in regulation 43A(5);]

Status: Point in time view as at 24/03/2016.

Changes to legislation: There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2011 (revoked). (See end of Document for details)

[<sup>F3</sup>“air source heat pump” means a plant which generates heat by absorbing energy stored in the form of heat in the ambient air;]

“anaerobic digestion” means the bacterial fermentation of biomass in the absence of oxygen;

[<sup>F4</sup>“approved sustainable fuel” means solid biomass which is listed under a scheme approved by the Secretary of State in accordance with regulation 36E;]

[<sup>F5</sup>“assessment date” means 31st January, 30th April, 31st July or 31st October in any year;]

[<sup>F5</sup>“average load factor”—

(a) [<sup>F6</sup>in respect of a relevant installation which is a large biomass plant, means—

(i) if the relevant installation uses or is expected to use heat for the same category of eligible purposes as 10 or more relevant installations which are large biomass plants [<sup>F7</sup>in respect of which periodic support payments have been received], the average of the load factors of all such installations; or

(ii) if the relevant installation does not use or is not expected to use heat for the same category of eligible purposes as 10 or more relevant installations which are large biomass plants [<sup>F7</sup>in respect of which periodic support payments have been received], the average of the load factors of all relevant installations which are large biomass plants <sup>F8</sup>... [<sup>F7</sup>in respect of which periodic support payments have been received];

(aa) <sup>F9</sup>.....]

(b) in respect of a relevant installation (except a relevant installation within paragraph (a) <sup>F10</sup>...) which falls or is expected to fall within a tariff category which fewer than 20 accredited RHI installations [<sup>F7</sup>in respect of which periodic support payments have been received] fall within, means the average of the load factors of all accredited RHI installations;

(c) in respect of a relevant installation [<sup>F11</sup>(except a relevant installation within [<sup>F12</sup>paragraph (a)])] which falls or is expected to fall within a tariff category which 20 or more accredited RHI installations [<sup>F7</sup>in respect of which periodic support payments have been received] fall within (“sister installations”) means—

(i) if the relevant installation uses or is expected to use heat for the same eligible purposes as 20 or more of the sister installations (“twin installations”), the average of the load factors of all twin installations;

(ii) if the relevant installation does not use or is not expected to use heat for the same eligible purposes as 20 or more of the sister installations, the average of the load factors of all sister installations;]

“biogas production plant” means a plant which produces biogas by anaerobic digestion, gasification or pyrolysis;

“building” means any permanent or long-lasting building or structure of whatever kind and whether fixed or moveable which, except for doors and windows, is wholly enclosed on all sides with a roof or ceiling and walls;

[<sup>F3</sup>“category of eligible purposes” means any one of the following—

(a) heating a space;

(b) heating water;

(c) heating a space and water;

(d) any other eligible purpose or combination of eligible purposes;]

“CHP” means combined heat and power;

[<sup>F3</sup>“CHP system” means a system which generates power and is (or may be) operated for purposes including the supply to any premises (using liquid or steam) of heat produced in association with that power;]

[<sup>F3</sup>“CHPQA” means, except where otherwise provided, the Combined Heat and Power Quality Assurance Standard, Issue 5, November 2013, as published by the Department of Energy and Climate Change;]

“class 2 heat meter” means a heat meter which—

- (a) complies with the relevant requirements set out in Annex 1 to the Measuring Instruments Directive,
- (b) complies with the specific requirements listed in Annex MI-004 to that Directive, and
- (c) falls within accuracy class 2 as defined in Annex MI-004 to that Directive;

“coefficient of performance” means the ratio of the amount of heating or cooling in kilowatts provided by a heat pump to the kilowatts of power consumed by the heat pump;

[<sup>F3</sup>“combustion unit” means—

- (a) where the fuel is solid biomass or solid biomass contained in waste, a boiler;
- (b) where the fuel is biogas, a boiler, turbine or engine;]

“commissioned” means, in relation to an eligible installation, the completion of such procedures and tests as constitute, at the time they are undertaken, the usual industry standards and practices for commissioning that type of eligible installation in order to demonstrate that it is capable of operating and delivering heat to the premises or process for which it was installed;

[<sup>F13</sup>“consumer prices index” means—

- (a) the consumer prices index calculated and published by the Office of National Statistics; or
- (b) where the index is not published for a year, any substituted index or figures published by that Office;]

“date of accreditation”, in relation to an accredited RHI installation, means the later of—

- (a) the first day falling on or after the date of receipt by the Authority of the application for accreditation on which [<sup>F14</sup>both the application was properly made and the plant met the eligibility criteria], and
- (b) the day on which the plant was first commissioned;

“date of registration”, in relation to a producer of biomethane for injection, means the first day falling on or after the date of receipt by the Authority of the application for registration on which <sup>F15</sup>... the application was properly made;

[<sup>F3</sup>“deep geothermal” in relation to energy, means naturally occurring energy located and extracted from at least 500 metres beneath the surface of solid earth, and a “deep geothermal plant” means a plant which generates heat using such energy;]

[<sup>F3</sup>“design heat load” means, in relation to ground source heat pumps that are capable of heating and cooling, the heat flow required to achieve the planned heating requirements for that plant;]

“eligibility criteria” has the meaning given by regulation 4;

[<sup>F2</sup>“eligible biomethane” has the meaning given in regulation 42(2);]

“eligible installation” means a plant which meets the eligibility criteria;

“eligible purpose” means a purpose specified in regulation 3(2);

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[<sup>F3</sup>“energy content” means the energy contained within a substance (whether measured by a calorimeter or determined in some other way) expressed in terms of the substance’s gross calorific value within the meaning of BS 7420:1991 (Guide for the determination of calorific values of solid, liquid and gaseous fuels (including definitions);]

[<sup>F4</sup>“energy crop” means—

- (a) a perennial crop planted at high density, the stems of which are harvested above ground level at intervals of less than 20 years and which is one of the following—
  - (i) *Acer pseudoplatanus* (also known as sycamore);
  - (ii) *Alnus* (also known as alder);
  - (iii) *Betula* (also known as birch);
  - (iv) *Castanea sativa* (also known as sweet chestnut);
  - (v) *Corylus avellana* (also known as hazel);
  - (vi) *Fraxinus excelsior* (also known as ash);
  - (vii) *Populus* (also known as poplar);
  - (viii) *Salix* (also known as willow);
  - (ix) *Tilia cordata* (also known as small-leaved lime); or
- (b) a perennial crop which is one of the following—
  - (i) *Arundo donax* (also known as giant reed);
  - (ii) *Bambuseae*, where the crop was planted after 31st December 1989 and is grown primarily for the purpose of being used as fuel;
  - (iii) *Miscanthus*;
  - (iv) *Panicum*;
  - (v) *Pennisetum*, other than *Pennisetum setaceum* (also known as fountain grass), *Pennisetum clandestinum* (also known as kikuyu grass) and *Pennisetum villosum* (also known as feathertop grass);
  - (vi) *Phalaris*;

[<sup>F16</sup>“environmental permit” means a permit issued in accordance with the provisions of the Environmental Permitting (England and Wales) Regulations 2010 or the Pollution Prevention and Control (Scotland) Regulations 2012;]

[<sup>F17</sup>“environmental quality assurance scheme” means a voluntary scheme which establishes environmental or social standards in relation to the production of biomass or matter from which biomass is derived;]

[<sup>F2</sup>“estimated additional biomethane spend” in relation to an assessment date and any additional biomethane registered on a particular date in respect of which a relevant producer has received a periodic support payment means—

$$A \times B \times C$$

where—

- (a) A is the flow rate for <sup>F18</sup>... additional biomethane registered on that particular date;
- (b) B is the number of hours in the 12 month period commencing with the assessment date; and
- (c) C is the relevant initial tariff or subsequent tariff calculated in accordance with regulations 37 to 37D;]

[<sup>F5</sup>“estimated energy from biomethane”, [<sup>F19</sup>in relation to an assessment date and a relevant producer] as expressed in kWh means—

$$[\text{FR} \times \text{T} \times 10 \times \text{P}]$$

where—

- (a) [<sup>F21</sup>FR is the estimated flow rate;]<sup>F22</sup>...
- (b) [<sup>F23</sup>T is—
  - (i) if the relevant producer is a participant or an application for registration has been made by that relevant producer, the number of hours in the year commencing with the assessment date;
  - (ii) where paragraph (i) does not apply but an application for preliminary registration has been made by the relevant producer, the number of hours in the period—
    - (aa) commencing on the later of the assessment date or the date identified by the applicant as the date on which injection is expected to commence; and
    - (bb) ending 12 months after the assessment date;]<sup>F24</sup>and
- (c) P is the proportion of biomethane which is calculated as follows—

where— EB

- (i) E is the amount of eligible biomethane in kWh injected by all producers of biomethane who have been registered and in relation to which periodic support payments have been received; and
- (ii) B is the amount of all biomethane in kWh injected by such producers in the quarterly periods for which periodic support payments have been received;]

[<sup>F3</sup>“estimated flow rate”, in relation to an assessment date and a relevant producer, means—

$$\text{BH}$$

where—

- (a) B is the volume in cubic metres of biomethane that the relevant producer has declared as being the amount which that relevant producer expects will be produced for injection each year once injection has commenced (or if more than one declaration has been given, the volume identified in the latest declaration) or 0 if no such declaration has been given;
- (b) H is the total number of hours in the year commencing with the assessment date;]

[<sup>F5</sup>“estimated heat”, in relation to [<sup>F25</sup>an assessment date and] a relevant installation as expressed in kWhth means—

$$\text{LF} \times \text{T} \times \text{C}$$

where—

- (a) LF is—
  - (i) if [<sup>F26</sup>a periodic support payment has been received in respect of the installation], the load factor; or
  - (ii) in any other case, the average load factor applicable in respect of that installation;
- (b) [<sup>F27</sup>T is—
  - (i) if the relevant installation is an accredited RHI installation or an eligible installation for which an application for accreditation has been made, the number of hours in the year commencing with the assessment date;

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- (ii) where paragraph (i) does not apply but the relevant installation is a plant for which an application for preliminary accreditation has been made, the number of hours in the period—
  - (aa) commencing on the later of the assessment date or the date identified by the applicant as the date the plant is expected to be commissioned; and
  - (bb) ending 12 months after the assessment date;]
- (c) C is the installation capacity of that relevant installation;]

[<sup>F2c</sup>“estimated original biomethane spend” in relation to an assessment date and any original biomethane in respect of which a relevant producer has received a periodic support payment means—

$$A \times B \times C$$

where—

- (a) A is the flow rate for <sup>F28</sup>... original biomethane;
- (b) B is the number of hours in the 12 month period commencing with the assessment date; and
- (c) C is the relevant initial tariff or subsequent tariff calculated in accordance with regulations 37 to 37D;]

[<sup>F5c</sup>“estimated spend”, in relation to—

- (a) a relevant installation [<sup>F29</sup>(except a relevant installation within paragraph (c))], means the estimated heat in relation to that installation multiplied by the relevant initial tariff or subsequent tariff calculated in accordance with regulations 37 to 37D;
- (b) [<sup>F30</sup>a relevant producer [<sup>F31</sup>who has not received a periodic support payment][<sup>F32</sup>or has received three or fewer periodic support payments], means the estimated energy from biomethane in relation to that relevant producer multiplied by the relevant initial tariff or subsequent tariff calculated in accordance with regulations 37 to 37D;]
- (c) [<sup>F33</sup>a relevant installation which is a large installation [<sup>F34</sup>in respect of which no periodic support payment has been received and] for which the owner has given a declaration as to the total heat in kWhth which that installation is expected to generate each year for eligible purposes (or if more than one declaration has been given, the total heat identified in the latest declaration), means that heat expressed in kWhth multiplied by the relevant initial tariff or subsequent tariff calculated in accordance with regulations 37 to 37D;]
- (d) [<sup>F35</sup>a relevant producer who has received [<sup>F36</sup>four or more periodic support payments], means the sum of the estimated original biomethane spend and any estimated additional biomethane spend;]]

[<sup>F5c</sup>“expenditure forecast statement” means a statement published by the Secretary of State in accordance with regulation 37E;]

[<sup>F37c</sup>“flow rate”, in relation to biomethane, means—

$$BH$$

where—

- (a) B is the amount of eligible biomethane in kWh for which periodic support payments have been received [<sup>F38</sup>commencing with the third periodic support payment]; and
- (b) H is the total number of hours in the period commencing with the first day of the first quarterly period in which that biomethane was injected and ending on the last day of the last quarterly period in which that biomethane was injected;]

[<sup>F5</sup>“forecast for expenditure” —

- (a) in relation to an assessment date and a relevant installation which falls or is expected to fall within any tariff category <sup>F39</sup> ..., means the sum as at that assessment date of the estimated spend for each relevant installation which falls within that tariff category;
- (b) [<sup>F40</sup>in relation to an assessment date and a relevant producer, means the sum as at that assessment date of the estimated spend for each relevant producer;]

[<sup>F5</sup>“forecast for total expenditure”, in relation to an assessment date, means the sum as at that assessment date of—

- (a) the estimated spend for each relevant installation; and
- (b) the estimated spend for each participant who produces biomethane for injection;]

[<sup>F2</sup>“fourth relevant date” means the date of coming into force of the Renewable Heat Incentive Scheme (Amendment) Regulations 2015;]

“gasification” means the substoichiometric oxidation or steam reformation of a substance to produce a gaseous mixture containing two or all of the following: oxides of carbon, methane and hydrogen;

“gas transporter” means the holder of a licence granted under section 7 of the Gas Act 1986 <sup>M2</sup>;

[<sup>F3</sup>“ground source heat pump” means a plant which generates heat by absorbing energy stored in the form of heat in the ground, including water in the ground, or in surface water, but does not include a plant which is a deep geothermal plant;]

[<sup>F16</sup>“heat loss calculation” means a calculation of heat lost which is carried out in accordance with the guidance issued by the Chartered Institute of Building Services Engineers and contained in CIBSE Guide C- reference data (2007 edition);]

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

[<sup>F41</sup>“increase in expenditure forecast” means a figure determined under regulation 37E(2)(d) or 37F(2) as applicable;]

“ineligible purpose” means a purpose which is not an eligible purpose;

[<sup>F5</sup>“initial tariff” has the meaning given in [<sup>F42</sup>regulation 37(7A)];]

“injection” means the introduction of gas into a pipe-line system operated by a gas transporter;

[<sup>F43</sup>“installation capacity” means—

- (a) in the case of a CHP system to which regulation 9(2)(b) or 9A applies, the capacity determined by the formula—

$$xy \times P$$

where—

- (i) x is the total installed peak heat output capacity of all the combustion units to which regulation 9(2)(b) or 9A applies which use the same source of energy;
  - (ii) y is the total installed peak heat output capacity of all the combustion units forming part of the CHP system; and
  - (iii) P is the total installed peak heat output capacity of the CHP system; or
- (b) for any other plant, except where otherwise specified, the total installed peak heat output capacity of the plant;]

“kWh” means kilowatt hours;

“kWhth” means kilowatt hours thermal;

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“kWth” means kilowatt thermal;

[<sup>F3</sup>“large biomass plant” means a plant which generates heat or heat and power from solid biomass (including solid biomass contained in waste) with an installation capacity of at least 1MWth, and which is not a new solid biomass CHP system;]

[<sup>F3</sup>“large installation” means—

- (a) a plant which generates heat from biogas with an installation capacity of at least 600kWth; or
- (b) any other plant which has an installation capacity of at least 1MWth;]

[<sup>F5</sup>“load factor” in respect of an accredited RHI installation means—

$$MC \times H$$

where—

- (a) M is the amount of heat in kWth generated by that installation during all quarterly periods in respect of which it has received a periodic support payment;
- (b) C is the installation capacity of that installation; and
- (c) H is the total number of hours in those quarterly periods;]

[<sup>F2</sup>“maximum additional capacity” has the meaning given in regulation 43A(5);]

[<sup>F3</sup>“maximum initial capacity” means the [<sup>F44</sup>maximum] volume of biomethane, expressed in cubic metres per quarterly period which a participant is entitled to supply for injection under the Network Entry Agreement applicable to the biomethane in relation to which an application for registration under regulation 25 is made;]

<sup>F45</sup> ...

“Measuring Instruments Directive” means Directive [2004/22/EC](#) of the European Parliament and of the Council of 31 March 2004 on measuring instruments <sup>M3</sup>;

[<sup>F3</sup>“medium biomass plant” means a plant which generates heat or heat and power from solid biomass including solid biomass contained in waste with an installation capacity of 200kWth or above but less than 1MWth and which is not a new solid biomass CHP system;]

“municipal waste” has the same meaning as in section 21 of the Waste and Emissions Trading Act 2003 <sup>M4</sup>;

“MWhth” means megawatt hours thermal;

“MWth” means megawatt thermal;

[<sup>F16</sup>“net heat input” means the means the rate of heat (expressed as the amount of heat over time) which is supplied to the plant by the fuel used, based on the net calorific value of that fuel;]

[<sup>F3</sup>“Network Entry Agreement” means an agreement between a person who injects biomethane and a gas transporter under which the person who injects biomethane is entitled to inject biomethane into the pipe-line system operated by that gas transporter;]

[<sup>F3</sup>“new solid biomass CHP system” means a plant which complies with the eligibility requirements in regulation 9A;]

[<sup>F16</sup>“NO<sub>x</sub>” means oxides of nitrogen;]

“ongoing obligations” means the obligations specified in Part 4;

[<sup>F2</sup>“original biomethane” means biomethane which is produced by a relevant producer and which falls within that producer’s maximum initial capacity;]



“participant” means—

- (a) the owner of an accredited RHI installation or, where there is more than one such owner, the owner with authority to act on behalf of all owners in accordance with regulation 22(3); or
- (b) a producer of biomethane who has been registered under regulation 25;

“periodic support payments” have the meaning given in regulation 3;

“pipe-line system” has the same meaning as in section 5(10) of the Gas Act 1986 <sup>M5</sup>;

[<sup>F16</sup>“PM” means particulate matter;]

“process” means any process other than the generation of electricity;

[<sup>F46</sup>“properly insulated” means—

- (a) in respect of piping which is situated below the ground, insulated in accordance with—
  - (i) BS EN 253 (2009);
  - (ii) BS EN 15632:2 and 3 (2010) and 15632:4 (2009); or
  - (iii) BS EN 15698:1 (2009); or
- (b) in respect of piping which is situated above the ground, insulated so that the relevant maximum permissible heat losses set out in BS 5422:2009 are not exceeded;]

“pyrolysis” means the thermal degradation of a substance in the absence of an oxidising agent (other than that which forms part of the substance itself) to produce char and one or both of gas and liquid;

[<sup>F47</sup>“quarterly period” means, except where otherwise specified, the first, second, third or fourth quarter of any year commencing with, or with the anniversary of—

- (a) in relation to an accredited RHI installation, the tariff start date for that installation;
- (b) in relation to a producer of biomethane who is registered in relation to any original biomethane or additional biomethane, the tariff start date for the original biomethane;]

[<sup>F5</sup>“relevant date” means the date of coming into force of the Renewable Heat Incentive Scheme (Amendment) Regulations 2013;]

[<sup>F5</sup>“relevant installation” means—

- (a) an accredited RHI installation; or]
- (b) [<sup>F48</sup>a plant for which an application for accreditation or preliminary accreditation has been made, but does not include a plant where—
  - (i) the application has been rejected by the Authority;
  - (ii) the application has been withdrawn by the applicant; or
  - (iii) the Authority requires further information in order to determine whether or not the application should be granted and at least 4 months have passed since the [<sup>F49</sup>last date on which the Authority received information from the applicant in support of the application];]

[<sup>F3</sup>“relevant producer” means—

- (a) a participant who produces or proposes to produce biomethane for injection; or
- (b) a person who produces or proposes to produce biomethane for injection who has made an application for registration or preliminary registration but does not include a person who has made an application—
  - (i) which has been rejected by the Authority;

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- (ii) which has been withdrawn by the applicant; or
- (iii) in respect of which the Authority requires further information in order to determine whether or not the application should be granted and at least 4 months have passed since the [<sup>F50</sup>last date on which the Authority received information from the applicant in support of the application];]

“retail prices index” means—

- (a) the general index of retail prices (for all items) published by the Office of National Statistics; or
- (b) where the index is not published for a year, any substituted index or figures published by that Office;

[<sup>F16</sup>“RHI emission certificate” means a document which meets the requirements in regulation 5A;]

“scheme” (except in this regulation) means the incentive scheme established by these Regulations;

[<sup>F3</sup>“seasonal performance factor” means, in relation to an air source heat pump or a ground source heat pump, the ratio of its heat output to electricity input expressed as an average over a year;]

[<sup>F16</sup>“second relevant date” means the date of coming into force of the Renewable Heat Incentive Scheme (Amendment) (No. 2) Regulations 2013;]

[<sup>F3</sup>“small biomass plant” means a plant which generates heat or heat and power from solid biomass including solid biomass contained in waste with an installation capacity of less than 200kWth, and which is not a new solid biomass CHP system;]

“solar collector” means a liquid filled flat plate or evacuated tube solar collector;

“statement of eligibility” has the meaning given by regulation 22(6)(f);

“steam measuring equipment” means all the equipment needed to measure to the Authority's satisfaction the mass flow rate and energy of steam, including at least the following components—

- (a) a flow meter,
- (b) a pressure sensor,
- (c) a temperature sensor, and
- (d) a digital integrator or calculator able to determine the cumulative energy in MWhth which has passed a specific point;

[<sup>F5</sup>“subsequent tariff” has the meaning given in regulation 37(7)(b);]

“tariff” means the payment rate per kWh in respect of an accredited RHI installation and per kWh in respect of biomethane injection;

[<sup>F51</sup>“tariff category” means—

- (a) for the purposes of any forecast for expenditure published before the third relevant date and the determination of any periodic support payment for a tariff period commencing earlier than 1st October 2014, a category of plant which is described in the second and third columns of Schedule 3 and identified by a tariff name in the first column of that Schedule;
- (b) for any other purpose, one of the following categories—
  - (i) small biomass plants;
  - (ii) medium biomass plants;

- (iii) large biomass plants;
- (iv) ground source heat pumps;
- (v) plants which use solar collectors;
- (vi) plants which generate heat from biogas;
- (vii) producers of biomethane for injection;
- (viii) new solid biomass CHP systems;
- (ix) deep geothermal plants;
- (x) air source heat pumps;]

“tariff end date” means the last day of the tariff lifetime;

“tariff lifetime” means—

- (a) in relation to an accredited RHI installation, the period for which periodic support payments are payable for that installation, or
- (b) in relation to a participant who is a producer of biomethane, the period for which that person is eligible to receive periodic support payments;

[<sup>F5</sup>“tariff period” is a three month period commencing with 1st January, 1st April, 1st July or 1st October in any year;]

[<sup>F52</sup>“tariff start date” means, except where otherwise specified,—

- (a) in relation to an eligible installation, the date of accreditation of that eligible installation;
- (b) in relation to additional RHI capacity, the date of accreditation of that additional RHI capacity; or
- (c) [<sup>F53</sup>in relation to original biomethane in respect of which a producer of biomethane is registered, the date of registration for that biomethane;]
- (d) [<sup>F54</sup>in relation to additional biomethane in respect of which a producer of biomethane is registered, the date of registration for that biomethane;]]

[<sup>F3</sup>“third relevant date” means the date of coming into force of the Renewable Heat Incentive Scheme (Amendment) Regulations 2014;]

[<sup>F16</sup>“testing laboratory” means an organisation which carries out the testing of emissions from a plant either at permanent laboratory premises or away from those premises;]

[<sup>F16</sup>“type-testing range” means a range of plants which have the same construction and design so that the testing of one or more plants in that range gives results capable of applying to all plants in the range, provided that—

- (a) where the installation capacity of the smallest of the plants in the range is less than or equal to 500 kWth, the ratio of the installation capacity of the smallest plant to that of the largest plant in the type-testing range for which tests are carried out is no more than 1: 2, or
- (b) where the installation capacity of the smallest of the plants is greater than 500 kWth, then the difference in installation capacity between the smallest and largest of the plants within the type-testing range for which tests are carried out is no more than 500 kWth.]

[<sup>F55</sup>“waste” has the meaning given in Article 3(1) of [Directive 2008/98/EC](#) of the European Parliament and of the Council on waste and includes excreta produced by animals;]

[<sup>F5</sup>“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 England, Wales or Scotland under the Banking and Financial Dealings Act 1971. ]

[<sup>F56</sup>(2) Where these Regulations provide for a figure to be rounded—

- (a) if the figure is required to be stated to one decimal place, that figure must be rounded to the nearest tenth of a penny, with any twentieth of a penny being rounded upwards;
- (b) if the figure is required to be stated to two decimal places, that figure must be rounded to the nearest hundredth of a penny, with any two hundredth of a penny being rounded upwards.]

### Textual Amendments

- F1** Word in reg. 2 inserted (24.3.2016) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2016 \(S.I. 2016/257\)](#), regs. 1, **3(a)**
- F2** Words in reg. 2 inserted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **3(16)**
- F3** Words in reg. 2 inserted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **3(13)**
- F4** Words in reg. 2 inserted (5.2.2015) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/145\)](#), regs. 1, **3**
- F5** Words in reg. 2 inserted (30.4.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2013 \(S.I. 2013/1033\)](#), regs. 1, **3**
- F6** Words in reg. 2 substituted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **3(2)(a)**
- F7** Words in reg. 2 substituted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **3(2)(a)**
- F8** Words in reg. 2 omitted (12.2.2015) by virtue of [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **3(2)(b)**
- F9** Words in reg. 2 omitted (12.2.2015) by virtue of [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **3(2)(c)**
- F10** Words in reg. 2 omitted (12.2.2015) by virtue of [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **3(2)(d)**
- F11** Words in reg. 2 inserted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **3(2)(c)**
- F12** Words in reg. 2 substituted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **3(2)(e)**
- F13** Words in reg. 2 inserted (24.3.2016) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2016 \(S.I. 2016/257\)](#), regs. 1, **3(b)**
- F14** Words in reg. 2 substituted (31.7.2012) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2012 \(S.I. 2012/1999\)](#), regs. 1, **3(1)**
- F15** Words in reg. 2 omitted (31.7.2012) by virtue of [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2012 \(S.I. 2012/1999\)](#), regs. 1, **3(2)**
- F16** Words in reg. 2 inserted (24.9.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) \(No. 2\) Regulations 2013 \(S.I. 2013/2410\)](#), regs. 1, **3**
- F17** Words in reg. 2 inserted (24.3.2016) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2016 \(S.I. 2016/257\)](#), regs. 1, **3(c)**
- F18** Word in reg. 2 omitted (27.7.2015) by virtue of [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) \(No. 2\) Regulations 2015 \(S.I. 2015/1459\)](#), regs. 1(1), **3(2)**
- F19** Words in reg. 2 substituted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **3(3)(a)**

- F20** Reg. 2 formula amended (27.7.2015) by The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme (Amendment) (No. 2) Regulations 2015 (S.I. 2015/1459), regs. 1(1), **3(3)(a)**
- F21** Words in reg. 2 substituted (12.2.2015) by The Renewable Heat Incentive Scheme (Amendment) Regulations 2015 (S.I. 2015/197), regs. 1, **3(3)**
- F22** Word in reg. 2 omitted (27.7.2015) by virtue of The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme (Amendment) (No. 2) Regulations 2015 (S.I. 2015/1459), regs. 1(1), **3(3)(b)**
- F23** Words in reg. 2 substituted (28.5.2014) by The Renewable Heat Incentive Scheme (Amendment) Regulations 2014 (S.I. 2014/1413), regs. 1, **3(3)(c)**
- F24** Words in reg. 2 inserted (27.7.2015) by The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme (Amendment) (No. 2) Regulations 2015 (S.I. 2015/1459), regs. 1(1), **3(3)(c)**
- F25** Words in reg. 2 inserted (28.5.2014) by The Renewable Heat Incentive Scheme (Amendment) Regulations 2014 (S.I. 2014/1413), regs. 1, **3(4)(a)**
- F26** Words in reg. 2 substituted (12.2.2015) by The Renewable Heat Incentive Scheme (Amendment) Regulations 2015 (S.I. 2015/197), regs. 1, **3(4)**
- F27** Words in reg. 2 substituted (28.5.2014) by The Renewable Heat Incentive Scheme (Amendment) Regulations 2014 (S.I. 2014/1413), regs. 1, **3(4)(b)**
- F28** Word in reg. 2 omitted (27.7.2015) by virtue of The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme (Amendment) (No. 2) Regulations 2015 (S.I. 2015/1459), regs. 1(1), **3(4)**
- F29** Words in reg. 2 inserted (28.5.2014) by The Renewable Heat Incentive Scheme (Amendment) Regulations 2014 (S.I. 2014/1413), regs. 1, **3(5)(a)**
- F30** Words in reg. 2 substituted (28.5.2014) by The Renewable Heat Incentive Scheme (Amendment) Regulations 2014 (S.I. 2014/1413), regs. 1, **3(5)(b)**
- F31** Words in reg. 2 inserted (12.2.2015) by The Renewable Heat Incentive Scheme (Amendment) Regulations 2015 (S.I. 2015/197), regs. 1, **3(5)(a)**
- F32** Words in reg. 2 inserted (27.7.2015) by The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme (Amendment) (No. 2) Regulations 2015 (S.I. 2015/1459), regs. 1(1), **3(5)(a)**
- F33** Words in reg. 2 inserted (28.5.2014) by The Renewable Heat Incentive Scheme (Amendment) Regulations 2014 (S.I. 2014/1413), regs. 1, **3(5)(c)**
- F34** Words in reg. 2 inserted (12.2.2015) by The Renewable Heat Incentive Scheme (Amendment) Regulations 2015 (S.I. 2015/197), regs. 1, **3(5)(b)**
- F35** Words in reg. 2 inserted (12.2.2015) by The Renewable Heat Incentive Scheme (Amendment) Regulations 2015 (S.I. 2015/197), regs. 1, **3(5)(c)**
- F36** Words in reg. 2 substituted (27.7.2015) by The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme (Amendment) (No. 2) Regulations 2015 (S.I. 2015/1459), regs. 1(1), **3(5)(b)**
- F37** Words in reg. 2 substituted (12.2.2015) by The Renewable Heat Incentive Scheme (Amendment) Regulations 2015 (S.I. 2015/197), regs. 1, **3(6)**
- F38** Words in reg. 2 inserted (27.7.2015) by The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme (Amendment) (No. 2) Regulations 2015 (S.I. 2015/1459), regs. 1(1), **3(6)**
- F39** Words in reg. 2 omitted (28.5.2014) by virtue of The Renewable Heat Incentive Scheme (Amendment) Regulations 2014 (S.I. 2014/1413), regs. 1, **3(6)(a)**
- F40** Words in reg. 2 substituted (28.5.2014) by The Renewable Heat Incentive Scheme (Amendment) Regulations 2014 (S.I. 2014/1413), regs. 1, **3(6)(b)**
- F41** Words in reg. 2 substituted (28.5.2014) by The Renewable Heat Incentive Scheme (Amendment) Regulations 2014 (S.I. 2014/1413), regs. 1, **3(7)**
- F42** Words in reg. 2 substituted (12.2.2015) by The Renewable Heat Incentive Scheme (Amendment) Regulations 2015 (S.I. 2015/197), regs. 1, **3(7)**

*Status: Point in time view as at 24/03/2016.*

*Changes to legislation: There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2011 (revoked). (See end of Document for details)*

- F43** Words in reg. 2 substituted (12.2.2015) by The Renewable Heat Incentive Scheme (Amendment) Regulations 2015 (S.I. 2015/197), regs. 1, **3(8)**
- F44** Word in reg. 2 inserted (12.2.2015) by The Renewable Heat Incentive Scheme (Amendment) Regulations 2015 (S.I. 2015/197), regs. 1, **3(9)**
- F45** Words in reg. 2 omitted (28.5.2014) by virtue of The Renewable Heat Incentive Scheme (Amendment) Regulations 2014 (S.I. 2014/1413), regs. 1, **3(9)**
- F46** Words in reg. 2 substituted (12.2.2015) by The Renewable Heat Incentive Scheme (Amendment) Regulations 2015 (S.I. 2015/197), regs. 1, **3(10)**
- F47** Words in reg. 2 substituted (12.2.2015) by The Renewable Heat Incentive Scheme (Amendment) Regulations 2015 (S.I. 2015/197), regs. 1, **3(11)**
- F48** Words in reg. 2 substituted (28.5.2014) by The Renewable Heat Incentive Scheme (Amendment) Regulations 2014 (S.I. 2014/1413), regs. 1, **3(10)**
- F49** Words in reg. 2 substituted (12.2.2015) by The Renewable Heat Incentive Scheme (Amendment) Regulations 2015 (S.I. 2015/197), regs. 1, **3(12)**
- F50** Words in reg. 2 substituted (12.2.2015) by The Renewable Heat Incentive Scheme (Amendment) Regulations 2015 (S.I. 2015/197), regs. 1, **3(13)**
- F51** Words in reg. 2 substituted (28.5.2014) by The Renewable Heat Incentive Scheme (Amendment) Regulations 2014 (S.I. 2014/1413), regs. 1, **3(11)**
- F52** Words in reg. 2 substituted (28.5.2014) by The Renewable Heat Incentive Scheme (Amendment) Regulations 2014 (S.I. 2014/1413), regs. 1, **3(12)**
- F53** Words in reg. 2 substituted (12.2.2015) by The Renewable Heat Incentive Scheme (Amendment) Regulations 2015 (S.I. 2015/197), regs. 1, **3(14)(a)**
- F54** Words in reg. 2 inserted (12.2.2015) by The Renewable Heat Incentive Scheme (Amendment) Regulations 2015 (S.I. 2015/197), regs. 1, **3(14)(b)**
- F55** Words in reg. 2 substituted (12.2.2015) by The Renewable Heat Incentive Scheme (Amendment) Regulations 2015 (S.I. 2015/197), regs. 1, **3(15)**
- F56** Reg. 2(2) inserted (24.3.2016) by The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme (Amendment) Regulations 2016 (S.I. 2016/257), regs. 1, **3(d)**

#### Marginal Citations

- M2** 1986 c.44; section 7 was amended by the Utilities Act 2000 (c.27), section 3(2), section 76, section 108, **Schedule 6**, Part I, paragraphs 1 and 4 and Schedule 8 and the Energy Act 2004 (c.20), **section 149**, subsections (1) and (5), section 197(9) and Schedule 23, Part I.
- M3** OJ L 135, 30.4.2004, p. 1, amended by Commission Directive 2009/137/EC (OJ L 294, 11.11.2009, p. 7).
- M4** 2003 c.33.
- M5** Section 5(6) to (10) was inserted by section 149(1) and (3) of the Energy Act 2004 (c.20).

#### Renewable heat incentive scheme

**3.—(1)** These Regulations establish an incentive scheme to facilitate and encourage the renewable generation of heat and make provision regarding its administration.

[<sup>F57</sup>(2) Subject to Part 7 and regulations 24 and 24A, the Authority must make, to participants who are owners of accredited RHI installations, payments (referred to in these Regulations as “periodic support payments”) for generating heat that is—

- (a) used in a building for any of the following purposes—
- (i) heating a space,
  - (ii) heating water,
  - (iii) carrying out a process; or

- (b) used otherwise than in a building for either of the following purposes carried out on a commercial basis—
  - (i) cleaning,
  - (ii) drying.]
- (3) Subject to Part 7, the Authority must pay participants who are producers of biomethane for injection periodic support payments.

**Textual Amendments**

**F57** Reg. 3(2) substituted (24.9.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) \(No. 2\) Regulations 2013 \(S.I. 2013/2410\)](#), regs. 1, 4

## PART 2

### Eligibility and matters relating to eligibility

#### CHAPTER 1

##### Eligible installations

##### Eligible installations

- 4.—(1) A plant meets the criteria for being an eligible installation (“the eligibility criteria”) if—
- [<sup>F58</sup>(a) regulation 5, 6, 7, 8, 8A, 9, 9A, 10 or 11 applies;]
  - (b) the plant satisfies the requirements set out in regulation 12(1);
  - (c) regulation 15 does not apply; and
  - (d) the plant satisfies the requirements set out in Chapter 3.
- (2) But this regulation is subject to regulation 14.

**Textual Amendments**

**F58** Reg. 4(1)(a) substituted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, 4

#### CHAPTER 2

##### Eligibility criteria for technologies

##### Eligible installations generating heat from solid biomass

- [<sup>F59</sup>5.—(1) This regulation applies if the plant complies with all of the following requirements—
- (a) it generates heat from solid biomass;
  - <sup>F60</sup>(b) .....
  - (c) in the case of a plant with an installation capacity of 45 kWth or less, [<sup>F61</sup>the plant meets the requirements in regulation 13];
  - (d) in the case of a plant for which an application for accreditation is made on or after the second relevant date—

*Status: Point in time view as at 24/03/2016.*

*Changes to legislation: There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2011 (revoked). (See end of Document for details)*

- (i) an environmental permit subsists in relation to that plant, or
- (ii) an RHI emission certificate which complies with the requirements in regulation 5A applies to that plant.

(2) Paragraph (1)(d) does not apply to plants in respect of which preliminary accreditation has been granted before the second relevant date (and such preliminary accreditation has not been withdrawn).

(3) For the purposes of this regulation, an RHI emission certificate applies to a plant (A) if the information in that certificate is based on testing—

- (a) A;
- (b) a plant of the same make, model and installation capacity as A; or
- (c) any other plant in the same type-testing range as A.]

#### Textual Amendments

- F59** Reg. 5 substituted (24.9.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) \(No. 2\) Regulations 2013 \(S.I. 2013/2410\)](#), regs. 1, 5
- F60** Reg. 5(1)(b) omitted (12.2.2015) by virtue of [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, 4
- F61** Words in reg. 5(1)(c) substituted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, 5

#### [<sup>F62</sup>RHI emission certificates

**5A.—**(1) An RHI emission certificate must be issued by a testing laboratory.

(2) Where the information contained in an RHI emission certificate is based on testing carried out on or after the second relevant date, the testing laboratory must be accredited to BS EN ISO/IEC 17025:2005 at the time of testing.

(3) An RHI emission certificate must contain the information set out in Schedule A1.]

#### Textual Amendments

- F62** Reg. 5A inserted (24.9.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) \(No. 2\) Regulations 2013 \(S.I. 2013/2410\)](#), regs. 1, 6

#### Eligible installations generating heat from solid biomass contained in <sup>F63</sup>... waste

**6.** This regulation applies if the plant generates heat from solid biomass contained in <sup>F64</sup>... waste.

#### Textual Amendments

- F63** Word in reg. 6 heading omitted (28.5.2014) by virtue of [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, 6
- F64** Word in reg. 6 omitted (28.5.2014) by virtue of [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, 6



### Eligible installations generating heat using solar collectors

7. This regulation applies if the plant complies with all of the following requirements—
- (a) it generates heat using a solar collector;
  - (b) it has an installation capacity of less than 200kWth;
  - (c) in the case of a plant with an installation capacity of 45kWth or less, <sup>F65</sup>the plant meets the requirements in regulation 13].

#### Textual Amendments

**F65** Words in reg. 7(c) substituted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, 7

### Eligible installations generating heat using ground source heat pumps

- <sup>F66</sup>8.—(1) This regulation applies if the plant complies with all of the following requirements—
- (a) it is a ground source heat pump;
  - (b) it generates heat using naturally occurring energy;
  - (c) in the case of a plant with an installation capacity of 45kWth or less, the plant meets the requirements in regulation 13;
  - (d) it has a coefficient of performance of at least 2.9; and
  - (e) in the case of a plant in respect of which an application for accreditation is made on or after the third relevant date—
    - (i) the plant is designed and installed to operate with a seasonal performance factor of at least 2.5; and
    - (ii) where the plant is capable of heating and cooling, a design heat load for the plant has been calculated in accordance with BS EN 12831:2003.
- (2) Paragraph (3) applies where—
- (a) an application for accreditation in respect of the plant is made on or after the third relevant date; and
  - (b) the plant was first commissioned on or after 4th December 2013.
- (3) Where this paragraph applies, the requirement in paragraph (1)(b) is deemed to be satisfied where, in addition to using naturally occurring energy in the form of heat, the plant uses—
- (a) solar energy which has been gathered by any means (other than by a solar collector which is an accredited RHI installation) and is stored in the ground in the form of heat;
  - (b) heat from space cooling or process cooling; or
  - (c) heat from processes other than the generation of heat.]

#### Textual Amendments

**F66** Reg. 8 substituted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, 8

### <sup>F67</sup>Eligible installations generating heat using air source heat pumps

- 8A. This regulation applies if the plant complies with all of the following requirements—

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Changes to legislation: There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2011 (revoked). (See end of Document for details)

- (a) it is an air source heat pump;
- (b) in the case of a plant with an installation capacity of 45kWth or less, the plant meets the requirements in regulation 13;
- (c) it has a coefficient of performance of at least 2.9;
- (d) it has been designed and installed to operate with a seasonal performance factor of at least 2.5;
- (e) it is not designed to provide cooling; and
- (f) it is not designed to use heat in air which has been expelled—
  - (i) from a building; or
  - (ii) directly from a process which generates heat.]

**Textual Amendments**

**F67** Reg. 8A inserted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **9**

**Eligible installations which are CHP systems**

[<sup>F68</sup>9.—(1) This regulation applies if the plant is a CHP system which complies with the requirements in paragraphs (2) and (3).

(2) The requirements in this paragraph are that the CHP system generates heat and power from—

- (a) one of the sources of energy set out in paragraph (5) alone, or
- (b) solid biomass, solid biomass contained in waste or biogas, [<sup>F69</sup>alone or in any combination] or with any other source of energy provided that—
  - (i) the combustion unit in which that solid biomass, solid biomass contained in waste or biogas is burned was first commissioned as part of a CHP system on or after 4th December 2013;
  - (ii) the combustion unit was new at the time of installation;
  - (iii) (except in relation to the use of solid biomass contaminated with fossil fuel) the combustion unit in which that solid biomass, solid biomass contained in waste or biogas is burned is a separate combustion unit from that in which any other fuel is burned.

(3) Where energy is supplied to the CHP system from a combustion unit in which solid biomass (excluding solid biomass contained in waste) is burned, the requirements in this paragraph are that—

- <sup>F70</sup>(a) .....
- (b) where an application for accreditation relating to the combustion unit is made on or after the second relevant date, that combustion unit complies with the requirements in regulation 5(1)(d)(i) and (ii).

(4) The requirements in paragraph (2)(b)(i) and (ii) are deemed to be satisfied where the combustion unit was previously supplying energy for the generation of power only and the plant to which it supplies energy is first commissioned as a CHP system on or after 4th December 2013.

(5) The sources of energy referred to in paragraph (2)(a) are—

- (a) solid biomass (excluding solid biomass contained in waste);
- (b) solid biomass contained in waste;

(c) biogas, provided that the combustion unit in which the biogas is burned does not generate heat from solid biomass;

(d) deep geothermal energy.

[<sup>F71</sup>(6) In the case of CHP systems which generate heat and power from biogas, references in this regulation to “combustion unit” include the biogas production plant which produces the biogas which is used in the combustion unit.]]

#### Textual Amendments

**F68** Reg. 9 substituted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **10**

**F69** Words in reg. 9(2)(b) substituted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **5(a)**

**F70** Reg. 9(3)(a) omitted (12.2.2015) by virtue of [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **5(b)**

**F71** Reg. 9(6) inserted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **5(c)**

#### [<sup>F72</sup>Eligible installations which are new solid biomass CHP systems

**9A.**—(1) This regulation applies if the plant is a CHP system which complies with the requirements in paragraphs (2) and (3).

(2) The requirement in this paragraph is that the CHP system is certified under CHPQA.

(3) The requirements in this paragraph are that the CHP system generates heat and power from solid biomass (excluding solid biomass contained in waste) alone or in combination with any other source of energy provided that the combustion unit in which that solid biomass is burned—

(a) was first commissioned as part of a CHP system on or after 4th December 2013;

(b) was new at the time of installation;

(c) (except in relation to the use of solid biomass contaminated with fossil fuel), is a separate combustion unit from that in which any other fuel is burned;

<sup>F73</sup>(d) .....

(e) complies with the requirements in regulation 5(1)(d)(i) and (ii).

(4) The requirements in paragraph (3)(a) and (b) are deemed to be satisfied where the combustion unit was previously supplying energy for the generation of power only and the plant to which it supplies energy is first commissioned as a CHP system on or after 4th December 2013.]

#### Textual Amendments

**F72** Reg. 9A inserted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **11**

**F73** Reg. 9A(3)(d) omitted (12.2.2015) by virtue of [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **6**

#### Eligible installations generating heat using geothermal sources

**10.** This regulation applies if the plant generates heat using naturally occurring energy located and extracted from at least 500 metres beneath the surface of solid earth.

*Status: Point in time view as at 24/03/2016.*

*Changes to legislation: There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2011 (revoked). (See end of Document for details)*

## Eligible installations generating heat using biogas

11. This regulation applies if the plant complies with all of the following requirements—

- (a) it generates heat from biogas;
- <sup>F74</sup>(b) . . . . .
- (c) it does not generate heat from solid biomass.

### Textual Amendments

**F74** Reg. 11(b) omitted (28.5.2014) by virtue of [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **12**

## Other eligibility requirements for technologies

12.—(1) The requirements referred to in regulation 4(b) are—

- <sup>F75</sup>(a) except where regulation 9(2)(b) or 9A applies—
  - (i) in the case of a plant generating heat using biogas combustion with an installation capacity of 200 kWth or above or an air source heat pump, the plant was first commissioned on or after 4th December 2013;
  - (ii) in all other cases, installation of the plant was completed and the plant was first commissioned on or after 15th July 2009;]
- <sup>F76</sup>(b) except where regulation 9(2)(b) or 9A applies, the plant was new at the time of installation;]
- (c) the plant uses liquid or steam as a medium for delivering heat to the space, water or process <sup>F77</sup>or to any of the purposes in regulation 3(2)(b)];
- (d) heat generated by the plant is used for an eligible purpose.
- <sup>F78</sup>(2) In the case of a CHP system—
  - (a) the requirements of paragraphs (1)(a)(i) and (b) are deemed to be satisfied where a plant was previously generating electricity only, using biogas, and was first commissioned as a CHP system on or after 4th December 2013; and
  - (b) the requirements of paragraphs (1)(a)(ii) and (b) are deemed to be satisfied where the plant was previously generating electricity only, using solid biomass, solid biomass contained in waste, or biogas, and was first commissioned as a CHP system on or after 15th July 2009.]
- (3) But the requirements of paragraph (1)(a) and (b) are not satisfied where the plant was previously generating heat only and was first commissioned as a CHP system on or after 15th July 2009.

### Textual Amendments

**F75** Reg. 12(1)(a) substituted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **13**

**F76** Reg. 12(1)(b) substituted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **7(a)**

**F77** Words in reg. 12(1)(c) inserted (24.9.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) \(No. 2\) Regulations 2013 \(S.I. 2013/2410\)](#), regs. 1, **9**

**F78** Reg. 12(2) substituted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **7(b)**

## Certification for installation of Microgeneration heating equipment

- [<sup>F79</sup>13.—(1) A plant meets the requirements set out in this regulation if it is certified under—
- (a) the Microgeneration Certification Scheme as installed in accordance with [<sup>F80</sup>a relevant installation standard] in that scheme; or
  - (b) [<sup>F81</sup>a scheme where—
    - (i) installers are certified to that scheme’s standards by a certification body or organisation accredited to EN 45011 or EN ISO/IEC 17065:2012;
    - (ii) the plant is installed in accordance with the installation requirements applicable to the plant under that scheme on the plant’s first commissioning date and which are equivalent to a relevant installation standard; and
    - (iii) that scheme is equivalent to the Microgeneration Certification Scheme.]
- (2) In paragraph (1), “relevant installation standard” means, if the first commissioning date for the plant is—
- (a) on or after the third relevant date—
    - (i) [<sup>F82</sup>where the plant generates heat from solid biomass—
      - (aa) 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 biofuel heating systems” published on 16th December 2013;
      - (bb) version 4.1 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 biofuel heating systems” published on 1st May 2015; or
      - (cc) version 4.2 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 biofuel heating systems” published on 6th May 2015,provided it is in force on the plant’s first commissioning date;]
    - (ii) [<sup>F83</sup>where the plant is a ground source heat pump or air source heat pump—
      - (aa) version 4.1 of the document entitled “Microgeneration Installation Standard: MIS 3005 requirements for contractors undertaking the supply, design, installation, set to work, commissioning and handover of microgeneration heat pump systems” published on 21st November 2014;  
<sup>F84</sup>  
...
      - (bb) version 4.0 of the document entitled “Microgeneration Installation Standard: MIS 3005 requirements for contractors undertaking the supply, design, installation, set to work, commissioning and handover of microgeneration heat pump systems” published on 16th December 2013[<sup>F85</sup>; or]
      - [<sup>F85</sup>(cc) version 4.3 of the document entitled “Microgeneration Installation Standard: MIS 3005 requirements for contractors undertaking the supply, design, installation, set to work, commissioning and handover of microgeneration heat pump systems” published on 6th May 2015]provided it is in force on the plant’s first commissioning date; or]
    - (iii) [<sup>F83</sup>where the plant generates heat using a solar collector—

*Status: Point in time view as at 24/03/2016.*

*Changes to legislation: There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2011 (revoked). (See end of Document for details)*

- (aa) version 4.1 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 21st November 2014; <sup>F86</sup>...
- (bb) 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<sup>F87</sup>; or]
- [<sup>F87</sup>(cc) version 4.2 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 1st May 2015]
- provided it is in force on the plant’s first commissioning date; or]
- (b) earlier than the third relevant date, any installation requirements applicable to the plant under the Microgeneration Certification Scheme on the plant’s first commissioning date.]

#### Textual Amendments

- F79** Reg. 13 substituted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **14**
- F80** Words in reg. 13(1)(a) substituted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **8(2)**
- F81** Reg. 13(1)(b) substituted (24.3.2016) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2016 \(S.I. 2016/257\)](#), regs. 1, **4**
- F82** Reg. 13(2)(a)(i) substituted (26.9.2015) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) \(No. 2\) Regulations 2015 \(S.I. 2015/1459\)](#), regs. 1(2), **4(2)**
- F83** Reg. 13(2)(a)(ii)(iii) substituted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **8(3)**
- F84** Word in reg. 13(2)(a)(ii)(aa) omitted (26.9.2015) by virtue of [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) \(No. 2\) Regulations 2015 \(S.I. 2015/1459\)](#), regs. 1(2), **4(3)**
- F85** Reg. 13(2)(a)(ii)(cc) and word inserted (26.9.2015) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) \(No. 2\) Regulations 2015 \(S.I. 2015/1459\)](#), regs. 1(2), **4(4)**
- F86** Word in reg. 13(2)(a)(iii)(aa) omitted (26.9.2015) by virtue of [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) \(No. 2\) Regulations 2015 \(S.I. 2015/1459\)](#), regs. 1(2), **4(5)**
- F87** Reg. 13(2)(a)(iii)(cc) and word inserted (26.9.2015) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) \(No. 2\) Regulations 2015 \(S.I. 2015/1459\)](#), regs. 1(2), **4(6)**

#### Plants comprised of more than one plant

14.—(1) Subject to paragraph (2), and without prejudice to regulation 43<sup>F88</sup>..., the eligibility criteria are not met if the plant is comprised of more than one plant.

(2) Where two or more plants—

- (a) use the same source of energy and technology,

- (b) form part of the same heating system, and
- (c) are not accredited RHI installations,

those plants (the “component plants”) are to be regarded as a single plant for the purposes of paragraph (1) provided that paragraph (3) applies.

(3) This paragraph applies where each component plant meets the eligibility criteria; and for that purpose a component plant can be taken to meet the eligibility criteria notwithstanding that regulation 13 does not apply.

#### Textual Amendments

**F88** Word in [reg. 14\(1\)](#) omitted (12.2.2015) by virtue of [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **9**

#### Excluded plants

**15.**—(1) This regulation applies where the plant—

- (a) is generating heat solely for the use of one domestic premises;
- (b) is, in the Authority's opinion, generating heat solely for an ineligible purpose; or
- (c) is a plant which—
  - (i) is additional RHI capacity within the meaning of regulation 43(2) and was first commissioned more than 12 months after the original installation was first commissioned;
  - [<sup>F89</sup>(ii) generates heat using a solar collector or in the case of additional RHI capacity commissioned before 4th December 2013, using biogas;]
  - (iii) has an installation capacity which, together with the installation capacities of all related plants, is 200kWth or above.

(2) For the purposes of this regulation—

“domestic premises” means single, self contained premises used wholly or mainly as a private residential dwelling where the fabric of the building has not been significantly adapted for non-residential use;

“related plant” means any plant for which an application for accreditation has been made (whether or not it has been accredited) which uses the same source of energy and technology and forms part of the same heating system as the plant referred to in paragraph (1)(c).

#### Textual Amendments

**F89** Reg. 15(1)(c)(ii) substituted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **15**

## CHAPTER 3

### Eligibility criteria in relation to metering and steam measuring

#### Metering of plants in simple systems

**16.**—(1) [<sup>F90</sup>Subject to paragraph (3), this regulation applies] where—

- (a) the plant is generating and supplying heat solely for one or more eligible purposes within one building;

*Status: Point in time view as at 24/03/2016.*

*Changes to legislation: There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2011 (revoked). (See end of Document for details)*

- (b) no heat generated by the plant is delivered by steam; and
- (c) the plant is not a CHP system.

(2) Where this regulation applies, a class 2 heat meter must be installed to measure the heat in kWhth generated by the plant.

[<sup>F91</sup>(3) This regulation does not apply to any plant in respect of which an application for accreditation is made on or after the second relevant date.]

#### Textual Amendments

- F90** Words in reg. 16(1) substituted (24.9.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) \(No. 2\) Regulations 2013 \(S.I. 2013/2410\)](#), regs. 1, **11(a)**
- F91** Reg. 16(3) inserted (24.9.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) \(No. 2\) Regulations 2013 \(S.I. 2013/2410\)](#), regs. 1, **11(b)**

#### Metering of plants in complex systems

17.—(1) [<sup>F92</sup>Subject to paragraph (4), this regulation applies] where regulation 16(1) does not apply.

(2) Subject to regulation 19—

- (a) where heat generated by the plant is delivered by liquid, class 2 heat meters must be installed to measure both the kWhth of heat generated by that plant and the kWhth of heat used for eligible purposes by the heating system of which that plant forms part; and
- (b) where heat generated by the plant is delivered by steam, the following must be installed—
  - (i) steam measuring equipment to measure both the heat generated in the form of steam by the plant and the heat in the form of steam used for eligible purposes; and
  - (ii) a class 2 heat meter or steam measuring equipment to measure any condensate or steam which returns to the plant.

(3) Where this regulation applies, and more than one plant is supplying heat to the heating system supplied by the plant, steam measuring equipment or class 2 heat meters must be installed, as appropriate, to measure the heat generated in kWhth by all plants supplying heat to that heating system.

[<sup>F93</sup>(4) This regulation does not apply to any plant in respect of which an application for accreditation is made on or after the second relevant date.]

#### Textual Amendments

- F92** Words in reg. 17(1) substituted (24.9.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) \(No. 2\) Regulations 2013 \(S.I. 2013/2410\)](#), regs. 1, **12(a)**
- F93** Reg. 17(4) inserted (24.9.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) \(No. 2\) Regulations 2013 \(S.I. 2013/2410\)](#), regs. 1, **12(b)**

#### [<sup>F94</sup>Metering in respect of new applications for accreditation

17A.—(1) This regulation applies to any plant in respect of which an application for accreditation is made on or after the second relevant date.

(2) Subject to paragraph (3) and regulation 19—

- (a) where heat generated by the plant is delivered by liquid—



- (i) one class 2 heat meter, and
  - (ii) such other class 2 heat meters as may be necessary,
- must be installed so as to enable the kWhth of heat generated by that plant which is used for eligible purposes to be determined;
- (b) where heat generated by the plant is delivered by steam—
    - (i) such steam measuring equipment as may be necessary, and
    - (ii) such class 2 heat meters to measure any condensate returning to the plant as may be necessary,
- must be installed so as to enable the kWhth of heat generated by that plant which is used for eligible purposes to be determined.
- (3) For the purposes of determining the heat generated by a plant which is used for eligible purposes it is not necessary to measure heat loss—
    - (a) which may be disregarded in accordance with regulation 42A(2), or
    - (b) for which a heat loss calculation may be provided in accordance with regulation 42A(4) or (5).]

#### Textual Amendments

**F94** Reg. 17A inserted (24.9.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) \(No. 2\) Regulations 2013 \(S.I. 2013/2410\)](#), regs. 1, **13**

#### [<sup>F95</sup>Metering in respect of new applications for accreditation in respect of ground source or air source heat pumps

**17B.**—(1) This regulation applies to any ground source heat pump or air source heat pump in respect of which an application for accreditation is made on or after the third relevant date.

- (2) Where this regulation applies, the following meters must be installed—
  - (a) such electricity meters as will enable the seasonal performance factor of the heat pump to be determined to the satisfaction of the Authority;
  - (b) in the case of a ground source heat pump, where that heat pump is capable of simultaneous heating and cooling, such metering as will enable the heat drawn from the ground, including water in the ground, or from surface water, to be measured.]

#### Textual Amendments

**F95** Reg. 17B inserted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **16**

#### Shared meters

**18.**—(1) Subject to paragraph (2), the heat generated by the plant must be individually metered.

(2) Subject to regulation 43(8), the heat generated by two or more plants may be metered using one meter provided that—

- (a) the plants use the same source of energy and technology;
- (b) the plants will, once given accreditation, be eligible to receive the same tariff;
- (c) the plants will then share the same tariff start date and tariff end date; and

*Status: Point in time view as at 24/03/2016.*

*Changes to legislation: There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2011 (revoked). (See end of Document for details)*

- (d) it is the Authority's opinion that a single meter is capable of metering the heat generated by all of those plants.

### **Metering of CHP systems generating electricity only before 15th July 2009**

**19.**—(1) This regulation applies where the plant is a CHP system and the requirements of regulation 12(1)(a) and (b) are deemed to be satisfied in accordance with regulation 12(2).

(2) Where this regulation applies, any existing heat meter or steam measuring equipment installed before the date of commencement of these Regulations may continue to be used by a participant to measure the heat generated by the CHP system and used for eligible purposes, provided that the CHP system was registered under the CHPQA before that date.

(3) For the purpose of this regulation, “the CHPQA” means the Combined Heat and Power Quality Assurance Standard, Issue 3, January 2009, as published by the Department of Energy and Climate Change <sup>M6</sup>.

#### **Marginal Citations**

**M6** A copy is available on [www.chpqa.decc.gov.uk](http://www.chpqa.decc.gov.uk).

### **Matters relating to all heat meters and steam measuring equipment**

**20.**—(1) All heat meters installed or used in accordance with these Regulations must, where applicable—

- (a) be calibrated prior to use;
- (b) be calibrated correctly for any water/ethylene glycol mixture; <sup>F96</sup>...
- (c) be (or have been) properly installed in accordance with manufacturer's instructions<sup>F97</sup>; and
- (d) be positioned to provide accurate measurements.]

(2) All steam measuring equipment installed or used in accordance with these Regulations must be—

- (a) calibrated prior to use;
- (b) capable of displaying measured steam pressure and temperature;
- (c) capable of displaying the current steam mass flow rate and the cumulative mass of steam which has passed through it since it was installed, <sup>F98</sup>...
- (d) properly installed in accordance with manufacturer's instructions<sup>F99</sup>; and
- (e) positioned to provide accurate measurements.]

<sup>F100</sup>(3) The requirements in paragraphs (1)(c) and (2)(d) are deemed to be met where the Authority is satisfied that, were the plant to be accredited, the participant would not as a consequence of the failure to install in accordance with the manufacturer's instructions, be entitled to receive periodic support payments which were materially different from those which would have been payable had the manufacturer's instructions been complied with.]

#### **Textual Amendments**

**F96** Word in reg. 20(1) omitted (24.9.2013) by virtue of [The Renewable Heat Incentive Scheme \(Amendment\) \(No. 2\) Regulations 2013 \(S.I. 2013/2410\)](#), regs. 1, **14(1)(a)**

**F97** Reg. 20(1)(d) and word inserted (24.9.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) \(No. 2\) Regulations 2013 \(S.I. 2013/2410\)](#), regs. 1, **14(1)(b)**

- F98** Word in reg. 20(2) omitted (24.9.2013) by virtue of [The Renewable Heat Incentive Scheme \(Amendment\) \(No. 2\) Regulations 2013 \(S.I. 2013/2410\)](#), regs. 1, **14(2)(a)**
- F99** Reg. 20(2)(e) and word inserted (24.9.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) \(No. 2\) Regulations 2013 \(S.I. 2013/2410\)](#), regs. 1, **14(2)(b)**
- F100** Reg. 20(3) inserted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **10**

### Additional metering requirements for plants generating heat from biogas

**21.**—(1) This regulation sets out additional requirements in relation to metering where a plant is generating heat from biogas.

(2) In that case—

- (a) a class 2 heat meter must be installed to meter any heat directed from the plant combusting the biogas to the biogas production plant; and
- (b) a class 2 heat meter must be installed to meter any heat supplied to the biogas production plant from any source other than—
  - (i) the plant combusting the biogas; and
  - (ii) where the biogas has been produced by anaerobic digestion, the feedstock from which it was produced.

## PART 3

### Accreditation and registration

#### Applications for accreditation

**22.**—(1) [<sup>F101</sup>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 Authority and must be supported by—

- (a) such of the information specified in Schedule 1 as the Authority 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 <sup>F102</sup> ...;
- (d) [<sup>F103</sup>if the eligible installation is a large installation, a declaration as to the total heat in kWhth which the applicant expects the eligible installation to generate each year for eligible purposes.][<sup>F104</sup>and]

[<sup>F104</sup>(e) any other declarations which the Authority may require.]

(3) The Authority 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 Authority, in such manner and form as the Authority may request, evidence of that authority.

[<sup>F105</sup>(3A) Where the Authority considers that further information is necessary for the purpose of determining an application it may by notice—

- (a) specify further information which the applicant is required to provide under Schedule 1;
- (b) specify a period of no less than 12 weeks starting with the date of the notice within which that information must be provided; and
- (c) inform the applicant that failure to provide the requested information within that period may result in the application being rejected.]

[<sup>F105</sup>(3B) The Authority may by notice extend the period specified in a notice under paragraph (3A)(b) where it is satisfied that it is reasonable to do so.]

[<sup>F105</sup>(3C) The Authority may reject an application for accreditation if, within the period specified under paragraph (3A)(b) or, where applicable, (3B), the applicant has failed to provide the information specified in a notice given under paragraph (3A).]

(4) Before accrediting an eligible installation, the Authority may arrange for a site inspection to be carried out in order to satisfy itself that a plant should be accredited.

(5) The Authority may, in granting accreditation, attach such conditions as it considers to be appropriate.

(6) Where an application for accreditation has, in the Authority's opinion, been properly made in accordance with paragraphs (2) and (3) and the Authority is satisfied that the plant is an eligible installation the Authority must (subject to regulation 23 and regulation 47(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 Authority the applicant's name and such other information as the Authority 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 regulation 28, 29 or 30 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 Authority 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 Authority considers that an error has been made or on the receipt of new information by the Authority which demonstrates that the specification should be changed.

[<sup>F106</sup>(9) The Authority must not accredit an eligible installation if it has not been commissioned.]

[<sup>F106</sup>(10) The Authority may refuse to accredit an eligible installation if its owner has indicated that one of the applicable ongoing obligations will not be complied with.]

[<sup>F106</sup>(11) The Authority may refuse to accredit a plant which is a component plant within the meaning of regulation 14(2).]

[<sup>F106</sup>(12) The Authority must not accredit a 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 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 Authority;
- (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.]

#### Textual Amendments

- F101** Words in reg. 22(1) substituted (30.4.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2013 \(S.I. 2013/1033\)](#), regs. 1, **8(1)**
- F102** Word in reg. 22(2) omitted (12.2.2015) by virtue of [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **11(a)**
- F103** Reg. 22(2)(d) and word inserted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **17(a)**
- F104** Reg. 22(2)(e) and word inserted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **11(b)**
- F105** Reg. 22(3A)-(3C) inserted (27.7.2015) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) \(No. 2\) Regulations 2015 \(S.I. 2015/1459\)](#), regs. 1(1), **5**
- F106** Reg. 22(9)-(12) inserted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **17(b)**

#### Treatment of grants from public funds

[<sup>F107</sup>**23.**—(1) Subject to paragraphs (2) to (5) [<sup>F108</sup>and (7A)], the Authority must not accredit an eligible installation or register a producer of biomethane [<sup>F109</sup>in respect of any original biomethane or additional biomethane] unless the applicant has given notice (which the Authority has no reason to believe is incorrect) that, as applicable—

- (a) no grant from public funds has been paid or will be paid in respect of any of the costs of purchasing or installing the eligible installation or any of the equipment used to produce the biomethane for which the applicant is intending to claim periodic support payments; or
- (b) such a grant was paid and has been repaid to the person or authority who made it.

(2) Where some or all of the purchase or installation costs of the eligible installation or the equipment used to produce [<sup>F110</sup>any original] biomethane were funded by any grant from public funds and—

- (a) the applicant demonstrates to the satisfaction of the Authority that the person or authority who made the grant has—
  - (i) refused to accept repayment of the grant, or
  - (ii) ceased to exist; or
- (b) paragraph (3) applies,

*Status: Point in time view as at 24/03/2016.*

*Changes to legislation: There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2011 (revoked). (See end of Document for details)*

the Authority may accredit the eligible installation or register the producer of biomethane (as the case may be), but a grant funding deduction must be deducted from each quarterly periodic support payment in accordance with paragraphs (4) to (6).

(3) This paragraph applies where—

- (a) a grant originates from funds raised by the National Lottery; and
- (b) on or after 15th July 2009 but not later than 6 months after the third relevant date—
  - (i) installation of the plant was completed and the plant was first commissioned; or
  - (ii) installation of the equipment used to produce biomethane was completed and injection of biomethane produced by that applicant has commenced.

(4) A grant funding deduction for each quarterly period is calculated in accordance with the following formula—

$A \div 80$

where A is calculated in accordance with paragraph (5).

(5) For the purposes of paragraph (4), A is—

- (a) for the quarterly period commencing on the tariff start date, the figure that the Authority believes, based on all relevant information available to the Authority at the time, represents the total value of any grants from public funds to which paragraph (2) refers;
- (b) for any subsequent quarterly period that does not include 1st April of any year, the value of A in the previous quarterly period;
- (c) [<sup>F111</sup>for any subsequent quarterly period that includes 1st April of any year, the value of A in the previous quarterly period adjusted by the percentage increase or decrease in—
  - (i) the retail prices index for the previous calendar year, if the tariff start date is earlier than 1st April 2016; or
  - (ii) the consumer prices index for the previous calendar year, if the tariff start date is on or after 1st April 2016,

the resulting figure being stated to two decimal places and rounded.]

(6) Where a grant funding shortfall arises, the Authority must deduct from the periodic support payments (“P”) payable in the subsequent quarterly period and any quarterly period thereafter, the grant funding deduction for that period together with such part of the grant funding shortfall as remains outstanding provided that the total amount so deducted does not exceed P.

(7) Where an eligible installation is accredited or a producer of biomethane is registered and paragraph (2) applies, the tariff start date shall be the date of accreditation or registration, or the third relevant date, whichever is the later.

[<sup>F112</sup>(7A) Where an application for registration in respect of additional biomethane is made under regulation 43A(1)—

- (a) a reference to a grant in paragraph (1) does not include a grant in respect of equipment used to produce that additional biomethane if the equipment is also used to produce original biomethane and a grant funding deduction is already being made in respect of the grant; and
- (b) paragraphs (2) to (5) do not apply in respect of the application.]

(8) 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;

“grant funding shortfall” means the amount by which the grant funding deduction exceeds the periodic support payment in any quarterly period;

“National Lottery” means the National Lottery as referred to in the National Lottery Act 1993.]

#### Textual Amendments

- F107** Reg. 23 substituted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **18**
- F108** Words in reg. 23(1) inserted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **12(a)(i)**
- F109** Words in reg. 23(1) inserted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **12(a)(ii)**
- F110** Words in reg. 23(2) inserted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **12(b)**
- F111** Reg. 23(5)(c) substituted (24.3.2016) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2016 \(S.I. 2016/257\)](#), regs. 1, **5**
- F112** Reg. 23(7A) inserted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **12(c)**

#### 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 Authority 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 Authority—

- (a) may require the new owner to provide such of the information specified in Schedule 1 as the Authority 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 Authority 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)(f); and
- (c) where applicable, send the new owner (if the new owner is the participant) a notice in accordance with regulation 22(6)(e).

(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 Authority where the Authority 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.

*Status: Point in time view as at 24/03/2016.*

*Changes to legislation: There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2011 (revoked). (See end of Document for details)*

(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 Authority 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).

### **[<sup>F113</sup>Changes in location of accredited RHI installations**

**24A.**—(1) This regulation applies where an accredited RHI installation is moved to a new location during its tariff lifetime.

(2) No periodic support payment may be made in respect of the accredited RHI installation after the date on which it is moved to a new location until—

- (a) the owner has notified the Authority of the change in location; and
- (b) the Authority has concluded that the accredited RHI installation should continue to be accredited.

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

- (a) may require the owner to provide such of the information specified in Schedule 1 as the Authority considers necessary for the proper administration of the scheme; and
- (b) must review the accreditation of the accredited RHI installation to determine whether it continues to meet the eligibility criteria in the new location (except the requirement in regulation 12(1)(b)) and accordingly whether it should continue to be accredited.

(4) Where the Authority concludes that the accredited RHI installation should continue to be accredited it must update the central register referred to in regulation 22(6)(c) if appropriate.

(5) Where the Authority concludes that the accredited RHI installation should continue to be accredited, periodic support payments calculated from the date of that decision and for the remainder of the tariff lifetime of that accredited RHI installation shall be payable.]

#### **Textual Amendments**

**F113** Reg. 24A inserted (24.9.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) \(No. 2\) Regulations 2013 \(S.I. 2013/2410\)](#), regs. 1, 15

### **Producers of biomethane**

**25.**—(1) [<sup>F114</sup>A producer] of biomethane for injection may apply to the Authority 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 Authority 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; <sup>F115</sup> ...
- (d) a notice given in accordance with paragraph (6) [<sup>F116</sup>and
- (e) in relation to applications for registration made after the third relevant date, a declaration as to the volume in cubic metres of biomethane which the applicant expects to produce for injection each year;]

[<sup>F117</sup>(2A) Before registering a producer of biomethane as a participant, the Authority may arrange to carry out an inspection of any equipment which is being used to produce the biomethane for which



the applicant is intending to claim periodic support payments (including equipment used to produce the biogas from which that biomethane is made) in order to satisfy itself that the applicant should be registered.]

[<sup>F117</sup>(2B) Where an application for registration is made after the third relevant date, and the applicant is not also the person producing the biogas used to make the biomethane in respect of which that application is made, the Authority may require—

- (a) that the applicant has the authority from all persons who produce the biogas from which the biomethane is made to be the participant; and
- (b) that the applicant provides to the Authority, in such manner and form as the Authority may request, evidence of that authority.]

[<sup>F118</sup>(2C) Where the Authority considers that further information is necessary for the purpose of determining an application, it may by notice—

- (a) specify further information which the applicant is required to provide;
- (b) specify a period of no less than 12 weeks starting with the date of the notice within which that information must be provided; and
- (c) inform the applicant that failure to provide the requested information within that period may result in the application being rejected.]

[<sup>F118</sup>(2D) The Authority may by notice extend the period specified in a notice under paragraph (2C)(b) where it is satisfied that it is reasonable to do so.]

[<sup>F118</sup>(2E) The Authority may refuse to register an applicant if, within the period specified under paragraph (2C)(b) or, where applicable, (2D), the applicant has failed to provide the information specified in a notice given under paragraph (2C).]

(3) The Authority may in registering an applicant attach such conditions as it considers appropriate.

[<sup>F119</sup>(3A) In relation to applicants who are registered after the third relevant date, the Authority must specify the maximum initial capacity in respect of which the participant is registered.]

(4) Where the application for registration is properly made in accordance with paragraph (2), the Authority must (subject to [<sup>F120</sup>regulation 23 and] paragraphs [<sup>F121</sup>(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 Authority 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 Authority considers applicable.

(5) The Authority 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.

<sup>F122</sup>(6) .....

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

[<sup>F123</sup>(8) Where an application for registration is made after the [<sup>F124</sup>31st July 2012], the Authority must not register an applicant unless at the time of making the application, injection of biomethane produced by that applicant has commenced.]

[<sup>F125</sup>(9) Where the Authority does not register an applicant it must notify the applicant in writing that the application for registration has been rejected, giving reasons.]

*Status: Point in time view as at 24/03/2016.*

*Changes to legislation: There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2011 (revoked). (See end of Document for details)*

- F126(9) .....
- F126(10) .....

**Textual Amendments**

- F114** Words in reg. 25(1) substituted (30.4.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2013 \(S.I. 2013/1033\)](#), regs. 1, **8(3)(a)**
- F115** Word in reg. 25(2)(c) omitted (28.5.2014) by virtue of [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **19(1)(a)**
- F116** Reg. 25(2)(e) and word inserted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **19(1)(b)**
- F117** Reg. 25(2A)(2B) inserted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **19(2)**
- F118** Reg. 25(2C)-(2E) inserted (27.7.2015) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) \(No. 2\) Regulations 2015 \(S.I. 2015/1459\)](#), regs. 1(1), **6(2)**
- F119** Reg. 25(3A) inserted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **19(3)**
- F120** Words in reg. 25(4) inserted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **19(4)**
- F121** Words in reg. 25(4) substituted (30.4.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2013 \(S.I. 2013/1033\)](#), regs. 1, **8(3)(b)**
- F122** Reg. 25(6) omitted (28.5.2014) by virtue of [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **19(5)**
- F123** Reg. 25(8)-(10) inserted (31.7.2012) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2012 \(S.I. 2012/1999\)](#), regs. 1, **6(c)**
- F124** Words in reg. 25(8) substituted (30.4.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2013 \(S.I. 2013/1033\)](#), regs. 1, **8(3)(c)**
- F125** Reg. 25(9) inserted (27.7.2015) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) \(No. 2\) Regulations 2015 \(S.I. 2015/1459\)](#), regs. 1(1), **6(3)**
- F126** Reg. 25(9)(10) omitted (30.4.2013) by virtue of [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2013 \(S.I. 2013/1033\)](#), regs. 1, **8(3)(d)**

**Preliminary accreditation**

26.—(1) [F127The Authority] 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 Authority from the relevant planning authority.

(2) The Authority 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 Authority may require [F128and declarations as to—

- (a) the date on which the applicant expects the plant to be commissioned;
- (b) the total heat in kWhth which the applicant expects the plant to generate each year for eligible purposes once the plant has been commissioned; and
- (c) the installation capacity of the plant.]

(4) The Authority 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 Authority 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 Authority 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 Authority has granted and having regard to those circumstances the Authority considers it appropriate to do so, the Authority 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 Authority'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 Authority 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 Authority 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;
- [<sup>F129</sup>(b) a ground source heat pump or an air source heat pump; or]
- (c) solid biomass, provided that the plant will have an installation capacity below 200kWth.

[<sup>F130</sup>(12) In this regulation, “change in applicable legislation” does not include the introduction of the requirement in regulation 5(1)(d) by the Renewable Heat Incentive Scheme (Amendment) (No. 2) Regulations 2013.]

#### Textual Amendments

- F127** Words in reg. 26(1) substituted (30.4.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2013 \(S.I. 2013/1033\)](#), regs. 1, **8(4)**
- F128** Words in reg. 26(3) inserted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **20(1)**
- F129** Reg. 26(11)(b) substituted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **20(2)**
- F130** Reg. 26(12) inserted (24.9.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) \(No. 2\) Regulations 2013 \(S.I. 2013/2410\)](#), regs. 1, **16**

#### [<sup>F131</sup>Preliminary registration of biomethane producers

- 26A.**—(1) The Authority may grant preliminary registration to a person who—
- (a) proposes to produce biomethane for injection; and
  - (b) has not yet started production.
- (2) An application for preliminary registration must be in writing and supported by such of the information specified in Schedule 1 as the Authority may require and declarations as to—
- (a) the date on which the applicant expects that injection will commence;
  - (b) the volume in cubic metres of biomethane which the applicant expects to produce for injection each year once injection has commenced; and
  - (c) the expected maximum initial capacity.
- (3) The Authority may attach such conditions as it considers appropriate in granting preliminary registration under this regulation.
- (4) The Authority must not grant preliminary registration unless it is satisfied that a Connection Agreement in relation to the proposed production of biomethane has been entered into.
- (5) Where a person has been granted preliminary registration (and such preliminary registration has not been withdrawn) and an application for registration is made under this Part, the Authority must, subject to regulations 23 and 25(5), (7) and (8), grant that application unless it is satisfied that—
- (a) there has been a material change in circumstances since the preliminary registration was granted such that, had the application for preliminary registration been made after the change, it would have been refused;
  - (b) any condition attached to the preliminary registration has not been complied with;
  - (c) the information on which the decision to grant the preliminary registration was based was incorrect in a material particular such that, had the Authority known the true position when the application for preliminary registration was made, it would have been refused;
  - (d) there has been a change in applicable legislation since the preliminary registration was granted such that, had the application for preliminary registration been made after the change, it would have been refused.
- (6) Where any of the circumstances mentioned in paragraph (7) apply in relation to the preliminary registration which the Authority has granted, and having regard to those circumstances the Authority considers it appropriate to do so, the Authority may—
- (a) withdraw the preliminary registration;

- (b) amend the conditions attached to the preliminary registration;
  - (c) attach conditions to the preliminary registration.
- (7) The circumstances referred to in paragraph (6) are—
- (a) in the Authority’s view there has been a material change in circumstances since the preliminary registration was granted;
  - (b) any condition attached to the preliminary registration has not been complied with;
  - (c) the Authority considers that the information on which the decision to grant the preliminary registration was based was incorrect in a material particular;
  - (d) there has been a change in the applicable legislation since the preliminary registration was granted such that, had the application for preliminary registration been made after the change, it would have been refused.
- (8) The Authority must send the applicant a notice setting out—
- (a) its decision on an application for preliminary registration or on the withdrawal of any preliminary registration;
  - (b) any condition attached to the preliminary registration or any amendment to those conditions.
- (9) In this regulation a “Connection Agreement” means an agreement between a person who proposes to inject biomethane into a pipe-line system and the operator of the pipe-line system which provides for the design and construction of a connection whereby the biomethane may be injected into the pipe-line system.]

**Textual Amendments**

**F131** Reg. 26A inserted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **21**

## **PART 4**

### Ongoing obligations for participants

#### CHAPTER 1

##### Ongoing obligations relating to the use of solid biomass to generate heat

#### **Interpretation**

**27.** In this Part—

“allocating authority” has the same meaning as in section 24 of the Waste and Emissions Trading Act 2003 <sup>M7</sup>;

**F132**  
...

“landfill gas” means gas formed by the digestion of material in a landfill;

“standby generation” means the generation of electricity by equipment which is not used frequently or regularly to generate electricity and where all the electricity generated by that equipment is used by the accredited RHI installation;

**F132**  
...

*Status: Point in time view as at 24/03/2016.*

*Changes to legislation: There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2011 (revoked). (See end of Document for details)*

“waste collection authority” has the same meaning as in section 30(3) of the Environmental Protection Act 1990 <sup>M8</sup>;

“waste disposal authority” has the same meaning as in section 30(2) of the Environmental Protection Act 1990 <sup>M9</sup>.

#### Textual Amendments

**F132** Words in reg. 27 omitted (28.5.2014) by virtue of [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, 22

#### Marginal Citations

**M7** 2003 c.33. Section 24 was amended by section 209(1)(a) and (b) of the Local Government and Public Involvement in [Heath Act 2007 \(c.28\)](#).

**M8** Section 30(3) was amended by the [Local Government \(Wales\) Act 1994 \(c.19\)](#), [section 66\(8\)](#), [paragraph 17\(3\)](#) of Schedule 9 and Schedule 18 and subsection (3)(c) was substituted by section 180(1) of and paragraph 167(3) of Schedule 13 to the [Local Government etc \(Scotland\) Act 1994 \(c.39\)](#).

**M9** Paragraph (f) of section 30(2) was substituted by paragraph 17(2) of Schedule 9 to the [Local Government \(Wales\) Act 1994 \(c.19\)](#) and paragraph (g) was amended by section 180(1) of and paragraph 167(3) of Schedule 13 to the [Local Government etc \(Scotland\) Act 1994 \(c.39\)](#).

#### Participants using solid biomass contained in <sup>F133</sup>... waste

**28.**—(1) This regulation applies to participants generating heat in an accredited RHI installation from solid biomass contained in <sup>F134</sup>... waste.

(2) The proportion of solid biomass contained in the <sup>F134</sup>... waste must be a minimum of [<sup>F135</sup>10 per cent].

(3) For the purposes of paragraph (2)—

- (a) the proportion of solid biomass contained in the <sup>F134</sup>... waste is to be determined by the Authority for every quarterly period;
- (b) it is for the participant to provide, in such form as the Authority may require, evidence to demonstrate to the Authority's satisfaction the proportion of the energy content of the <sup>F134</sup>... waste used in any quarterly period which is composed of fossil fuel, to enable the Authority to determine the proportion of solid biomass in accordance with sub-paragraph (c);
- (c) the proportion of solid biomass is the energy content of the <sup>F134</sup>...waste used in any quarterly period to generate heat less the energy content of any fossil fuel of which that <sup>F134</sup>... waste is in part composed, expressed as a percentage of the energy content of that <sup>F134</sup>... waste.

(4) The participant may use fossil fuel (other than fossil fuel mentioned in paragraph (3)(c)) in an accredited RHI installation for the following permitted ancillary purposes only—

- (a) cleansing other fuels from the accredited RHI installation's combustion system prior to using fossil fuel to heat the combustion system to its normal temperature;
- (b) the heating of the accredited RHI installation's combustion system to its normal operating temperature or the maintenance of that temperature;
- (c) the ignition of fuels of low or variable calorific value;
- (d) emission control;
- (e) in relation to accredited RHI installations which are CHP systems, standby generation or the testing of standby generation capacity.

(5) The energy content of the fossil fuel used during any quarterly period for the permitted ancillary purposes specified in paragraph (4) must not exceed 10 per cent of the energy content of all the fuel used by that accredited RHI installation [F136 or where the installation is a CHP system, by a combustion unit which supplies energy to that installation from solid biomass contained in waste,] to generate heat during that quarterly period.

(6) Without prejudice to paragraph (3)(b), when determining the proportion of solid biomass contained in F137 ... waste, the Authority may have regard to any information (whether or not produced to it by the participant) if, in its opinion, that information indicates what proportion of the energy content of the F137 ... waste is composed of fossil fuel.

(7) Subject to paragraph (8), where the participant produces to the Authority—

- (a) data published by an allocating authority, a waste disposal authority or a waste collection authority, demonstrating that the proportion of municipal waste used by that participant which is composed of fossil fuel is unlikely to exceed 50 per cent, and
- (b) evidence that the municipal waste used has not been subject to any process before being used that is likely to have materially increased that proportion,

the Authority may accept this as sufficient evidence for the purposes of paragraph (3)(b) of the fact that the proportion of the municipal waste used which is composed of fossil fuel is no more than 50 per cent.

(8) Where the Authority so requests, the participant must arrange for samples of the F138 ... waste used (or to be used) in the accredited RHI installation, or of any gas or other substance produced as the result of the use of such F138 ... waste, to be taken by a person (and analysed in a manner) specified by the Authority, and for the results of that analysis to be made available to the Authority in such form as the Authority may require.

F139(9) .....

**Textual Amendments**

- F133** Word in reg. 28 heading omitted (28.5.2014) by virtue of [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **23(a)**
- F134** Word in reg. 28(1)-(3) omitted (28.5.2014) by virtue of [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **23(a)**
- F135** Words in reg. 28(2) substituted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **23(b)**
- F136** Words in reg. 28(5) inserted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **23(c)**
- F137** Word in reg. 28(6) omitted (28.5.2014) by virtue of [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **23(a)**
- F138** Word in reg. 28(8) omitted (28.5.2014) by virtue of [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **23(a)**
- F139** Reg. 28(9) omitted (28.5.2014) by virtue of [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **23(d)**

**Participants using solid biomass in accredited RHI installations with an installation capacity of 1MWth or above**

29.—(1) This regulation applies to participants generating heat from solid biomass, not being solid biomass contained in F140 ... waste, in an accredited RHI installation with an installation capacity of 1MWth or above.

*Status: Point in time view as at 24/03/2016.*

*Changes to legislation: There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2011 (revoked). (See end of Document for details)*

(2) The participant may use solid biomass contaminated with fossil fuel only where the proportion of fossil fuel contamination does not exceed 10 per cent.

(3) Such contaminated biomass may not be used unless the fossil fuel is present because—

- (a) the solid biomass has been subject to a process, the undertaking of which has caused the fossil fuel to be present in, on or with the biomass even though that was not the object of the process; or
- (b) the fossil fuel is waste and was not added to the solid biomass with a view to its being used as a fuel.

(4) For the purposes of paragraph (2)—

- (a) the proportion of fossil fuel contamination is to be determined by the Authority for every quarterly period;
- (b) it is for the participant to provide, in such form as the Authority may require, evidence to demonstrate to the Authority's satisfaction the proportion of fossil fuel contamination; and
- (c) the proportion of fossil fuel contamination is the energy content of the fossil fuel with which the solid biomass used in any quarterly period is contaminated expressed as a percentage of the energy content of all solid biomass (contaminated or otherwise) used in that quarterly period to generate heat other than fossil fuel used in accordance with paragraphs (5) and (6).

(5) The participant may use fossil fuel (other than fossil fuel mentioned in paragraph (2) in an accredited RHI installation for the following permitted ancillary purposes only—

- (a) cleansing other fuels from the accredited RHI installation's combustion system prior to using fossil fuel to heat the combustion system to its normal temperature;
- (b) the heating of the accredited RHI installation's combustion system to its normal operating temperature or the maintenance of that temperature;
- (c) the ignition of fuels of low or variable calorific value;
- (d) emission control;
- (e) in relation to accredited RHI installations which are CHP systems, standby generation or the testing of standby generation capacity.

(6) The energy content of the fossil fuel used during a quarterly period for the permitted ancillary purposes specified in paragraph (5) must not exceed 10 per cent of the energy content of all the fuel used by that accredited RHI installation [<sup>F141</sup>or where the installation is a CHP system, by a combustion unit which supplies energy to that installation from solid biomass,] to generate heat during that quarterly period.

(7) Without prejudice to paragraph (4)(b), in determining the proportion of solid biomass composed of fossil fuel the Authority may have regard to any information (whether or not produced to it by the participant) if, in its opinion, that information indicates what proportion of the contaminated solid biomass is composed of fossil fuel.

(8) Where the Authority so requests, the participant must arrange for samples of the fuel used (or to be used) in the accredited RHI installation, or of any gas or other substance produced as the result of the use of such fuel, to be taken by a person (and analysed in a manner) specified by the Authority, and for the results of that analysis to be made available to the Authority in such form as the Authority may require.

<sup>F142</sup>(9) .....



**Textual Amendments**

- F140** Word in reg. 29(1) omitted (28.5.2014) by virtue of [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **24(a)**
- F141** Words in reg. 29(6) inserted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **24(b)**
- F142** Reg. 29(9) omitted (5.10.2015) by virtue of [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/145\)](#), regs. 1, **4**

**Participants using solid biomass in accredited RHI installations with an installation capacity of between 45kWth and 1MWth**

**30.**—(1) This regulation applies to participants generating heat from solid biomass, not being solid biomass contained in <sup>F143</sup>...waste, in an accredited RHI installation with an installation capacity of between 45kWth and 1MWth.

(2) The participant may use solid biomass contaminated with fossil fuel provided the participant complies with paragraphs (2), (3) (5) and (6) of regulation 29 as well as the requirements of this regulation.

(3) Where solid biomass contaminated with fossil fuel is used in an accredited RHI installation, the participant must keep and provide upon request written evidence including invoices, receipts and such other documentation as the Authority may specify relating to fuel use and fossil fuel used for the permitted ancillary purposes specified in regulation 29(5) and provide this information upon request to the Authority, in such form as the Authority may require, to demonstrate compliance with this regulation.

(4) Without prejudice to paragraph (3), the Authority may have regard to any information (whether or not produced to it by the participant) if, in its opinion, that information indicates what proportion of the contaminated solid biomass is composed of fossil fuel.

(5) Where—

- (a) the Authority is not satisfied that the proportion of fossil fuel contamination (within the meaning of regulation 29(4)(c)) does not exceed 10 per cent; or
- (b) the Authority is not satisfied as to the matters specified in paragraphs (5) and (6) of regulation 29,

the Authority may require the participant to arrange for samples of the fuel used (or to be used) in the accredited RHI installation, or of any gas or other substance produced as the result of the use of such fuel, to be taken by a person (and analysed in a manner) specified by the Authority, and for the results of that analysis to be made available to the Authority in such form as the Authority may require.

**Textual Amendments**

- F143** Word in reg. 30(1) omitted (28.5.2014) by virtue of [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **25**

## CHAPTER 2

## Ongoing obligations relating to the use of biogas to generate heat and the production of biomethane for injection

**Biogas produced from gasification or pyrolysis**

**31.**—(1) This regulation applies to participants producing biogas using gasification or pyrolysis and generating heat from that biogas in an accredited RHI installation.

(2) The participant may only use solid biomass or <sup>F144</sup>... waste as feedstock to produce the biogas.

(3) Where the participant uses <sup>F144</sup>... waste as feedstock—

(a) paragraphs (2), (3), (6) and (7) of regulation 28 apply to the proportion of solid biomass contained in the <sup>F144</sup>... waste used for feedstock in the same way as for the proportion of solid biomass contained in <sup>F144</sup>...waste used to generate heat; and

(b) paragraphs (4) and (5) of regulation 28 apply.

(4) Where the participant uses solid biomass (not being solid biomass contained in <sup>F144</sup>...waste) as feedstock—

(a) paragraphs (2), (3), (4) and (7) of regulation 29 apply to the contamination of solid biomass used for feedstock in the same way as for solid biomass contaminated with fossil fuel used to generate heat; and

(b) paragraphs (5) and (6) of regulation 29 apply.

(5) Where the Authority so requests, the participant must arrange for samples of the <sup>F144</sup>...waste or solid biomass used (or to be used) as feedstock in the biogas production plant, or of any gas or other substance produced as a result of the use of such <sup>F144</sup>... waste or solid biomass, to be taken by a person (and analysed in a manner) specified by the Authority, and for the results of that analysis to be made available to the Authority in such form as the Authority may require.

**Textual Amendments**

**F144** Word in reg. 31 omitted (28.5.2014) by virtue of [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, 26

**Participants generating heat from biogas**

**32.**—(1) This regulation applies to participants generating heat from biogas in an accredited RHI installation where regulation 31 does not apply.

(2) A participant using biogas produced by anaerobic digestion may only use biogas which—

(a) was produced from one or more of the following feedstocks—

(i) solid biomass,

(ii) solid waste,

(iii) liquid waste; and

(b) is not landfill gas.

(3) The participant may use fossil fuel in the accredited RHI installation only in accordance with paragraphs (5) and (6) of regulation 29.

### Biomethane producers

33.—(1) This regulation applies to participants producing biomethane for injection.

(2) A participant producing biomethane for injection from biogas made by gasification or pyrolysis may only use biogas made using solid biomass or <sup>F145</sup>...waste as feedstock.

(3) Where <sup>F145</sup>... waste is used as feedstock, paragraphs (2) and (3)(c) of regulation 28 apply to the proportion of solid biomass contained in <sup>F145</sup>... waste used as feedstock in the same way as for the proportion of solid biomass contained in <sup>F145</sup>... waste used to generate heat.

(4) Where solid biomass is used as feedstock, paragraphs (2), (3), and (4)(c) of regulation 29 apply to the contamination of solid biomass used for feedstock in the same way as for solid biomass contaminated with fossil fuel used by participants to generate heat.

(5) A participant producing biomethane for injection from biogas made by anaerobic digestion must comply with regulation 32(2).

(6) The participant must provide measurements in such format as the Authority may request which satisfies the Authority of all of the following—

- (a) the gross calorific value and volume of biomethane injected;
- (b) the gross calorific value and volume of any propane contained in the biomethane;
- (c) the kWh of biomethane injected together with supporting meter readings and calculations;
- (d) the kWhth of heat supplied to the biogas production plant (other than heat contained in feedstock to produce biogas by anaerobic digestion) which made the biogas used in any quarterly period to produce biomethane for injection;
- (e) any heat supplied to the biomethane production process.

(7) The participant must keep and provide upon request copies or details of agreements with third parties with whom the participant contracts to carry out any of the processes undertaken to turn the biogas into biomethane and to arrange for its injection.

(8) The participant must keep and provide upon request written evidence including invoices, receipts, contracts and such other information as the Authority may specify in relation to biogas purchased and feedstock used in the production of the biogas used to produce biomethane.

<sup>F146</sup>(9) .....

#### Textual Amendments

**F145** Word in reg. 33(2)(3) omitted (28.5.2014) by virtue of [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, 27

**F146** Reg. 33(9) omitted (5.10.2015) by virtue of [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/145\)](#), regs. 1, 5

## CHAPTER 3

### Ongoing obligations relating to other matters

#### Ongoing obligations: general

34. Participants must comply with the following ongoing obligations, as applicable—

(a) they must keep and provide upon request by the Authority records of type of fuel used and fuel purchased for the duration of their participation in the scheme;

[<sup>F147</sup>(aa) where they have used solid biomass which is an approved sustainable fuel at the time when it is received by the participant or in respect of which the Secretary of State had made

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- a declaration under regulation 36E(5), they must keep and provide upon request by the Authority the authorisation number or other means of identification allocated to that fuel by the scheme under which that fuel is listed;]
- (b) they must keep and provide upon request by the Authority written records of fossil fuel used for the permitted ancillary purposes specified in Chapters 1 and 2;
  - (c) they must submit an annual declaration as requested by the Authority confirming, as appropriate, that they are using their accredited RHI installations in accordance with the eligibility criteria and are complying with the relevant ongoing obligations;
  - (d) they must notify the Authority if any of the information provided in support of their application for accreditation or registration was incorrect;
  - (e) they must ensure that their accredited RHI installation continues to meet the eligibility criteria;
  - (f) they must comply with any condition attached to their accreditation or registration;
  - (g) they must keep their accredited RHI installation maintained to the Authority's satisfaction and keep evidence of this including service and maintenance documents;
  - (h) participants combusting biogas must not deliver heat by air from their accredited RHI installation to the biogas production plant producing the biogas used for combustion;
  - (i) they must allow the Authority or its authorised agent reasonable access in accordance with Part 9;
  - (j) participants generating heat from solid biomass must comply with the regulation specified by the Authority in accordance with regulation 22(6)(e);
  - (k) they must notify the Authority within 28 days where they have ceased to comply with an ongoing obligation or have become aware that they will not be able so to comply, or where there has been any change in circumstances which may affect their eligibility to receive periodic support payments;
  - (l) they must notify the Authority within 28 days of the addition or removal of a plant supplying heat to a heating system of which their accredited RHI installation forms part;
  - (m) they must notify the Authority within 28 days of a change in ownership of all or part of their accredited RHI installation;
  - (n) they must repay any overpayment in accordance with any notice served under regulation 48;
  - [<sup>F148</sup>(o) they must, if requested—
    - (i) provide evidence that the heat for which periodic support payments are made is used for an eligible purpose, or
    - (ii) where there is heat delivered to a biogas combustion plant, provide evidence to enable the Authority to determine whether the proportion of heat delivered has been correctly calculated;]
  - (p) they must not generate heat for the predominant purpose of increasing their periodic support payments;
  - [<sup>F149</sup>(pa) where a heat loss calculation is used they must notify the Authority within 28 days where there are any changes in circumstances which may affect the basis of that calculation;]
  - [<sup>F149</sup>(pb) they must notify the Authority within 28 days where the accredited RHI installation is moved to a new location;]
  - (q) they must comply with such other administrative requirements that the Authority may specify in relation to the effective administration of the scheme.

- [<sup>F150</sup>(r) participants generating heat and power in a CHP system to which regulation 9A applies, must notify the Authority within 28 days where CHPQA certification ceases to apply;]
- [<sup>F151</sup>(s) where heat is generated in a combustion unit which forms part of a CHP system and in respect of which periodic support payments are made, participants must—
- (i) (except for solid biomass contaminated with fossil fuel), use only one source of energy in that combustion unit; and
  - (ii) keep and provide upon request to the Authority records of the fuel used in every combustion unit which forms part of that CHP system;]
- [<sup>F150</sup>(t) participants generating heat using a ground source heat pump for which an application for accreditation is made on or after the third relevant date and which is capable of heating and cooling, must keep and provide upon request to the Authority, details of the calculation of the design heat load.]

#### Textual Amendments

- F147** Reg. 34(aa) inserted (5.10.2015) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/145\)](#), regs. 1, **6**
- F148** Reg. 34(o) substituted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **13(a)**
- F149** Reg. 34(pa)(pb) inserted (24.9.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) \(No. 2\) Regulations 2013 \(S.I. 2013/2410\)](#), regs. 1, **17**
- F150** Reg. 34(r)-(t) inserted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **28**
- F151** Reg. 34(s) substituted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **13(b)**

#### [<sup>F152</sup>Ongoing obligations: emissions from biomass

- 34A.** Participants generating heat from solid biomass in an accredited RHI installation in respect of which an RHI emission certificate is required 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 accredited RHI installation in accordance with the manufacturer's instructions for that plant in relation to the control of emissions of PM and NO<sub>x</sub>.]

#### Textual Amendments

- F152** Reg. 34A inserted (24.9.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) \(No. 2\) Regulations 2013 \(S.I. 2013/2410\)](#), regs. 1, **18**

#### Ongoing obligations in relation to metering

**35.—(1)** Participants must keep all meters and steam measuring equipment required to be used in accordance with these Regulations—

- (a) continuously operating,
- (b) properly maintained and periodically checked for errors, <sup>F153</sup>...

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- (c) re-calibrated every 10 years or within such period of time as may be specified in accordance with manufacturers' instructions where available, whichever is the sooner, <sup>F154</sup>and
- (d) located in accordance with any conditions attached to their accreditation,]

and must retain evidence of this, including service and maintenance invoices, receipts or certificates for the duration of their participation in the scheme.

(2) The Authority may, by the date (if any) specified by it, or at such regular intervals as it may require to enable it to carry out its functions under these Regulations, require participants to provide the following information—

- (a) meter readings and other data collected in accordance with these Regulations from all steam measuring equipment, class 2 heat meters<sup>F155</sup>, and any other meters] used in accordance with these Regulations in such format as the Authority may reasonably require;
- (b) in relation to participants using steam measuring equipment, a kWhth figure of both the heat generated and the heat used for eligible purposes together with supporting data and calculations; and
- (c) the evidence and service and maintenance documentation specified in paragraph (1).

(3) Participants using heat pumps to provide both heating and cooling must ensure that their meters for those pumps enable them to—

- (a) measure heat used for eligible purposes only, and
- (b) where appropriate, measure (in order to discount) any cooling generated by the reverse operation of the heat pump,

and must provide upon request an explanation of how their metering arrangements have enabled the cooling in sub-paragraph (b) to be discounted.

(4) The data referred to in paragraph (2)(a) and (b) may be estimated in exceptional circumstances if the Authority has agreed in writing to an estimate being provided and to the way in which those estimates are to be calculated.

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

#### **Textual Amendments**

**F153** Word in reg. 35(1) omitted (24.9.2013) by virtue of [The Renewable Heat Incentive Scheme \(Amendment\) \(No. 2\) Regulations 2013 \(S.I. 2013/2410\)](#), regs. 1, **19(1)(a)**

**F154** Reg. 35(1)(d) and word inserted (24.9.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) \(No. 2\) Regulations 2013 \(S.I. 2013/2410\)](#), regs. 1, **19(1)(b)**

**F155** Words in reg. 35(2)(a) substituted (24.9.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) \(No. 2\) Regulations 2013 \(S.I. 2013/2410\)](#), regs. 1, **19(2)**

#### **Ongoing obligations in relation to the provision of information**

**36.—**(1) A participant must provide to the Authority on request any information which the participant holds and which the Authority requires in order to discharge its functions under these Regulations.

<sup>F156</sup>(2) A participant must retain a copy of—

- (a) any information relied on when making any application for accreditation or registration or, if the participant did not make that application, given to the participant by the person who made the application; and

- (b) any other evidence which verifies that the accreditation or registration meets the eligibility criteria and that the participant is continuing to comply with the ongoing obligations;]
- (3) Information requested under paragraph (1) must be provided within 7 days of the request or such later date as the Authority may specify.
- (4) Information provided to the Authority under these Regulations must be accurate to the best of the participant's knowledge and belief.
- (5) Sub-paragraphs (3) and (4) of paragraph 1 of Schedule 1 have effect.

**Textual Amendments**

**F156** Reg. 36(2) substituted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, 14

**[<sup>F157</sup>CHAPTER 4**

Sustainable solid biomass etc

**Textual Amendments**

**F157** Ch. 4 inserted (5.2.2015) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/145\)](#), regs. 1, 7

**Interpretation**

**36A.** In this Part—

“greenhouse gas criteria” means the criteria set out in Schedule 2A;

“land criteria” means—

- (a) the criteria set out in Part 2 of Schedule 2B in relation to solid biomass which is wood or wholly derived from wood, except energy crops, or
- (b) the criteria set out in Part 3 of Schedule 2B in relation to other solid biomass including energy crops;

“permitted location” means a place—

- (a) in respect of which the participant has a right to harvest the solid biomass, whether by virtue of ownership, tenancy or otherwise; and
- (b) which is no more than 50 miles from the plant in which the solid biomass is used;

“self-supplied” means—

- (a) obtained by or on behalf of the participant from a permitted location; or
- (b) waste wood which is obtained by or on behalf of the participant from the place where it first becomes waste;

“sustainable biogas” means—

- (a) biogas which—
  - (i) meets the greenhouse gas criteria, and
  - (ii) is made wholly from feedstock which is solid biomass which meets the land criteria;
- (b) biogas which is made wholly from feedstock which is waste;
- (c) biogas which consists of a combination of any of the biogas listed in paragraphs (a) and (b);

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[<sup>F158</sup>“sustainable biomethane” means biomethane which, save for ingredients which are added as part of the biomethane production process—

- (a) is made wholly from feedstock which is waste;
- (b) meets the greenhouse gas criteria and is made wholly from feedstock which is solid biomass which meets the land criteria; or
- (c) consists of a combination of any of the biomethane listed in paragraphs (a) and (b);]

“sustainable solid biomass” means—

- (a) solid biomass which meets the greenhouse gas criteria and the land criteria;
- (b) solid biomass which is—
  - (i) self-supplied;
  - (ii) used in an accredited RHI installation with an installation capacity of less than 1MWth; and
  - (iii) either—
    - (aa) an approved sustainable fuel; or
    - (bb) a fuel in respect of which the Secretary of State has made a declaration under regulation 36E(5);
- (c) solid biomass which is waste, or is wholly derived from waste;
- (d) solid biomass which consists of a combination of any of the solid biomass listed in paragraphs (a) to (c).

#### Textual Amendments

**F158** Words in [reg. 36A](#) substituted (27.7.2015) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) \(No. 2\) Regulations 2015 \(S.I. 2015/1459\)](#), [regs. 1\(1\), 7](#)

#### Ongoing obligation to use sustainable solid biomass or biogas or to produce sustainable biomethane

**36B.**—(1) A participant who generates heat or heat and power from solid biomass or biogas in an accredited RHI installation on or after 5th October 2015 must use only sustainable solid biomass or sustainable biogas.

(2) A participant who produces biomethane for injection on or after 5th October 2015 must produce for injection only sustainable biomethane.

(3) Paragraph (1) is deemed to be complied with in respect of—

- (a) any [<sup>F159</sup>biogas or] solid biomass used in an accredited RHI installation—
  - (i) which is a generating station which is accredited under the Renewables Obligation Order 2009<sup>F160</sup>, the Renewables Obligation Order 2015] or the Renewables Obligation (Scotland) Order 2009;
  - (ii) where the capacity of that generating station is 1MW or above; and
- [<sup>F161</sup>(iii) where—
  - (aa) in the case of solid biomass used before 24th March 2016, information about that solid biomass is provided to the Authority in accordance with article 54 of either the Renewables Obligation Order 2009 or the Renewables Obligation (Scotland) Order 2009;



- (bb) in the case of biogas or solid biomass used on or after 24th March 2016 in a generating station in Scotland, the biogas or solid biomass meets the greenhouse gas emission criteria in paragraph 2 of Part 1 of Schedule A1A to the Renewables Obligation (Scotland) Order 2009 and the relevant land criteria in Schedule A2 to that Order; or
  - (cc) in the case of biogas or solid biomass used on or after 24th March 2016 in a generating station in England or Wales, the biogas or solid biomass meets the greenhouse gas criteria in paragraph 2 of Part 1 of Schedule 2 to the Renewables Obligation Order 2015 and the relevant land criteria in Schedule 3 to that Order; or]
- (b) any solid biomass used in an accredited RHI installation to generate heat (but not heat and power) which—
- (i) at the time when it is received by the participant, is an approved sustainable fuel; or
  - (ii) is a fuel in respect of which the Secretary of State has made a declaration under regulation 36E(5).

#### Textual Amendments

**F159** Words in [reg. 36B\(3\)\(a\)](#) inserted (24.3.2016) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2016 \(S.I. 2016/257\)](#), regs. 1, **6(1)**

**F160** Words in [reg. 36B\(3\)\(a\)\(i\)](#) inserted (24.3.2016) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2016 \(S.I. 2016/257\)](#), regs. 1, **6(2)**

**F161** [Reg. 36B\(3\)\(a\)\(iii\)](#) substituted (24.3.2016) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2016 \(S.I. 2016/257\)](#), regs. 1, **6(3)**

#### Information to be provided to the Authority in relation to the use of sustainable solid biomass etc

- 36C.**—(1) This regulation applies to participants who—
- (a) generate heat or heat and power from solid biomass or biogas in an accredited RHI installation; or
  - (b) produce biomethane for injection,
- on or after 5th October 2015.
- (2) A participant to whom this regulation applies must—
- (a) in relation to each consignment of solid biomass used, provide the Authority with a declaration in accordance with paragraph (3);
  - (b) in relation to each consignment of solid biomass (except solid biomass to which <sup>F162</sup>regulation 36B(3)(a) or (b)] applies) or biogas used or biomethane produced, provide the Authority with a declaration in accordance with paragraphs (4) and (5); and
  - (c) provide the information specified in paragraph (7).
- (3) In respect of solid biomass used to generate heat (but not heat and power) a declaration must state—
- (a) whether or not that solid biomass was—
    - (i) an approved sustainable fuel; or
    - (ii) a fuel in respect of which the Secretary of State has made a declaration under regulation 36E(5); and

*Status: Point in time view as at 24/03/2016.*

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- (b) where paragraph (a)(i) or (ii) applies, the authorisation number or other means of identification allocated to that fuel by the scheme under which that fuel was listed.
- (4) A declaration must state whether or not—
- (a) solid biomass used was waste or wholly derived from waste;
  - (b) biogas used, or biomethane produced was made from feedstock which was waste;
  - (c) solid biomass or biogas used or biomethane produced met the greenhouse gas criteria;
  - (d) solid biomass used met the land criteria; or
  - (e) biogas used or biomethane produced was made from feedstock which was solid biomass which met the land criteria.
- (5) Where a participant declares in accordance with paragraph (4)(c) that solid biomass, biogas or biomethane met the greenhouse gas criteria, the declaration must specify the lifecycle greenhouse gas emissions for that solid biomass, biogas or biomethane calculated in accordance with paragraph 2 of Schedule 2A.
- (6) Except where the Authority specifies otherwise, participants must provide declarations and information in accordance with this regulation in respect of the solid biomass or biogas used or biomethane produced in every quarterly period which commences on or after 5th October 2015 within 28 days from the end of each such period.
- (7) Where in the relevant quarterly period a participant—
- (a) uses solid biomass (<sup>F163</sup>except solid biomass to which regulation 36B(3)(a) or (b) applies] to generate heat or heat and power in an accredited RHI installation with an installation capacity of 1MWth or above; or
  - (b) produces biomethane for injection,
- the participant must provide the information in Schedule 2 in relation to that solid biomass or biomethane.
- (8) In addition to the declarations in accordance with paragraphs (3) to (5) and information in accordance with paragraph (7), the Authority may from time to time require such further declarations or information in relation to sustainable solid biomass, biogas or biomethane as it thinks fit.

#### Textual Amendments

**F162** Words in reg. 36C(2)(b) substituted (27.7.2015) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) \(No. 2\) Regulations 2015 \(S.I. 2015/1459\)](#), regs. 1(1), **8(2)**

**F163** Words in reg. 36C(7)(a) substituted (27.7.2015) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) \(No. 2\) Regulations 2015 \(S.I. 2015/1459\)](#), regs. 1(1), **8(3)**

#### Sustainability audit reports

**36D.**—(1) Subject to paragraph (3) participants to whom regulation 36C applies must submit a report which is prepared in accordance with the requirements in paragraph (4).

(2) In this regulation, “sustainability information” means the information specified in regulation 36C(4) and (5).

(3) No report is required in relation to—

- <sup>F164</sup>(a) any biogas or solid biomass in respect of which regulation 36B(1) is deemed to be complied with by virtue of regulation 36B(3)(a);]

- (b) any solid biomass or biogas used to generate heat in an accredited RHI installation with a capacity less than 1MWth;
- (c) any solid biomass used in an accredited RHI installation to generate heat (but not heat and power) which—
  - (i) at the time it was received by the participant, was an approved sustainable fuel; or
  - (ii) in respect of which a declaration has been made under regulation 36E(5).
- (4) The requirements in this paragraph are that the report must—
  - (a) be prepared by a person who is not—
    - (i) the participant, or
    - (ii) a connected person;
  - (b) be prepared in accordance with the International Standard on Assurance Engagements 3000 (Revised): Assurance engagements other than audits or reviews of historical financial information dated 9th December 2013 or an equivalent standard;
  - (c) state whether anything has come to the attention of the person preparing the report to indicate that the sustainability information is not accurate; and
  - (d) consider, in relation to each consignment of solid biomass or biogas used to generate heat or heat and power, or biomethane produced for injection—
    - (i) whether the systems used to produce the sustainability information are likely to produce information which is reasonably accurate and reliable;
    - (ii) whether there are controls in place to help protect the sustainability information against material misstatements due to fraud or error;
    - (iii) the frequency and methodology of any sampling carried out for the purpose of obtaining or checking the data on which the participant relied in preparing the sustainability information; and
    - (iv) the robustness of the data on which the participant relied in preparing the sustainability information.
- (5) Subject to paragraph (6), participants must submit reports under this regulation—
  - (a) annually; and
  - (b) within 3 months after—
    - (i) each anniversary of the tariff start date; or
    - (ii) in the case of participants who are registered as producers of biomethane for injection, each anniversary of the date on which that participant was first registered as a producer of that biomethane.
- (6) Where the anniversary of the tariff start date falls on or after 5th October 2015 but before 6th April 2016—
  - (a) the first annual report submitted in accordance with this regulation must be submitted within 3 months after the next anniversary of the tariff start date which follows 5th October 2016; and
  - (b) the first annual report must consider and report on each consignment of solid biomass or biogas used, or biomethane produced, in the period between 5th October 2015 and the anniversary of the tariff start date mentioned in paragraph (6)(a).
- (7) Except where paragraph (6) applies, the report must consider and report on each consignment of solid biomass or biogas used, or biomethane produced, within the 12 month period preceding—
  - (a) each anniversary of the tariff start date; or

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*Changes to legislation: There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2011 (revoked). (See end of Document for details)*

- (b) in the case of participants who are registered as producers of biomethane for injection, each anniversary of the date on which that participant was first registered as a producer of that biomethane.

(8) In this regulation, “connected person” means any person connected to the participant within the meaning of section 1122 of the Corporation Tax Act 2010.

#### **Textual Amendments**

**F164** Reg. 36D(3)(a) substituted (24.3.2016) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2016 \(S.I. 2016/257\)](#), regs. 1, 7

#### **Schemes for listing approved sustainable fuels**

**36E.**—(1) Where the Secretary of State is satisfied that a scheme complies with the requirements in paragraph (2), the Secretary of State may approve that scheme for the purpose of these Regulations.

(2) The requirements in this paragraph are that appropriate procedures have been adopted to ensure that the person administering the scheme (“the scheme administrator”)—

- (a) establishes and maintains an accurate and up to date list of fuels which—
- (i) are solid biomass;
  - (ii) comply with the requirements in paragraph (3) or (4); and
  - (iii) are available to be supplied to participants;
- (b) includes on the list all those fuels in respect of which—
- (i) an application has been made to the scheme administrator for that fuel to be included in the list; and
  - (ii) the supplier is able to demonstrate compliance with the requirements in paragraph (3) or (4);
- (c) processes applications by suppliers of solid biomass fuel for the inclusion of fuel in the list promptly and fairly;
- (d) ensures that application procedures are clear, proportionate and accessible to suppliers;
- (e) ensures that each fuel which is included in the list is allocated an authorisation number or other means of identification which is specific to that fuel;
- (f) requires suppliers of listed fuels to—
- (i) store listed fuel separately from other fuels supplied by them which are not so listed, and
  - (ii) provide documentary evidence of the authorisation number or other means of identification when supplying an approved sustainable fuel;
- (g) carries out reasonable checks to ensure that fuels which are listed continue to comply with the requirements in sub-paragraph (f) and paragraph (3) or (4);
- (h) takes reasonable steps to identify and remove from the list—
- (i) any fuel which no longer complies with the requirements in paragraph (3) or (4), or
  - (ii) any fuel which has ceased (other than temporarily) to be available;
- (i) where appropriate, removes from the list those fuels which are supplied by a supplier who breaches the requirements of the scheme; and

- (j) deals with complaints by suppliers in relation to the operation of the scheme in a fair and transparent manner.
- (3) The requirements in this paragraph are—
- (a) that the fuel would, if used in a plant with an efficiency of at least 0.7, meet the greenhouse gas criteria;
  - (b) that any fuel which is included in the list on or after 6th July 2015 meets the land criteria.
- (4) The requirements in this paragraph are that the fuel—
- (a) is, or is wholly derived from waste; or
  - (b) is self-supplied for use in a plant with an installation capacity of less than 1MWth.
- (5) Where the Secretary of State approves a scheme under paragraph (1), the Secretary of State may declare that any fuel—
- (a) listed under that scheme before the date on which the scheme is approved; and
  - (b) received by a participant before that date,
- shall be deemed to meet the requirement in paragraph (3)(a) and the land criteria.
- (6) In this regulation “efficiency” means
- HF
- where—
- (a)  $H$  is the heat produced by the plant in the form of liquid or steam, and
  - (b)  $F$  is the energy content of all the fuels used by the plant.]

## PART 5

### Periodic support payments

#### Payment of periodic support payments to participants

<sup>F165</sup>37.—(1) Subject to regulation 43 and 43A, periodic support payments shall accrue from the tariff start date and shall be payable for 20 years.

(2) Periodic support payments shall be calculated and paid by the Authority.

(3) Subject to paragraphs (7), (15), (16) and (19) of this regulation and regulation 43(4) to (6), the tariff for an accredited RHI installation shall be fixed when that installation is accredited.

(4) Subject to paragraph (7), the tariff for [<sup>F166</sup>biomethane produced by a participant] is the tariff relevant to biomethane set out in Schedule 3.

(5) Subject to paragraphs (6), (7), (15), (16) and (19), the tariff for an accredited RHI installation is the tariff set out in Schedule 3 in relation to its source of energy or technology and installation capacity.

(6) Subject to regulation 43, for the purposes of paragraphs (5) and (10), where the accredited RHI installation is one of a number of plants forming part of the same heating system, its installation capacity is to be taken to be the sum of the installation capacities of that accredited RHI installation and all plants for which an application for accreditation has been made (whether or not they have been accredited) which—

- (a) use the same source of energy and technology as that accredited RHI installation, and
- (b) form part of the same heating system as that accredited RHI installation.

*Status: Point in time view as at 24/03/2016.*

*Changes to legislation: There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2011 (revoked). (See end of Document for details)*

- (7) The tariff for an accredited RHI installation or [<sup>F167</sup>biomethane produced by a participant]—
- (a) for the period commencing with the tariff start date and ending with the following 31st March (“the initial period”) [<sup>F168</sup>is the initial tariff];
  - (b) for each year following the initial period commencing with 1st April and ending with the following 31st March (“a subsequent year”) is the tariff specified in paragraph (11) or (12) for the relevant subsequent year (“the subsequent tariff”).
- [<sup>F169</sup>(7A) In paragraph (7) “initial tariff” means—
- (a) in relation to an accredited RHI installation, subject to regulation 43(4) to (6), the tariff specified in paragraph (8), (9) or (10);
  - (b) in relation to biomethane produced by a participant, the tariff specified in paragraph (8), (10A) or (10B) in respect of that biomethane.]
- (8) For the purposes of [<sup>F170</sup>paragraph (7A)], the initial tariff is—
- (a) if the tariff start date is later than 27th November 2011 but earlier than 1st April 2012, the tariff set out in Schedule 3;
  - (b) if the tariff start date is later than 31st March 2012 but earlier than 1st April 2013, the tariff set out in Schedule 3 adjusted by the percentage increase or decrease in the retail prices index for the calendar year ending on 31st December 2011 (the resulting figure being [<sup>F171</sup>stated to one decimal place and rounded]);
  - (c) if the tariff start date is later than 31st March 2013 but earlier than 30th April 2013, the tariff set out in Schedule 3—
    - (i) adjusted by the percentage increase or decrease in the retail prices index for the calendar year ending on 31st December 2011 (the resulting figure being [<sup>F172</sup>stated to one decimal place and rounded]); and
    - (ii) further adjusted by the percentage increase or decrease in the retail prices index for the calendar year ending on 31st December 2012 (the resulting figure being [<sup>F173</sup>stated to one decimal place and rounded]);
  - (d) subject to [<sup>F174</sup>paragraphs (9), (10), (10A) and (10B)], if the tariff start date is on or after 30th April 2013, the tariff calculated in accordance with regulations 37A to 37D.
- (9) The initial tariff for an accredited RHI installation which has a tariff start date on or after 1st April 2014 but earlier than 1st October 2014 and which uses a solar collector, is a ground source heat pump or is a large biomass plant is—
- (a) for any part of the initial period which is earlier than the third relevant date, the tariff calculated in accordance with regulations 37A to 37D; and
  - (b) for the period commencing with the third relevant date and ending with 31st March 2015, the tariff set out in Schedule 3A in relation to its source of energy or technology.
- (10) Subject to paragraph (19), the initial tariff for an accredited RHI installation which has a tariff start date on or after the third relevant date but earlier than 1st October 2014 and is—
- (a) a new solid biomass CHP system;
  - (b) an air source heat pump;
  - (c) a plant which generates heat from biogas (but not from solid biomass) with a capacity of at least 200 kWth; or
  - (d) a deep geothermal plant which is first commissioned on or after 4th December 2013,
- is the tariff set out in Schedule 3B in relation to its source of energy or technology and installation capacity.

[<sup>F175</sup>(10A) The initial tariff for biomethane produced by a participant with a tariff start date on or after the fourth relevant date but earlier than 1st April 2015 is the tariff set out in Schedule 3C.]

[<sup>F175</sup>(10B) The initial tariff for biomethane produced by a participant with a tariff start date on or after 1st April 2015 but earlier than 1st July 2015 is the tariff set out in Schedule 3C, adjusted by the percentage increase or decrease in the retail prices index for the year ending on 31st December 2014.]

(11) [<sup>F176</sup>Subject to paragraph (12), for the purposes of paragraph (7)(b), the subsequent tariff for a particular subsequent year is the tariff applicable to the biomethane produced by the participant or to the installation on the 31st March immediately preceding the commencement of the subsequent year, adjusted by the percentage increase or decrease in the relevant measure of inflation for the calendar year ending on the 31st December immediately preceding the commencement of that subsequent year, the resulting figure being stated to—

- (a) one decimal place and rounded, if the subsequent year commences on a date which is earlier than 1st April 2015; or
- (b) two decimal places and rounded, if the subsequent year commences on or after 1st April 2015.]

[<sup>F177</sup>(11A) In paragraph (11), the “relevant measure of inflation” is—

- (a) the retail prices index, if the tariff start date is earlier than 1st April 2016; or
- (b) the consumer prices index, if the tariff start date is on or after 1st April 2016.]

(12) The subsequent tariff for the subsequent year commencing with 1st April 2014 for an accredited RHI installation with a tariff start date on or after 21st January 2013 and which uses a solar collector, is a ground source heat pump or is a large biomass plant is—

- (a) for the period commencing with 1st April 2014 and ending with the date immediately preceding the third relevant date, the tariff applicable to the installation on 31st March 2014, adjusted by the percentage increase or decrease in the retail prices index for the calendar year ending on 31st December 2013, the resulting figure being stated to one decimal place and rounded <sup>F178</sup>...;
- (b) for the period commencing with the third relevant date and ending with 31st March 2015, the tariff set out in Schedule 3A in relation to its source of energy or technology.

(13) The Authority must calculate the subsequent tariffs each year in accordance with paragraphs (7), (11) and (12) and publish on or before 1st April each year a table of tariffs for the period commencing 1st April of that year and ending with 31st March of the following year.

(14) The Authority must by 15th March, 15th June, 15th September and 15th December in each year (“the tariff publication date”) publish in a table on its website the initial tariffs applicable where a tariff start date falls within the tariff period immediately following the tariff publication date.

(15) For the purposes of paragraphs (5) and (8), and regulation 37B, where an accredited RHI installation fits within the tariff category “small biomass” or “medium biomass” a reference to the tariff set out in Schedule 3 is—

- (a) in relation to the initial heat generated by the installation in any 12 month period commencing with, or with the anniversary of, the date of accreditation, a reference to the relevant tier 1 tariff specified in Schedule 3; and
- (b) in relation to all further heat generated in that same 12 month period, a reference to the relevant tier 2 tariff so specified.

(16) For the purposes of paragraphs (9)(b) and (12)(b), where an accredited RHI installation is a ground source heat pump, a reference to the tariff set out in Schedule 3A is—

*Status: Point in time view as at 24/03/2016.*

*Changes to legislation: There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2011 (revoked). (See end of Document for details)*

- (a) in relation to the initial heat generated by the installation in any 12 month period commencing with, or with the anniversary of, the date of accreditation, a reference to the relevant tier 1 tariff specified in Schedule 3A;
- (b) in relation to all further heat generated in that same 12 month period, a reference to the relevant tier 2 tariff so specified.

(17) For the purposes of paragraphs (15) and (16), “the initial heat” means the heat in kWhth generated by an accredited RHI installation running at its installation capacity for 1,314 hours.

(18) In the case of ground source heat pumps which are capable of both heating and cooling, and in respect of which an application for accreditation is made on or after the third relevant date, “installation capacity” for the purposes of paragraph (17) means the design heat load.

(19) Where an accredited RHI installation which is a new solid biomass CHP system ceases to be certified under CHPQA, the tariff during any period in which it is not so certified shall be the tariff that would have been applicable if the plant had never been so certified.

[<sup>F179</sup>(20) For the purposes of paragraphs (10A) and (10B), a reference to the tariff set out in Schedule 3C is—

- (a) in relation to initial biomethane, a reference to the relevant tier 1 tariff specified in Schedule 3C;
- (b) in relation to secondary biomethane, a reference to the relevant tier 2 tariff so specified;
- (c) in relation to tertiary biomethane, a reference to the relevant tier 3 tariff so specified.]

[<sup>F179</sup>(21) In paragraph (20) (and for the purposes of paragraph (11) when determining the subsequent tariff applicable to biomethane produced by a participant with a tariff start date on or after the fourth relevant date)—

- (a) “initial biomethane” means the amount of eligible biomethane measured in megawatt hours which is injected in the 12 month period commencing with, or with the anniversary of, the tariff start date for the original biomethane (“the relevant period”) up to 40,000 megawatt hours;
- (b) “secondary biomethane” means the amount of eligible biomethane measured in megawatt hours injected in the relevant period, in excess of initial biomethane, up to an additional 40,000 megawatt hours;
- (c) “tertiary biomethane” means the amount of eligible biomethane measured in megawatt hours injected in the relevant period in excess of secondary biomethane.]]

#### Textual Amendments

**F165** Reg. 37 substituted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **29**

**F166** Words in reg. 37(4) substituted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **15(2)**

**F167** Words in reg. 37(7) substituted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **15(3)(a)**

**F168** Words in reg. 37(7)(a) substituted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **15(3)(b)**

**F169** Reg. 37(7A) inserted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **15(4)**

**F170** Words in reg. 37(8) substituted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **15(5)(a)**



- F171** Words in reg. 37(8)(b) substituted (24.3.2016) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2016 \(S.I. 2016/257\)](#), regs. 1, **8(1)(a)**
- F172** Words in reg. 37(8)(c)(i) substituted (24.3.2016) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2016 \(S.I. 2016/257\)](#), regs. 1, **8(1)(b)**
- F173** Words in reg. 37(8)(c)(ii) substituted (24.3.2016) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2016 \(S.I. 2016/257\)](#), regs. 1, **8(1)(c)**
- F174** Words in reg. 37(8)(d) substituted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **15(5)(b)**
- F175** Reg. 37(10A)(10B) inserted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **15(6)**
- F176** Reg. 37(11) substituted (24.3.2016) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2016 \(S.I. 2016/257\)](#), regs. 1, **8(2)**
- F177** Reg. 37(11A) inserted (24.3.2016) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2016 \(S.I. 2016/257\)](#), regs. 1, **8(3)**
- F178** Words in reg. 37(12)(a) omitted (24.3.2016) by virtue of [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2016 \(S.I. 2016/257\)](#), regs. 1, **8(4)**
- F179** Reg. 37(20)(21) inserted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **15(8)**

#### **[<sup>F180</sup>Calculation of initial tariffs on or after the relevant date**

**37A.**—(1) [<sup>F181</sup>Except as provided by regulation 37(9), (10), (10A) and (10B)] this regulation applies for the purposes of calculating the initial tariff if the tariff start date is on or after the relevant date.

(2) Where this regulation applies, the initial tariff is calculated in accordance with the formula—  
 $A \times (1 - B - C)$

where—

- (a) A is calculated in accordance with regulation 37B;
- (b) B is calculated in accordance with regulation 37C; and
- (c) C is calculated in accordance with regulation 37D.]

#### **Textual Amendments**

- F180** Regs. 37A-37E inserted (30.4.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2013 \(S.I. 2013/1033\)](#), regs. 1, **5**
- F181** Words in reg. 37A(1) substituted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **16**

#### **[<sup>F180</sup>Calculation of A**

**37B.**—(1) For the purposes of regulation 37A, A is calculated as follows.

(2) If the tariff start date falls within the period commencing with the relevant date and ending with 30th June 2013, A is the tariff set out in Schedule 3—

*Status: Point in time view as at 24/03/2016.*

*Changes to legislation: There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2011 (revoked). (See end of Document for details)*

- (a) adjusted by the percentage increase or decrease in the retail prices index for the calendar year ending 31st December 2011 (the resulting figure being [<sup>F182</sup>stated to one decimal place and rounded]);
  - (b) further adjusted by the percentage increase or decrease in the retail prices index for the calendar year ending 31st December 2012 (the resulting figure being [<sup>F183</sup>stated to one decimal place and rounded]).
- (3) If the tariff start date falls within any subsequent tariff period commencing with 1st July, 1st October or 1st January, A is the tariff that would have been applicable if the tariff start date had fallen on the day immediately preceding the commencement of that subsequent tariff period (“the previous tariff”).

[<sup>F184</sup>(4) If the tariff start date is within any subsequent tariff period commencing with 1st April, A is the previous tariff adjusted by the percentage increase or decrease in the relevant measure of inflation for the calendar year ending on the 31st December immediately preceding the commencement of that subsequent tariff period, the resulting figure being stated to—

- (a) one decimal place and rounded, if the subsequent tariff period commences on a date which is earlier than 1st April 2015; or
- (b) two decimal places and rounded, if the subsequent tariff period commences on or after 1st April 2015.]

[<sup>F185</sup>(4A) In paragraph (4), the “relevant measure of inflation” is—

- (a) the retail prices index, if the tariff start date is earlier than 1st April 2017; or
- (b) the consumer prices index, if the tariff start date is on or after 1st April 2017.]]

#### **Textual Amendments**

- F180** Regs. 37A-37E inserted (30.4.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2013 \(S.I. 2013/1033\)](#), regs. 1, **5**
- F182** Words in reg. 37B(2)(a) substituted (24.3.2016) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2016 \(S.I. 2016/257\)](#), regs. 1, **9(1)(a)**
- F183** Words in reg. 37B(2)(b) substituted (24.3.2016) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2016 \(S.I. 2016/257\)](#), regs. 1, **9(1)(b)**
- F184** Reg. 37B(4) substituted (24.3.2016) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2016 \(S.I. 2016/257\)](#), regs. 1, **9(2)**
- F185** Reg. 37B(4A) inserted (24.3.2016) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2016 \(S.I. 2016/257\)](#), regs. 1, **9(3)**

#### **[<sup>F180</sup>Calculation of B**

- 37C.**—(1) For the purposes of regulation 37A, B is calculated as follows.
- (2) For the purposes of this regulation—
- (a) the first test is met in relation to an assessment date if the forecast for total expenditure as at that date exceeds the figure specified for that assessment date in the second column of the table in Schedule 4;
  - (b) the second test is met in relation to an assessment date if, as at that assessment date, the forecast for expenditure applicable to the accredited RHI installation or [<sup>F186</sup>biomethane (if the participant produces biomethane for injection)] exceeds the figure specified in relation

to that date in the second column of [<sup>F187</sup>the table applicable to the installation [<sup>F188</sup>or biomethane] in the relevant Part of Schedule 5].

- (3) B is 0 if—
- (a) the tariff start date falls within the period commencing with the relevant date and ending with 30th June 2013;
  - (b) the first test is not met in relation to the assessment date immediately preceding the commencement of the tariff period in which the tariff start date falls (“the relevant assessment date”); or
  - (c) the second test is not met in relation to the relevant assessment date.

[<sup>F189</sup>(3A) B is 0 if—

- (a) the application for accreditation was made in the period—
    - (i) commencing with 24th September 2013, and
    - (ii) ending with the day before the date on which the Renewable Heat Incentive Scheme (Amendment) (No. 3) Regulations 2013 come into force or 1st January 2014, whichever is the earlier;
  - (b) compliance with regulation 5(1)(d)(ii) is one of the eligibility criteria in relation to that installation;
  - (c) except in relation to compliance with regulation 5(1)(d)(ii), before 1st January 2014—
    - (i) the application was properly made, and
    - (ii) the eligibility criteria were met;
  - (d) the plant has an installation capacity of 500 kWth or less;
  - (e) the plant is commissioned before 1st January 2014; and
  - (f) the tariff start date falls on or after 1st January 2014.]
- (4) [<sup>F190</sup>Except where paragraph (3A) applies,] B is 0.05 if—
- (a) the tariff start date is later than 30th June 2013;
  - (b) the first test is met in relation to the relevant assessment date; and
  - (c) the second test is met in relation to relevant assessment date.]

#### Textual Amendments

- F180** Regs. 37A-37E inserted (30.4.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2013 \(S.I. 2013/1033\)](#), regs. 1, **5**
- F186** Words in [reg. 37C\(2\)\(b\)](#) substituted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **17(a)**
- F187** Words in [reg. 37C\(2\)\(b\)](#) substituted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **32**
- F188** Words in [reg. 37C\(2\)\(b\)](#) inserted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **17(b)**
- F189** [Reg. 37C\(3A\)](#) inserted (13.12.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) \(No. 3\) Regulations 2013 \(S.I. 2013/3179\)](#), regs. 1, **3(a)**
- F190** Words in [reg. 37C\(4\)](#) inserted (13.12.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) \(No. 3\) Regulations 2013 \(S.I. 2013/3179\)](#), regs. 1, **3(b)**

**[<sup>F180</sup>Calculation of C**

**37D.**—(1) For the purposes of regulation 37A, C is calculated as follows.

(2) For the purposes of this regulation—

(a) the first test is met in relation to an assessment date if the forecast for total expenditure as at that date exceeds the figure specified for that assessment date in the third column of the table in Schedule 4;

(b) the second test is met in relation to an assessment date if, as at that assessment date, the forecast for expenditure applicable to the accredited RHI installation or [<sup>F191</sup>biomethane (if the participant produces biomethane for injection)] exceeds the figure specified in relation to that date in the third column of [<sup>F192</sup>the table applicable to the installation [<sup>F193</sup>or biomethane] in the relevant Part of Schedule 5];

[<sup>F194</sup>(c) the third test is met in relation to an assessment date if, as at that assessment date, the increase in expenditure forecast applicable to the installation or [<sup>F195</sup>biomethane] is less than 50% of the figure specified in relation to that date in the fourth column of [<sup>F196</sup>the table applicable to the installation [<sup>F197</sup>or biomethane] in the relevant Part of Schedule 5] (“the anticipated increase figure”);]

[<sup>F194</sup>(d) the fourth test is met in relation to an assessment date if, as at that assessment date, the increase in expenditure forecast applicable to the installation or [<sup>F198</sup>biomethane] is at least 50% of, but less than 150% of, the anticipated increase figure;]

[<sup>F194</sup>(e) the fifth test is met in relation to an assessment date if, as at that assessment date, the increase in expenditure forecast applicable to the installation or [<sup>F199</sup>biomethane] is at least 150% of the anticipated increase figure.]

(3) C is 0 if—

(a) the tariff start date falls within the period commencing with the relevant date and ending with 30th June 2013;

(b) the first test is not met in relation to the assessment date immediately preceding the commencement of the tariff period in which the tariff start date falls (“the relevant assessment date”);

(c) the second test is not met in relation to the relevant assessment date; or

(d) the second test is met in relation to the relevant assessment date but—

(i) during the tariff period that immediately preceded the tariff period in which the tariff start date falls the value of C in relation to the applicable source of energy or technology and installation capacity, or in relation to the production of biomethane, was greater than 0; and

(ii) the third test is met.

[<sup>F200</sup>(3A) C is 0 if—

(a) the application for accreditation was made in the period—

(i) commencing with 24th September 2013, and

(ii) ending with the day before the date on which the Renewable Heat Incentive Scheme (Amendment) (No. 3) Regulations 2013 come into force or 1st January 2014, whichever is the earlier;

(b) compliance with regulation 5(1)(d)(ii) is one of the eligibility criteria in relation to that installation;

(c) except in relation to compliance with regulation 5(1)(d)(ii), before 1st January 2014—

- (i) the application was properly made, and
- (ii) the eligibility criteria were met;
- (d) the plant has an installation capacity of 500 kWth or less;
- (e) the plant is commissioned before 1st January 2014; and
- (f) the tariff start date falls on or after 1st January 2014.]
- (4) [<sup>F201</sup>Except where paragraph (3A) applies,] C is 0.05 if—
  - (a) the first test is met in relation to the relevant assessment date;
  - (b) the second test is met in relation to the relevant assessment date; and
  - (c) the third test is met in relation to an assessment date if, as at that assessment date, the increase in expenditure forecast applicable to the installation or participant is less than 50% of the figure specified in relation to that date in the fourth column of the table in the relevant Part of Schedule 5 (“the anticipated increase figure”);
- (5) [<sup>F202</sup>Except where paragraph (3A) applies,] C is 0.10 if—
  - (a) the first test is met in relation to the relevant assessment date;
  - (b) the second test is met in relation to the relevant assessment date;
  - (c) during the tariff period that immediately preceded the tariff period in which the tariff start date falls the value of C in relation to the applicable source of energy or technology and installation capacity, or in relation to the production of biomethane, was 0.05; and
  - (d) the fifth test is met.
- (6) [<sup>F203</sup>Except where paragraph (3A) applies,] C is 0.20 if—
  - (a) the first test is met in relation to the relevant assessment date;
  - (b) the second test is met in relation to the relevant assessment date;
  - (c) during the tariff period that immediately preceded the tariff period in which the tariff start date falls the value of C in relation to the applicable source of energy or technology and installation capacity, or in relation to the production of biomethane, was more than 0.05; and
  - (d) the fifth test is met.]

#### Textual Amendments

- F180** Regs. 37A-37E inserted (30.4.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2013 \(S.I. 2013/1033\)](#), regs. 1, **5**
- F191** Words in reg. 37D(2)(b) substituted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **18(a)(i)**
- F192** Words in reg. 37D(2)(b) substituted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **33**
- F193** Words in reg. 37D(2)(b) inserted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **18(a)(ii)**
- F194** Regs. 37D(2)(c)-(e) substituted (13.12.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) \(No. 3\) Regulations 2013 \(S.I. 2013/3179\)](#), regs. 1, **4(a)**
- F195** Word in reg. 37D(2)(c) substituted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **18(b)(i)**
- F196** Words in reg. 37D(2)(c) substituted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **33**
- F197** Words in reg. 37D(2)(c) inserted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **18(b)(ii)**

*Status: Point in time view as at 24/03/2016.*

*Changes to legislation: There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2011 (revoked). (See end of Document for details)*

- F198** Word in reg. 37D(2)(d) substituted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **18(c)**
- F199** Word in reg. 37D(2)(e) substituted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **18(c)**
- F200** Reg. 37D(3A) inserted (13.12.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) \(No. 3\) Regulations 2013 \(S.I. 2013/3179\)](#), regs. 1, **4(b)**
- F201** Words in reg. 37D(4) inserted (13.12.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) \(No. 3\) Regulations 2013 \(S.I. 2013/3179\)](#), regs. 1, **4(c)**
- F202** Words in reg. 37D(5) inserted (13.12.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) \(No. 3\) Regulations 2013 \(S.I. 2013/3179\)](#), regs. 1, **4(c)**
- F203** Words in reg. 37D(6) inserted (13.12.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) \(No. 3\) Regulations 2013 \(S.I. 2013/3179\)](#), regs. 1, **4(c)**

### **[<sup>F180</sup>Expenditure forecast statement and tariff change notice**

**37E.**—(1) The Secretary of State must publish on the GOV.UK website an expenditure forecast statement in accordance with this regulation.

(2) For that purpose the Secretary of State must determine—

- (a) the forecast for total expenditure;
- (b) for each tariff category <sup>F204</sup>...the forecast for expenditure in relation to the relevant installations that fall within that tariff category;

<sup>F205</sup>(c) the forecast for expenditure in relation to relevant producers;]

(d) [<sup>F206</sup>except where regulation 37F applies] in relation to each of the forecasts for expenditure referred to in sub-paragraphs (b) and (c) the increase in expenditure forecast for that tariff category, that is to say the difference between—

- (i) the forecast for expenditure as at the assessment date immediately preceding the date on which the expenditure forecast is published (“the latest assessment date”); and
- (ii) the forecast for expenditure as at the assessment date three months before the latest assessment date.

(3) An expenditure forecast statement must set out, as at the latest assessment date—

- (a) the forecast for total expenditure;
- (b) each of the forecasts for expenditure referred to in [<sup>F207</sup>paragraph (2)(b)] and (c); and
- (c) each of the increase in expenditure forecasts referred to in [<sup>F208</sup>paragraph (2)(d) or, if applicable, regulation 37F].

(4) If, as a result of the forecast and by virtue of paragraphs (7) and [<sup>F209</sup>(8)] of regulation 37, the new initial tariff will be different from the former initial tariff, the Secretary of State must also—

- (a) calculate the new initial tariff in accordance with those paragraphs; and
- (b) publish with the expenditure forecast statement a notice (“the tariff change notice”) setting out the new initial tariff and the date on which it will take effect.

(5) For the purposes of paragraph (4)—

- (a) “new initial tariff” means the initial tariff for an accredited RHI installation or [<sup>F210</sup>biomethane produced by a producer of biomethane having a tariff start date] which falls within the next tariff period;

- (b) “former initial tariff” means the initial tariff that would have been applicable to the installation or [<sup>F211</sup>biomethane] if the tariff start date had fallen on the day immediately preceding the commencement of that tariff period.

(6) The expenditure forecast statement and, if applicable, the tariff change notice must be published by 1st June 2013, 1st September 2013, 1st December 2013 and subsequently by 1st March, 1st June, 1st September and 1st December in each year.]

#### Textual Amendments

- F180** Regs. 37A-37E inserted (30.4.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2013 \(S.I. 2013/1033\)](#), regs. 1, **5**
- F204** Words in reg. 37E(2)(b) omitted (28.5.2014) by virtue of [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **34(a)**
- F205** Reg. 37E(2)(c) substituted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **34(b)**
- F206** Words in reg. 37E(2)(d) inserted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **34(c)**
- F207** Words in reg. 37E(3)(b) substituted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **34(d)**
- F208** Words in reg. 37E(3)(c) substituted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **34(e)**
- F209** Word in reg. 37E(4) substituted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **34(f)**
- F210** Words in reg. 37E(5)(a) substituted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **19(a)**
- F211** Word in reg. 37E(5)(b) substituted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **19(b)**

#### [<sup>F212</sup>Determination of increase in expenditure forecasts for 1<sup>st</sup> September 2014 expenditure forecast statement

**37F.**—(1) This regulation applies when the Secretary of State prepares to publish the expenditure forecast statement which, by virtue of regulation 37E(6), must be published by 1st September 2014.

(2) Where this regulation applies, the Secretary of State must determine the increase in expenditure forecast for each tariff category in accordance with paragraph (3).

(3) For the purposes of paragraph (2)—

- (a) the increase in expenditure forecast for a tariff category specified in the first column of table 1 is the difference between—
- (i) the forecast for expenditure as at 31st July 2014 for that tariff category; and
  - (ii) the forecast for expenditure as at 30th April 2014 for the corresponding former tariff category in the second column of table 1, or where more than one former tariff category is specified, the sum of the forecast for expenditure for those former tariff categories;
- (b) the increase in expenditure forecast for any other tariff category is 0.

(3) In this regulation “former tariff category” means the category of plant which is described in the second and third columns of Schedule 3 and identified by a tariff name in the first column of that Schedule.

**Status:** Point in time view as at 24/03/2016.

**Changes to legislation:** There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2011 (revoked). (See end of Document for details)

**Table 1**

<i>Tariff category</i>	<i>Former tariff category</i>
Small biomass plants	Small commercial biomass
Medium biomass plants	Medium commercial biomass
Large biomass plants	Large commercial biomass
Ground source heat pumps	Small commercial heat pumps and large commercial heat pumps
Plants which use solar collectors	All solar collectors
Producers of biomethane for injection	Biomethane and small biogas combustion]

#### Textual Amendments

**F212** Reg. 37F inserted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **35**

#### Periodic support payments for accredited RHI installations in simple systems

**38.**—(1) [<sup>F213</sup>Subject to paragraph (3), this regulation applies] to participants who own an accredited RHI installation (“the installation”) which—

- (a) is generating and supplying heat solely for one or more eligible purposes used in one building;
- (b) does not deliver heat by steam; and
- (c) is not a CHP system.

(2) Subject to regulations 40 and 41, participants shall be paid a periodic support payment for the installation in respect of each quarterly period calculated in accordance with one of the following formulae, as applicable—

- (a)  $A \times B$ ; or
- (b) where the installation is generating heat from the combustion of biogas,  $A \times (B - C)$ ,

where— A is the tariff for the installation [<sup>F214</sup>determined in accordance with regulations 37 to 37D]; B is the heat in kWhth generated by the installation during the relevant quarterly period; and

[<sup>F215</sup>C is—

- (a) the heat in kWhth delivered in the relevant quarterly period to the biogas production plant which produced the biogas which is combusted (other than heat contained in any feedstock used to produce that biogas); or
- (b) such proportion (as may be chosen by the participant and agreed by the Authority) of that heat, provided that the proportion is no less than—

$\frac{x}{y}$

where—

- (i) x is the heat produced by that biogas which is used for eligible purposes, and
- (ii) y is the energy content of all the biogas produced by that biogas production plant.]

[<sup>F216</sup>(3) This regulation does not apply to an accredited RHI installation in respect of which an application for accreditation is made on or after the second relevant date.]



### Textual Amendments

- F213** Words in reg. 38(1) substituted (24.9.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) \(No. 2\) Regulations 2013 \(S.I. 2013/2410\)](#), regs. 1, **20(a)**
- F214** Words in reg. 38(2) substituted (30.4.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2013 \(S.I. 2013/1033\)](#), regs. 1, **7(1)(a)**
- F215** Words in reg. 38(2) substituted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **20**
- F216** Reg. 38(3) inserted (24.9.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) \(No. 2\) Regulations 2013 \(S.I. 2013/2410\)](#), regs. 1, **20(b)**

### Periodic support payments accredited RHI installations for complex systems

**39.**—(1) [<sup>F217</sup>Subject to paragraph (3), this regulation applies] to participants who own an accredited RHI installation (“the installation”) which does not fall within regulation 38.

(2) Subject to regulations [<sup>F218</sup>39C,] 40 and 41, participants shall be paid a periodic support payment for the installation in respect of each quarterly period calculated in accordance with one of the following formulae, as applicable—

- (a)  $A \times B \times x$
- (b) where the accredited RHI installation is generating heat from the combustion of biogas,  
 $A \times (B - C) \times x$

where— A is the tariff for the installation [<sup>F219</sup>determined in accordance with regulations 37 to 37D]; B is the heat in kWhth used by the heating system of which the installation forms part during the relevant quarterly period for eligible purposes;

[<sup>F220</sup>C is—

- (a) the heat in kWhth delivered in the relevant quarterly period to the biogas production plant which produced the biogas which is combusted (other than heat contained in any feedstock used to produce that biogas); or
- (b) such proportion (as may be chosen by the participant and agreed by the Authority) of that heat, provided that the proportion is no less than—

$xy$

where—

- (i)  $x$  is the heat produced by that biogas which is used for eligible purposes, and
- (ii)  $y$  is the energy content of all the biogas produced by that biogas production plant.]

D is the heat in kWhth generated by the installation during the relevant quarterly period; and E is the heat in kWhth generated by all plants supplying heat to the same heating system of which the installation forms part in the relevant quarterly period.

[<sup>F221</sup>(3) This regulation does not apply to an accredited RHI installation in respect of which an application for accreditation is made on or after the second relevant date.]

### Textual Amendments

- F217** Words in reg. 39(1) substituted (24.9.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) \(No. 2\) Regulations 2013 \(S.I. 2013/2410\)](#), regs. 1, **21(a)**
- F218** Word in reg. 39(2) inserted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **36**

*Status: Point in time view as at 24/03/2016.*

*Changes to legislation: There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2011 (revoked). (See end of Document for details)*

- F219** Words in reg. 39(2) substituted (30.4.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2013 \(S.I. 2013/1033\)](#), regs. 1, **7(1)(b)**
- F220** Words in reg. 39(2) substituted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **20**
- F221** Reg. 39(3) inserted (24.9.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) \(No. 2\) Regulations 2013 \(S.I. 2013/2410\)](#), regs. 1, **21(b)**

### **[<sup>F222</sup>Periodic support payments for new accredited RHI installations**

**39A.**—(1) This regulation applies to participants who own an accredited RHI installation for which an application for accreditation was made on or after the second relevant date.

(2) Subject to regulations [<sup>F223</sup>23(2) and 39C,] 40 and 41, participants shall be paid a periodic support payment for the installation in respect of each quarterly period calculated in accordance with one of the following formulae, as applicable—

(a)  $A \times B$

; or

(b) where the accredited RHI installation is generating heat from the combustion of biogas,

$$A \times (B - C)$$

where—

- (i) A is the tariff for the installation determined in accordance with regulations 37 to 37D;
- (ii) B is the kWhth of heat generated by that plant which is used for eligible purposes, determined in accordance with regulations 17A and 42A; and
- (iii) [<sup>F224</sup>C is—
- (a) the heat in kWhth delivered in the relevant quarterly period to the biogas production plant which produced the biogas which is combusted (other than heat contained in any feedstock used to produce that biogas); or
- (b) such proportion (as may be chosen by the participant and agreed by the Authority) of that heat, provided that the proportion is no less than—

where—  $\frac{xy}{x+y}$

- (i) x is the heat produced by that biogas which is used for eligible purposes, and
- (ii) y is the energy content of all the biogas produced by that biogas production plant.]]

#### **Textual Amendments**

- F222** Reg. 39A inserted (24.9.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) \(No. 2\) Regulations 2013 \(S.I. 2013/2410\)](#), regs. 1, **22**
- F223** Words in reg. 39A(2) inserted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **37**
- F224** Words in reg. 39A(2)(b) substituted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **20**

**[<sup>F225</sup>Periodic support payments for CHP systems using biomass or biogas in combination with other sources of energy**

**39B.**—[<sup>F226</sup>(1) This regulation applies where the total installed peak heat output capacity of all the combustion units in respect of which the CHP system has been accredited is less than the total installed peak heat output capacity of all combustion units forming part of that CHP system.]

(2) Subject to regulation 23(2) and 39C, where this regulation applies, participants shall be paid periodic support payments for the installation in respect of each quarterly period calculated in accordance with the following formula—

$$(A \times B) + (C \times (D - E))$$

where—

- (a) A is the tariff in respect of any heat generated by the installation using solid biomass determined in accordance with regulations 37 to 37D;
- (b) [<sup>F227</sup>B is the kWhth of heat generated by the installation from solid biomass (including solid biomass contained in waste) in any combustion unit in respect of which the CHP system has been accredited, calculated in accordance with paragraph (3) and which is used for eligible purposes;]
- (c) C is the tariff in respect of any heat generated using biogas determined in accordance with regulations 37 to 37D;
- (d) [<sup>F228</sup>D is the kWhth of heat generated by the installation from biogas in any combustion unit in respect of which the CHP system has been accredited, calculated in accordance with paragraph (4) and which is used for eligible purposes.]
- (e) [<sup>F229</sup>E is—
  - (i) the heat in kWhth delivered in the relevant quarterly period to the biogas production plant which produced the biogas combusted in a combustion unit to which regulation 9(2)(b) or 9A applies (other than heat contained in any feedstock used to produce that biogas); or
  - (ii) such proportion (as may be chosen by the participant and agreed by the Authority) of that heat provided that the proportion is no less than—

where—  $xy$

- (aa) x is the heat produced by that biogas in a combustion unit to which regulation 9(2)(b) or 9A applies and which is used for eligible purposes, and
- (bb) y is the energy content of all the biogas produced by that biogas production plant.]

(3) B shall be calculated in accordance with the following equation—

$$B = H_{\text{CHP}} \times \text{FIB} \div (\text{FIB} + \text{FI}_{\text{other}})$$

where—

- (a)  $H_{\text{CHP}}$  is the total heat in kWhth generated by the installation in the relevant quarterly period which is used for eligible purposes;
- (b)  $\text{FI}_{\text{B}}$  is the energy content of the solid biomass (excluding the energy content of any fossil fuel contamination in such biomass) to which regulation 9(2)(b) or 9A applies or solid biomass contained in waste burned in a combustion unit to which regulation 9(2)(b) applies and used in the installation to generate heat and power during the relevant quarterly period;
- (c)  $\text{FI}_{\text{other}}$  is the energy content of all other fuel used in the installation in the relevant quarterly period, including the energy content of any fossil fuel contamination or fossil fuel used in the CHP system for permitted ancillary purposes in accordance with regulation 28 or 29.

*Status: Point in time view as at 24/03/2016.*

*Changes to legislation: There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2011 (revoked). (See end of Document for details)*

(4) D shall be calculated in accordance with the following equation—

$$D = H_{\text{CHP}} \times \text{FID} \div (\text{FID} + \text{FI}_{\text{other}})$$

where—

- (a)  $H_{\text{CHP}}$  is the total heat in kWhth generated by the installation during the relevant quarterly period which is used for eligible purposes;
- (b)  $\text{FI}_{\text{D}}$  is the energy content of the biogas used in the installation during the relevant quarterly period;
- (c)  $\text{FI}_{\text{other}}$  is the energy content of all other fuel used in the installation during the relevant quarterly period, including the energy content of any fossil fuel used in the CHP system for permitted ancillary purposes in accordance with regulation 28 or 29.]

#### Textual Amendments

**F225** Regs. 39B, 39C inserted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **38**

**F226** Reg. 39B(1) substituted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **21(a)**

**F227** Reg. 39B(2)(b) substituted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **21(b)(i)**

**F228** Reg. 39B(2)(d) substituted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **21(b)(ii)**

**F229** Reg. 39B(2)(e) substituted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **21(b)(iii)**

#### [<sup>F225</sup> CHP systems accredited in relation to the Renewables Obligation

**39C.**—(1) No periodic support payments may be made in relation any heat generated by any capacity of a CHP system to which paragraph (2) or (3) applies.

(2) This paragraph applies to capacity which generated heat and electricity before 1st April 2013 and which—

- (a) uses solid biomass or solid biomass contained in waste to generate heat and electricity, and
- (b) forms part of a generating station which—
  - (i) is accredited under the Renewables Obligation Order 2009 or the Renewables Obligation (Scotland) Order 2009, and
  - (ii) is or at any time since it was so accredited, has been a qualifying combined heat and power generating station within the meaning of article 2 of either of those Orders.

(3) This paragraph applies to capacity which first generates heat and electricity on or after 1st April 2013 and—

- (a) which—
  - (i) uses solid biomass to generate heat and electricity;
  - (ii) forms part of a generating station which is accredited under the Renewables Obligation Order 2009 [<sup>F230</sup> the Renewables Obligation Order 2015] or the Renewables Obligation (Scotland) Order 2009, and
  - (iii) is capacity in respect of which a declaration under article 28(7) of either [<sup>F231</sup> the Renewables Obligation Order 2009 or the Renewables Obligation (Scotland) Order

2009, or under article 35(7) of the Renewables Obligation Order 2015] has been made; or

(b) which—

- (i) uses solid biomass contained in waste to generate heat and electricity;
- (ii) forms part of a generating station which is accredited under the Renewables Obligation Order 2009<sup>[F232]</sup>, the Renewables Obligation Order 2015] or the Renewables Obligation (Scotland) Order 2009; and

<sup>[F233]</sup>(iii) forms part of a generating station which is or at any time since it was so accredited has been—

- (aa) a qualifying combined heat and power generating station within the meaning of article 2 of the Renewables Obligation Order 2009 or the Renewables Obligation (Scotland) Order 2009; or
- (bb) a qualifying CHP station within the meaning of article 2 of the Renewables Obligation Order 2015.]]

#### Textual Amendments

- F225** Regs. 39B, 39C inserted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **38**
- F230** Words in reg. 39C(3)(a)(ii) inserted (24.3.2016) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2016 \(S.I. 2016/257\)](#), regs. 1, **10(1)**
- F231** Words in reg. 39C(3)(a)(iii) substituted (24.3.2016) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2016 \(S.I. 2016/257\)](#), regs. 1, **10(2)**
- F232** Words in reg. 39C(3)(b)(ii) inserted (24.3.2016) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2016 \(S.I. 2016/257\)](#), regs. 1, **10(3)**
- F233** Reg. 39C(3)(b)(iii) substituted (24.3.2016) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2016 \(S.I. 2016/257\)](#), regs. 1, **10(4)**

#### Fossil fuel contamination of solid biomass and fossil fuel used for permitted ancillary purposes

**40.—(1)** This regulation applies to participants generating heat in an accredited RHI installation—

- (a) where the heat is generated from solid biomass contained in <sup>F234</sup>... waste (“Case A”); or
- (b) where the heat is generated from solid biomass, not being solid biomass contained in <sup>F234</sup>...waste, and the capacity of the installation is 1MWth or above (“Case B”).

(2) In Case A, the periodic support payment calculated in accordance with regulation 38<sup>[F235]</sup>, 39 or 39A] shall be reduced pro rata to reflect the proportion of the energy content of the <sup>F234</sup>...waste used in the relevant quarterly period which was composed of fossil fuel and, where fossil fuel has been used for permitted ancillary purposes in accordance with regulation 28, to reflect the proportion of fossil fuel so used which resulted in the generation of heat.

(3) In Case B, the periodic support payment calculated in accordance with regulation 38<sup>[F236]</sup>, 39 or 39A] shall be reduced pro rata to reflect the proportion of fossil fuel contamination in the relevant quarterly period determined in accordance with regulation 29 and, where fossil fuel has been used for

*Status: Point in time view as at 24/03/2016.*

*Changes to legislation: There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2011 (revoked). (See end of Document for details)*

permitted ancillary purposes during the relevant quarterly period in accordance with regulation 29, to reflect the proportion of fossil fuel so used which resulted in the generation of heat.

#### Textual Amendments

- F234** Word in reg. 40 omitted (28.5.2014) by virtue of [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **39(a)**
- F235** Words in reg. 40(2) substituted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **39(b)**
- F236** Words in reg. 40(3) substituted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **39(b)**

### Fossil fuel contamination adjustment to periodic support payments for producers and combusters of biogas produced from gasification and pyrolysis

**41.**—(1) This regulation applies to participants producing biogas from gasification or pyrolysis and generating heat from that biogas in an accredited RHI installation.

(2) Where, in accordance with regulation 31, a participant uses feedstock contaminated with fossil fuel, the periodic support payment calculated in accordance with regulation 38, [<sup>F237</sup>39 or 39A] shall be reduced pro rata to reflect the proportion of fossil fuel contamination in the feedstock used by the participant in the relevant quarterly period.

#### Textual Amendments

- F237** Words in reg. 41(2) substituted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **40**

### Periodic support payments to producers of biomethane

[<sup>F238</sup>42.—(1) Subject to regulation 23(2) and paragraph (3), participants producing biomethane for injection shall be paid a periodic support payment in respect of each quarterly period calculated in accordance with the following formula—

$A \times B$

where—

- (a) A is the amount of eligible biomethane in kWh which is injected in that quarterly period; and
- (b) B is the tariff applicable to the eligible biomethane determined in accordance with regulations 37 to 37D.

(2) In this regulation, “eligible biomethane” means the part (in kWh) of all biomethane injected in a quarterly period determined in accordance with the following formula—

$(C - (D + E + F)) \times G$

where—

- (a) C is the lower of—
- (i) the amount of all biomethane in kWh injected in that quarterly period; or
- (ii) the sum of the kWh equivalent of the maximum initial capacity specified under regulation 25 and any maximum additional capacity specified under regulation 43A;
- (b) D is the amount of propane in kWh contained in C;

- (c) E is—
- (i) [<sup>F239</sup>the heat in kWhth delivered in the relevant quarterly period to the biogas production plant which produced the biogas from which the biomethane is made, except any heat—
    - (aa) contained in feedstock used to produce that biogas; or
    - (bb) derived from the combustion of that biogas;]
  - (ii) such proportion (as may be chosen by the participant and agreed by the Authority) of that heat provided that the proportion is no less than—

xy

where—

- (aa) x is the energy content of the biogas contained in the biomethane produced by that biogas, and
  - (bb) y is the energy content of all the biogas produced by that biogas production plant;
- (d) F is the kWhth of heat supplied to the biomethane production process in that quarterly period from any heat source other than heat generated from the combustion of biogas by the plant which supplies that process; and
- (e) G applies only in relation to biomethane made using biogas produced from gasification or pyrolysis, and is the proportion of biomass contained in the feedstock used in that quarterly period to produce that biogas.

(3) Where a participant is registered in respect of additional biomethane which forms part of the eligible biomethane injected in the quarterly period referred to in paragraph (1) and the tariff for the additional biomethane differs from the tariff for any other biomethane in respect of which the participant is registered, the periodic support payment for the participant for that quarterly period is the sum of—

- (a) the amount of eligible biomethane in kWh which is original biomethane multiplied by the tariff applicable to that biomethane calculated in accordance with regulations 37 to 37D; and
- (b) the amount of any eligible biomethane in kWh which is additional biomethane multiplied by the tariff applicable to that biomethane calculated in accordance with regulations 37 to 37D.]

#### Textual Amendments

**F238** Reg. 42 substituted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **22**

**F239** Words in reg. 42(2) substituted (4.3.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) \(No. 2\) Regulations 2015 \(S.I. 2015/477\)](#), regs. 1, **2(2)**

#### [<sup>F240</sup>Calculation of heat loss in certain circumstances

**42A.**—(1) This regulation applies to participants who own an accredited RHI installation for which an application for accreditation was made on or after the second relevant date.

(2) Where the Authority is satisfied that relevant piping complies with the requirements in paragraph (3)(a), (b) or (c), the heat lost through that piping may be disregarded when determining the kWhth of heat generated by the plant which is used for eligible purposes.

(3) The requirements in this paragraph are that—

*Status: Point in time view as at 24/03/2016.*

*Changes to legislation: There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2011 (revoked). (See end of Document for details)*

- (a) each length of piping which is 10 metres or less and situated outside a building is properly insulated;
  - (b) each length of piping which is greater than 10 metres and situated outside a building is—
    - (i) properly insulated, and
    - (ii) the average annual heat lost from all such piping based on a heat loss calculation is less than 3% of the projected annual heat output of the plant; or
  - (c) the piping is situated inside a building.
- (4) Where relevant piping which is properly insulated is—
- (a) situated outside a building;
  - (b) each length of such piping is greater than 10 metres; and
  - (c) the average annual heat lost from all such piping is more than 3% of the projected annual heat output of the plant,

a heat loss calculation may be used to establish the heat lost from such piping when determining the kWhth of heat generated by the plant which is used for eligible purposes.

(5) A heat loss calculation may be used to establish heat lost when determining the heat generated by the plant which is used for eligible purposes where in the opinion of the Authority—

- (a) physical constraints, reasons of safety or environmental conditions mean that it is not reasonably practicable to install a class 2 heat meter or steam measuring equipment;
  - (b) a class 2 heat meter or steam measuring equipment would provide less accurate results than a heat loss calculation;
  - (c) the cost of installing a class 2 heat meter or steam measuring equipment would be disproportionate when compared with the total installation cost of the plant; or
  - (d) the administrative cost to the Authority of processing information from a class 2 heat meter or steam measuring equipment would be disproportionate when compared with the amount of heat which may be measured.
- (6) Where in addition to heat supplied by the plant—
- (a) heat generated solely by gas or electricity is supplied to the same heating system of which the plant forms part; and
  - (b) one or more meters are installed which measure the total amount of gas or electricity used to generate that heat,

the quantity of that gas or electricity expressed in kWh may be converted into kWhth provided such a calculation is based on an assumption that 100% of the fuel is converted into heat.

(7) In this regulation, “relevant piping” means piping which conveys heat for, or returns heat following its use for, a purpose for which heat is supplied by the heating system of which the plant forms part.]

#### **Textual Amendments**

**F240** Reg. 42A inserted (24.9.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) \(No. 2\) Regulations 2013 \(S.I. 2013/2410\)](#), regs. 1, 23



## PART 6

### Additional RHI capacity

#### [F241] Additional RHI capacity

**43.**—(1) Paragraphs (4) to (7) apply where the Authority accredits additional RHI capacity which is first commissioned less than 12 months after the date on which the original installation was first commissioned.

(2) Paragraph (8) applies where the Authority accredits additional RHI capacity which is first commissioned 12 months or more after the date on which the original installation was first commissioned.

(3) In this regulation “additional RHI capacity” means a plant which is—

- (a) first commissioned after the date on which an accredited RHI installation (“the original installation”) was first commissioned;
- (b) uses the same source of energy and technology as the original installation; and
- (c) supplies heat to the same heating system as that of which the original installation forms part.

(4) Subject to paragraphs (5) and (6), from the date of accreditation of additional RHI capacity to which this paragraph applies, the tariff for both the original installation and the additional RHI capacity is the applicable tariff for the source of energy and technology based on the sum of the installation capacity of the original installation and the additional RHI capacity, and—

- (a) in respect of heat generated by the original installation, calculated in accordance with regulations 37 to 37D as at the tariff start date of that original installation; and
- (b) in respect of heat generated by the additional RHI capacity, calculated in accordance with regulations 37 to 37D as at the tariff start date of that additional capacity.

(5) Where the original installation generates heat using solid biomass and—

- (a) the tariff start date of the original installation is before 21st January 2013;
- (b) the additional RHI capacity is accredited on or after 21st January 2013,
- (c) the installation capacity of the original installation is below 1MWth; and
- (d) the sum of the installation capacity of the original installation and the additional RHI capacity is 1MWth or above,

from the third relevant date, the tariff for both the original installation and that additional RHI capacity shall be the tariff applicable to large biomass plants in Schedule 3A, calculated in accordance with regulations 37 to 37D.

(6) Where the accreditation is in respect of an installation which generates heat from biogas combustion and—

- (a) the tariff start date of the original installation is before 4th December 2013;
- (b) the additional RHI capacity is first commissioned on or after 4th December 2013; and
- (c) the sum of the installation capacity of the original installation and the additional RHI capacity is 200kWth or above,

from the third relevant date, the tariff for both the original installation and that additional RHI capacity shall be the applicable tariff in Schedule 3B based on the sum of the installation capacity of the original installation and the additional RHI capacity, calculated in accordance with regulation 37 to 37D.

*Status: Point in time view as at 24/03/2016.*

*Changes to legislation: There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2011 (revoked). (See end of Document for details)*

(7) Where the date of accreditation of the original installation is before the relevant date, periodic support payments in respect of both the original installation and the additional RHI capacity shall terminate with the tariff end date of the original installation.

(8) Where this paragraph applies—

- (a) the tariff for the original installation shall continue to be the applicable tariff for the source of energy or technology and installation capacity of that original installation;
- (b) that tariff shall be calculated in accordance with regulation 37 to 37D as at the tariff start date of that original installation;
- (c) the tariff for the additional RHI capacity shall be the applicable tariff for the source of energy or technology based on the sum of the installation capacity of the original installation and the additional RHI capacity; and
- (d) that tariff shall be calculated in accordance with regulation 37 to 37D as at the tariff start date of that additional RHI capacity.

(9) All additional RHI capacity must be metered so as to enable the heat generated by such additional capacity and used for eligible purposes to be distinguished from the heat so generated by the original installation.

(10) Where an application for accreditation of additional RHI capacity is made on or after the second relevant date, the eligibility requirements in regulations 5(1)(d) and 17A will apply to that additional RHI capacity.]

#### Textual Amendments

**F241** Reg. 43 substituted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **42**

#### [<sup>F242</sup> Additional capacity for biomethane production

**43A.**—(1) A participant who is—

- (a) a producer of biomethane;
- (b) whose original application for registration was made on or after the third relevant date; and
- (c) who is producing additional biomethane for injection,

may apply to the Authority to be registered in respect of that additional biomethane.

(2) Regulation 23 and paragraphs (2) to (3) and (4) to (8) of regulation 25 apply to an application for registration in respect of additional biomethane as they do to an application for registration under that regulation.

(3) Where a participant is registered in respect of additional biomethane, the Authority must specify the maximum additional capacity in relation to which the participant is being registered.

(4) Periodic support payments for additional biomethane may not be made beyond the tariff end date notified in accordance with regulation 25(4)(d) when the participant was originally registered as a producer of biomethane.

(5) For the purposes of this regulation,

- (a) “additional biomethane” means any biomethane—
  - (i) which exceeds the sum of the maximum initial capacity, together with any maximum additional capacity previously specified under this regulation; and
  - (ii) is being supplied by the participant for injection at the same injection point as the biomethane in respect of which that participant was first registered.

- (b) “maximum additional capacity” means the volume of biomethane expressed in cubic metres per quarterly period which—
- (i) is additional biomethane; and
  - (ii) is the maximum volume which a participant is entitled to supply for injection under the Network Entry Agreement applicable to that additional biomethane.]

#### Textual Amendments

**F242** Reg. 43A inserted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **43**

## PART 7

### Enforcement

#### Power to temporarily withhold periodic support payments to investigate alleged non-compliance

44.—<sup>F243</sup>(1) Where the Authority 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 RHI installation has been given accreditation or a producer of biomethane has been registered as a result of the provision of information which is incorrect in a material particular,

and the Authority requires time to investigate, it may withhold all or part of that participant’s periodic support payments pending the outcome of that investigation.]

(2) Within 21 days of a decision to withhold periodic support payments, the Authority must send a notice to the participant specifying—

- <sup>F244</sup>(a) the respect in which the Authority suspects the participant has failed or is failing to comply with an ongoing obligation, or a description of the information which the Authority suspects to be incorrect and upon which the accreditation or registration was based;]
- (b) the reason why periodic support payments are being withheld;
- (c) the date from which periodic support payments will be withheld;
- (d) the next steps in the investigation; and
- (e) details of the participant's right of review including any relevant time-limits.

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

(4) The Authority may withhold a participant's periodic support payments for a maximum period of 6 months commencing with the date specified in accordance with the notice required by paragraph (2)(c).

(5) The Authority must review its decision to withhold a participant's periodic support payments every 30 days commencing 30 days after the date of the notice required by paragraph (2).

(6) Following a review pursuant to paragraph (5), the Authority must send a notice to the participant providing an update on—

- (a) the progress of any investigation to date; and
- (b) whether the Authority intends to continue to withhold periodic support payments.

*Status: Point in time view as at 24/03/2016.*

*Changes to legislation: There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2011 (revoked). (See end of Document for details)*

(7) For the purposes of calculating the time-limit specified in paragraph (4), no account is to be taken of any period attributable to the participant's delay in providing any information reasonably requested by the Authority.

(8) For the purposes of paragraph (7), a participant is not to be deemed to have delayed in providing information if that participant responds within 2 weeks of a request from the Authority.

[<sup>F245</sup>(9) Subject to paragraph (11), immediately upon conclusion of its investigation under this regulation, the Authority must send the participant a notice specifying—

- (a) the outcome of the investigation;
- (b) the action the Authority proposes to take under this Part; and
- (c) the participant's right of review.]

[<sup>F245</sup>(10) Subject to paragraph (11), where the Authority concludes that there has been no breach of an ongoing obligation or no provision of incorrect information, it must resume payment of periodic support payments and pay to the participant any periodic support payments withheld during the course of its investigation.]

[<sup>F245</sup>(11) Within 6 months of the date specified further to paragraph (2)(c), the Authority must either resume payment of periodic support payments or must send the participant a notice under regulation 45, 46, 47 or 48.]

#### Textual Amendments

**F243** Reg. 44(1) substituted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **23(a)**

**F244** Reg. 44(2)(a) substituted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **23(b)**

**F245** Reg. 44(9)-(11) substituted for reg. 44(9)(10) (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **23(c)**

#### [<sup>F246</sup>**Power to withhold periodic support payments: further provisions**

**45.—**(1) Where the Authority is satisfied—

- (a) that a participant is failing to comply with an ongoing obligation; or
- (b) that an accredited RHI installation has been given accreditation or a producer of biomethane has been registered 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 periodic support payments.

(2) Within 21 days of a decision to withhold periodic support payments the Authority must send a notice to the participant specifying—

- (a) where there is a failure to comply with an ongoing obligation, the respect in which the Authority is satisfied that the participant is failing to comply;
- (b) where the accredited RHI installation was given accreditation, or the participant registered as a producer of biomethane, as a result of the provision of incorrect information, details of the respect in which the information is incorrect;
- (c) the amount of periodic support payments that the Authority intends to withhold in respect of each quarterly period;
- (d) the date from which periodic support payments will be withheld;

- (e) where applicable, the steps that the participant must take to satisfy the Authority that it is complying with the ongoing obligation;
- (f) where applicable, the steps that the participant must take to satisfy the Authority that, notwithstanding the provision of incorrect information, the accredited RHI installation should continue to be accredited, or the participant should continue to be registered;
- (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 referred to in sub-paragraph (e) or (f) by the date specified; and
- (i) details of the participant's right of review.

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

(4) Where the Authority 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 the periodic support payments.

(5) If, within 6 months of receipt by the participant of a notice sent under paragraph (2), the Authority is satisfied that the participant has taken the steps specified in that notice, the Authority may pay, within 28 days of being so satisfied, all periodic support payments withheld under this regulation.]

#### Textual Amendments

**F246** Reg. 45 substituted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, 24

### Power to permanently withhold or reduce a participant's periodic support payments

**46.**—(1) Where the Authority is satisfied that there has been a material or repeated failure by a participant to comply with an ongoing obligation during any quarterly period and the periodic support payment for that quarterly period has not been paid, the Authority may take one or more of the following actions—

- (a) permanently withhold a proportion of the participant's periodic support payment which corresponds to the proportion of that quarterly period during which the participant failed so to comply;
- (b) reduce a participant's periodic support payment for that quarterly period or for the quarterly period immediately following.

(2) Within 21 days of a decision to permanently withhold or to reduce a periodic support payment, the Authority must send a notice to the participant specifying, as applicable—

- (a) the respect in which the participant has failed so to comply;
- (b) the reason why a periodic support payment is being withheld or reduced;
- (c) the period in respect of which any periodic support payment is to be withheld or reduced;
- (d) the level of any reduction; and
- (e) details of the participant's right of review including any relevant time-limits.

(3) Where reducing a periodic support payment in accordance with paragraph (1)(b), the Authority may determine the level of the reduction (taking into consideration all factors which it considers relevant) up to a maximum reduction of 10 per cent of the periodic support payment in question.

**Revocation of accreditation or registration**

[<sup>F247</sup>47.—(1) Where the Authority is satisfied—

- (a) that there has been a material or repeated failure by a participant to comply with an ongoing obligation (except where sub-paragraph (c) applies);
- (b) an accredited RHI installation has been accredited or a producer of biomethane has been registered as a result of the provision of information which is incorrect in a material particular; or
- (c) there has been a failure to comply with a notice under regulation 45(2);

it may take any of the actions in paragraph (2).

(2) The actions in this paragraph are that the Authority may—

- (a) revoke accreditation for the accredited RHI installation in respect of which paragraph (1) applies;
- (b) revoke accreditation for any other accredited RHI installation owned by that participant; or
- (c) in relation to a participant who is a producer of biomethane, revoke that participant's registration.

(3) Before revoking an accreditation or registration under this regulation, the Authority must send a notice to the participant specifying—

- (a) the reason for the intended revocation including details of the respect in which the participant has failed to comply or the information is incorrect;
- (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 RHI installation, or a participant's registration as a producer of biomethane, has been revoked, the Authority may refuse to accredit any eligible installations owned by the same person or refuse to register that person as a producer of biomethane for injection at any future date.]

**Textual Amendments**

**F247** Reg. 47 substituted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, 25

**Overpayment notices and offsetting**

[<sup>F248</sup>48.—(1) Where the Authority is satisfied that a participant or former participant has received periodic support payments which—

- (a) exceed that participant's entitlement;
- (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 as a result of the provision of information which was incorrect in a material particular,

it may take one of the actions set out in paragraph (2).

(2) The actions in this paragraph are that the Authority may—

- (a) require a participant or former participant who has received periodic support payments to which paragraph (1) applies, to repay a specified sum in relation to some or all of those payments; or

- (b) offset a specified sum in relation to some or all of those payments against future periodic support payments.
- (3) Before taking either of the actions set out in paragraph (2), the Authority must send the participant or former participant a notice specifying—
  - (a) the sum it is seeking to recover;
  - (b) the basis on which that sum is calculated;
  - (c) whether the specified sum must be repaid or will be offset;
  - (d) where applicable, the date by which the sum must be repaid;
  - (e) where applicable, the amount which will be offset in each quarterly period and the time it will take for the sum to be recovered;
  - (f) details of the participant’s or 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 Authority may recover any outstanding sum as a civil debt.]

**Textual Amendments**

**F248** Reg. 48 substituted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, 26

## PART 8

### Revocation of sanctions

#### Revocation of Part 7 sanctions

- 49.**—(1) The Authority may at any time revoke a sanction imposed in accordance with Part 7 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) Within 21 days of a decision to revoke a sanction, the Authority must send a notice to the participant specifying—
- (a) the sanction which has been revoked;
  - (b) the reason for the revocation;
  - (c) what action if any the Authority proposes to take in relation to any loss incurred by the participant as a result of the imposition of the sanction including the time within which any action will be taken; and
  - (d) details of someone within the Authority whom the participant may contact if they are not satisfied with the proposals made by the Authority under sub-paragraph (c).

## PART 9

### Inspection

#### Power to inspect accredited RHI installations [<sup>F249</sup>and equipment used to produce biomethane]

**50.**—(1) The Authority or its authorised agent may request entry at any reasonable hour to inspect an accredited RHI installation [<sup>F250</sup>and equipment used to produce biomethane] and its associated infrastructure to undertake any 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;
- (e) ensure that there is no other contravention of these Regulations.

(2) Within 21 days of a request made under paragraph (1) being (in its opinion) unreasonably refused the Authority must send a notice to the participant specifying—

- (a) the reason why the Authority considers the refusal to be unreasonable;
- (b) the consequences of the refusal, including potential sanctions for failing to comply with the ongoing obligation imposed by regulation 34(i); and
- (c) details of the participant's right of review including any relevant time-limits.

#### Textual Amendments

**F249** Words in reg. 50 heading inserted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **44(a)**

**F250** Words in reg. 50(1) inserted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **44(b)**

## PART 10

### Reviews

#### Right of review

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

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

- (a) be received by the Authority 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;
- (c) specify the grounds upon which the application is made; and
- (d) be signed by or on behalf of the person making the application.



(3) A person who has made an application in accordance with paragraph (2) must provide the Authority with such information and such declarations as the Authority may reasonably request in order to discharge its functions under this regulation, provided any information requested is in that person's possession.

(4) On review the Authority may—

- (a) revoke or vary its decision;
- (b) confirm its decision;
- (c) vary any sanction or condition it has imposed; or
- (d) replace any sanction or condition it has imposed with one or more alternative sanctions or conditions.

(5) Within 21 days of the Authority's decision on a review, it must send the applicant and any other person who is in the Authority's opinion affected by its decision a notice setting out its decision with reasons.

## [<sup>F251</sup>PART 10A

### Restriction of entry to the scheme

#### Textual Amendments

**F251** Pt. 10A inserted (31.7.2012) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2012 \(S.I. 2012/1999\)](#), regs. 1, **9**

#### Circumstances in which entry to the scheme is restricted

<sup>F252</sup>**51A.** . . . . .

#### Textual Amendments

**F252** Regs. 51A, 51B omitted (30.4.2013) by virtue of [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2013 \(S.I. 2013/1033\)](#), regs. 1, **8(5)**

#### Interpretation

<sup>F252</sup>**51B.** . . . . . ]

#### Textual Amendments

**F252** Regs. 51A, 51B omitted (30.4.2013) by virtue of [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2013 \(S.I. 2013/1033\)](#), regs. 1, **8(5)**

## PART 11

### Administrative Functions of the Authority and notices

#### Publication of guidance and tariffs

**52.** The Authority must publish procedural guidance to participants and prospective participants in connection with the administration of the scheme.

#### [<sup>F253</sup>Provision of information to the Authority etc

**52A.**—(1) Where under these Regulations the Authority requests information or a declaration from an applicant or a participant, or an applicant or participant is required to provide information or a declaration to the Authority—

- (a) that information or declaration must be provided within such time and in such manner and form as the Authority 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.

(2) When exercising any functions under these Regulations the Authority may treat any declaration given by an applicant in support of an application under these Regulations or by a participant as conclusive evidence of the matters to which that declaration relates, unless the Authority has reason to believe that any such declaration is not accurate.]

#### Textual Amendments

**F253** Reg. 52A inserted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, 27

#### Reporting obligations

**53.**—(1) The Authority must provide to the Secretary of State monthly reports in such manner and form as the Secretary of State may request containing the following information, as applicable—

- (a) in respect of each accredited RHI installation accredited during the period covered by the report—
  - (i) such of the information specified in Schedule 1 as the Authority may hold and the Secretary of State may require regarding the accredited RHI installation,
  - (ii) details of the plant it has replaced, if any,
  - (iii) the total amount of periodic support payments made in respect of the accredited RHI installation during the period covered by the report,
  - (iv) the total amount of heat in kWhth for which periodic support payments were made and the eligible purposes and the industry sector for which it was used,
  - (v) sustainability information provided in accordance with Schedule 2;
- (b) in respect of each participant registered as a producer of biomethane during the period covered by the report—
  - (i) the total amount of periodic support payments made to each participant,
  - (ii) the volume of biomethane produced for injection by each participant, and
  - (iii) sustainability information provided in accordance with Schedule 2;

- (c) such other information as the Authority may hold in relation to its functions under these Regulations as the Secretary of State may require.
- (2) The first monthly report must cover the period from the commencement of these Regulations and ending with 31st December 2011 and each subsequent monthly report must cover each subsequent month and must be sent to the Secretary of State within [<sup>F2547</sup> working days] of the end of that month.
- (3) The Authority must provide to the Secretary of State quarterly and annual reports in such manner and form as the Secretary of State may request containing the information specified in paragraph (1) in aggregate form both for the period covered by the report and since the date of commencement of the scheme.
- (4) The first annual report must be published by 31st July 2013 and must cover the period from the commencement of these Regulations and ending with 31st March 2013, and in each subsequent year the annual report must be published by 31st July in respect of the 12 month period ending with 31st March of that year.
- (5) The first quarterly report must be published by 30th April 2012 and must cover the period from the commencement of these Regulations and ending with 31st March 2012, and each subsequent quarterly report must cover each quarterly period and must be published within one month of the end of the relevant quarterly period.
- (6) The Authority must publish the following information on its website—
- (a) the quarterly and annual reports provided in accordance with this regulation;
  - (b) current information in aggregate form as to—
    - (i) the number of accredited RHI installations,
    - (ii) their technology and installation capacity,
    - (iii) the amount of heat they have generated,
    - (iv) the total amount of periodic support payments made under each tariff; and
  - (c) current information in aggregate form as to—
    - (i) the number of participants who are producers of biomethane,
    - (ii) the volume of biomethane produced for injection by those participants, and
    - (iii) the total amount of periodic support payments made in respect of that biomethane.
- (7) For the purposes of this regulation “quarterly period” means the first, second, third or fourth quarter of any year commencing on 1st January.
- (8) For the purposes of this regulation “current information” means information which is no more than five days out of date.

#### Textual Amendments

**F254** Words in reg. 53(2) substituted (30.4.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2013 \(S.I. 2013/1033\)](#), regs. 1, 7(2)

#### Additional information

**54.** On request from the Secretary of State, the Authority must provide to the Secretary of State in such manner and form and by such date as the Secretary of State may request such additional information as the Authority may hold in relation to the performance of its functions under these Regulations.

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**Status:** Point in time view as at 24/03/2016.

**Changes to legislation:** There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2011 (revoked). (See end of Document for details)

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## Notices

- 55.** A notice under these Regulations—
- (a) must be in writing; and
  - (b) may be transmitted by electronic means.

Department of Energy and Climate Change

*Gregory Barker*  
Minister of State

## SCHEDULES

### [<sup>F255</sup>SCHEDULE A1

Regulation 5A(3)

#### Content of RHI emission certificates

##### Textual Amendments

**F255** Sch. A1 inserted (24.9.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) \(No. 2\) Regulations 2013 \(S.I. 2013/2410\)](#), regs. 1, **27**

1. The name and address of the testing laboratory by which tests have been carried out.
2. The name and signature of the person authorised by the testing laboratory to issue the certificate.
3. The date of issue of the certificate together with a certificate reference number.
4. Where the testing laboratory is accredited to [<sup>F256</sup>BS EN ISO/IEC 17025:2005]—
  - (a) the date of that accreditation; and
  - (b) the accreditation number.

##### Textual Amendments

**F256** Words in Sch. A1 para. 4 substituted (13.12.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) \(No. 3\) Regulations 2013 \(S.I. 2013/3179\)](#), regs. 1, **5(a)**

5. The name, model, manufacturer and installation capacity of the plant tested.
6. The date of the testing.
- [<sup>F257</sup>7. Confirmation that emissions of NO<sub>x</sub> and PM have been tested on the same occasion in accordance with the requirements specified in paragraph 8 or 9.]

##### Textual Amendments

**F257** Sch. A1 paras. 7-9 substituted (13.12.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) \(No. 3\) Regulations 2013 \(S.I. 2013/3179\)](#), regs. 1, **5(b)**

- [<sup>F257</sup>8. The requirements of this paragraph are that testing is carried out in accordance with the provisions relevant to emissions of PM and NO<sub>x</sub> in either BS EN 303-5:1999 or BS EN 303-5:2012, whichever standard is current at the time of testing.]

##### Textual Amendments

**F257** Sch. A1 paras. 7-9 substituted (13.12.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) \(No. 3\) Regulations 2013 \(S.I. 2013/3179\)](#), regs. 1, **5(b)**

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- [<sup>F257</sup>9. The requirements of this paragraph are that—
- (a) testing is carried out in accordance with—
    - (i) BS EN 14792:2005 in respect of NO<sub>x</sub> emissions, and
    - (ii) BS EN 13284-1:2002 or BSISO 9096:2003 in respect of PM emissions;
  - (b) the emissions of PM represent the average of at least three measurements of emissions of PM, each of at least 30 minutes duration; and
  - (c) the value for NO<sub>x</sub> emissions is derived from the average of measurements made throughout the PM emission tests.]

#### Textual Amendments

**F257** Sch. A1 paras. 7-9 substituted (13.12.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) \(No. 3\) Regulations 2013 \(S.I. 2013/3179\)](#), regs. 1, **5(b)**

- 10.** Confirmation that the test was carried out at no less than 85% of the installation capacity of the plant.
- 11.** Confirmation that when tested as specified in paragraphs 7 to 10—
  - (a) emissions of PM from the plant did not exceed 30 grams of PM per gigajoule net heat input; and
  - (b) emissions of NO<sub>x</sub> did not exceed 150 grams of NO<sub>x</sub> per gigajoule net heat input.
- 12.** The actual emissions of PM and NO<sub>x</sub> measured when the plant was tested as specified in paragraphs 7 to 10.
- 13.** A list of—
  - (a) the types of fuel used during the testing; and
  - (b) the types of fuel which can be used so as to ensure that the emission limits referred to in paragraph 11 are not exceeded.
- 14.** The moisture content of the fuel used during testing and the maximum moisture content which can be used so as to ensure that the emission limits referred to in paragraph 11 are not exceeded.
- 15.** A statement indicating whether or not the plant tested was a manually stoked natural draught plant.
- 16.** A list of plants, other than the plant tested, in the type-testing range of plants to which the certificate applies, if any.]

## SCHEDULE 1

Regulations 22, 24, 25, 26 and 36

### Information required for accreditation and registration

- 1.—(1)** This Schedule specifies the information that may be required of a prospective participant in the scheme.
- (2)** The information is, as applicable to the prospective participant—
  - (a) name, home address, e-mail address and telephone number;
  - (b) any company registration number and registered office;
  - (c) any trading or other name by which the prospective participant is commonly known;

- (d) details of a bank account in the prospective participant's name which accepts pound sterling deposits in the United Kingdom;
- (e) information to enable the Authority to satisfy itself as to the identity of the individual completing the application;
- (f) where an individual is making an application on behalf of a company, evidence which satisfies the Authority, that the individual has authority from the company to make the application on its behalf;
- (g) details of the eligible installation owned by the prospective participant including its cost;
- (h) evidence, which satisfies the Authority, as to the ownership of the eligible installation;
- (i) evidence that the eligible installation was new at the time of installation;
- (j) where an eligible installation has replaced a plant, details of the plant replaced;
- (k) evidence which demonstrates to the Authority's satisfaction the installation capacity of the eligible installation;
- [<sup>F258</sup>(ka) in the case of a plant which is a CHP system, evidence which demonstrates to the Authority's satisfaction any capacity to which paragraphs (2) and (3) of regulation 39C apply;]
- (l) details of the fuel which the prospective participant is proposing to use;
- (m) in relation to prospective participants generating heat from biomass, notification as to whether the prospective participant is proposing to use solid biomass contained in<sup>F259</sup>...waste and, if so, whether or not the prospective participant is regulated under the Environmental Permitting (England and Wales) Regulations 2010<sup>M10</sup> or [<sup>F260</sup>the Pollution Prevention and Control (Scotland) Regulations 2012];
- [<sup>F261</sup>(n) where the plant is a ground source heat pump or air source heat pump, evidence which demonstrates to the Authority's satisfaction—
  - (i) that the heat pump meets a coefficient of performance of at least 2.9;
  - (ii) in relation to an application for accreditation after the third relevant date, evidence that the heat pump has been designed [<sup>F262</sup>and installed] to operate with a minimum seasonal performance factor of at least 2.5;]]
- [<sup>F261</sup>(na) in the case of a ground source heat pump in respect of which accreditation is granted on or after the third relevant date a declaration from the installer that the size of the heat pump has been determined appropriately for the planned heat use;]
- [<sup>F261</sup>(nb) in the case of a ground source heat pump in respect of which accreditation is granted on or after the third relevant date and which is capable of heating and cooling, a declaration from the installer—
  - (i) as to the design heat load;
  - (ii) that the design heat load has been calculated according to BS EN 12831:2003; and
  - (iii) as to the outdoor temperatures used in the calculation of the design heat load;]]
- (o) in respect of a producer of biogas or biomethane, details of the feedstock which the producer is proposing to use;
- (p) details of what the heat generated will be used for and an estimate of how much heat will be used[<sup>F263</sup>, together with an estimate of the number of hours of operation per week in which heat will be generated for an eligible purpose];
- (q) details of the building in which the heat will be used;
- (r) the industry sector for which the heat will be used;
- (s) details of the size and annual turnover of the prospective participant's organisation;

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- (t) details of other plants generating heat which form part of the same heating system as the eligible installation to which the application relates;
  - (u) where regulation 13 applies, evidence from the installer that the requirements specified in that regulation are met;
  - (v) such information as the Authority may specify to enable it to satisfy itself that the requirements of Chapter 3 of Part 2 have been met including—
    - (i) evidence that a class 2 heat meter, other heat meter or steam measuring equipment has been installed;
    - (ii) evidence that the class 2 heat meter, other heat meter or steam measuring equipment was calibrated prior to use;
    - (iii) in relation to all heat meters, details of the meter's manufacturer, model, meter serial number;
    - (iv) a schematic diagram showing details of the heating system of which the eligible installation forms part, including all plants generating and supplying heat to that heating system, all purposes for which heat supplied by that heating system is used, the location of meters and associated components and such other details as may be specified by the Authority;
    - (v) where—
      - (aa) an eligible installation has an installation capacity of 1MWth or above, or
      - (bb) regulation 17 [<sup>F264</sup>or 17A] applies,
 if so requested by the Authority, an independent report by a competent person verifying that such of those requirements as the Authority may specify have been met;
  - (w) such other information as the Authority may require to enable it to consider the prospective participant's application for accreditation or registration.
  - [<sup>F265</sup>(x) in relation to plant generating heat from solid biomass, either—
    - (i) evidence which demonstrates to the satisfaction of the Authority that an RHI emission certificate has been issued in relation to that plant; or
    - (ii) evidence which demonstrates to the satisfaction of the Authority that an environmental permit subsists in relation to that plant.]
- (3) Information specified in this Schedule must be provided in such manner and form as the Authority may reasonably request.
- (4) The costs of providing the information specified in this Schedule are to be borne by the applicant.
- [<sup>F266</sup>(5) For the purposes of sub-paragraph [<sup>F267</sup>(2)](n)(ii)—
- [<sup>F268</sup>(a) where the heat pump has an installation capacity of 45kWth or below, a declaration from the installer may be accepted as evidence that the heat pump was designed and installed to operate with a minimum seasonal performance factor of 2.5 where the declaration states that the seasonal performance factor was calculated in line with the methodology used in—
    - (i) version 1.0 of the MCS 021 heat emitter guide for domestic heat pumps published on 16th December 2013;
    - (ii) version 2.0 of the document entitled “Heat Emitter Guide for Domestic Heat Pumps” published on 21st November 2014; or
    - (ii) version 1.0 of the document entitled “MCS 026 Seasonal Coefficient of Performance Calculator” published on 1st May 2015,



whichever is required by the relevant installation standard for the purposes of regulation 13;]

- (b) where the heat pump has an installation capacity of more than 45kWth, a declaration by the installer that the heat pump has been designed [<sup>F269</sup> and installed] to operate with a seasonal performance factor of at least 2.5 may be accepted as evidence of that fact, provided that the installation design and supporting calculations are retained by the participant and can be provided the Authority on request;]

### Textual Amendments

- F258** Sch. 1 para. 1(2)(ka) inserted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **45(b)**
- F259** Word in Sch. 1 para. 1(2)(m) omitted (28.5.2014) by virtue of [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **45(a)**
- F260** Words in Sch. 1 para. 1(2)(m) substituted (S.) (7.1.2013) by [The Pollution Prevention and Control \(Scotland\) Regulations 2012 \(S.S.I. 2012/360\)](#), reg. 1(2), **Sch. 11 para. 26(2)** (with reg. 71)
- F261** Sch. 1 para. 1(2)(n)-(nb) substituted for Sch. 1 para. 1(2)(n) (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **45(c)**
- F262** Words in Sch. 1 para. 1(2)(n)(ii) inserted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **28**
- F263** Words in Sch. 1 para. 1(2)(p) inserted (31.7.2012) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2012 \(S.I. 2012/1999\)](#), regs. 1, **10**
- F264** Words in Sch. 1 para. 1(2)(v)(v)(bb) inserted (24.9.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) \(No. 2\) Regulations 2013 \(S.I. 2013/2410\)](#), regs. 1, **28(a)**
- F265** Sch. 1 para. 1(2)(x) inserted (24.9.2013) by [The Renewable Heat Incentive Scheme \(Amendment\) \(No. 2\) Regulations 2013 \(S.I. 2013/2410\)](#), regs. 1, **28(b)**
- F266** Sch. 1 para. 1(5) inserted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **45(d)**
- F267** Word in Sch. 1 para. 1(5) inserted (26.9.2015) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) \(No. 2\) Regulations 2015 \(S.I. 2015/1459\)](#), regs. 1(2), **9(2)**
- F268** Sch. 1 para. 1(5)(a) substituted (26.9.2015) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) \(No. 2\) Regulations 2015 \(S.I. 2015/1459\)](#), regs. 1(2), **9(3)**
- F269** Words in Sch. 1 para. 1(5)(a)(b) inserted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **28**

### Marginal Citations

- M10** [S.I. 2010/675](#), amended by [S.I. 2011/988](#).

## SCHEDULE 2

[<sup>F270</sup>regulation 36C(7)]

Provision of information in relation to the use of biomass in certain circumstances

### Textual Amendments

- F270** Words in Sch. 2 substituted (5.2.2015) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/145\)](#), regs. 1, **8(a)**

**Status:** Point in time view as at 24/03/2016.

**Changes to legislation:** There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2011 (revoked). (See end of Document for details)

**Information to be provided to the Authority where biomass is used for combustion or production of biomethane**

1. This Schedule specifies the information that a participant is required to provide under [F271 regulation 36C(7)].

**Textual Amendments**  
F271 Words in Sch. 2 para. 1 substituted (5.2.2015) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/145\)](#), regs. 1, **8(b)**

2. The information is information identifying to the best of the participant's knowledge and belief, in such manner and form as the Authority may require—

- (a) the material from which the solid biomass was composed;
- (b) the form of the solid biomass;
- (c) its mass;
- (d) whether the solid biomass was a by-product of a process;
- (e) whether the solid biomass was derived from waste;
- (f) where the solid biomass was plant matter or derived from plant matter, the country where the plant matter was grown;
- (g) where the information specified in paragraph (vi) is not known or the solid biomass was not plant matter or derived from plant matter, the country from which the operator obtained the solid biomass;
- (h) whether any of the solid biomass used was an energy crop or derived from an energy crop and if so—
  - (i) the proportion of the consignment which was or was derived from the energy crop, and
  - (ii) the type of energy crop in question;
- (i) whether the solid biomass or any matter from which it was derived was certified under an environmental quality assurance scheme and, if so, the name of the scheme;
- (j) where the solid biomass was plant matter or derived from plant matter, the use to which the land on which the plant matter was grown has been put since 30th November 2005.

3. The information specified in paragraph 2 must be collated by reference to the following places of origin—

- (a) United States of America or Canada;
- (b) the European Union;
- (c) other.

F272 4. ....

**Textual Amendments**  
F272 Sch. 2 para. 4 omitted (5.2.2015) by virtue of [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/145\)](#), regs. 1, **8(c)**

F273 5. ....

**Textual Amendments**

**F273** Sch. 2 para. 5 omitted (24.3.2016) by virtue of [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2016 \(S.I. 2016/257\)](#), regs. 1, **11**

[<sup>F274</sup>SCHEDULE 2A

Regulation 36A

Greenhouse gas criteria

**Textual Amendments**

**F274** Sch. 2A, Sch. 2B inserted (5.2.2015) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/145\)](#), regs. 1, **9**

1. Solid biomass, biogas or biomethane meets the greenhouse gas criteria if the lifecycle greenhouse gas emissions associated with each consignment of that solid biomass, biogas or biomethane are less than or equal to 34.8g of CO<sub>2</sub> eq per MJ of heat generated (in the case of solid biomass or biogas) or biomethane injected.

2. Lifecycle greenhouse gas emissions shall be calculated as follows—

(a) where heat and power is generated from solid biomass or biogas, the following formula shall be used—

$$E\eta h(Ch \times \eta h \eta_{el} + Ch \times \eta h)$$

(b) where heat is generated from solid biomass or biogas, the following formula shall be used—

$$E\eta h$$

(c) where biomethane is produced from biogas, lifecycle greenhouse gas emissions shall be E.

3. For the purposes of paragraph 2—

(a)  $\eta h$

is the efficiency of the plant in which the heat is generated, calculated as

$$\frac{HF}{H}$$

where—

(i) H is the heat produced by the plant in the form of liquid or steam from all fuels used in that plant, and

(ii) F is the energy content of all those fuels;

(b)  $\eta_{el}$

is the efficiency of the plant in which electricity is generated, calculated as

$$\frac{AF}{A}$$

where—

(i) A is the total amount of electricity generated by the plant from all the fuels used by that plant, and

(ii) F is the energy content of all those fuels;

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(c) Ch

is equal to—

- (i) where the temperature ( $T$ ) is less than 423 kelvin,  $0.3546$ , and
- (ii) in any other case,

$$T - 273T$$

where  $T$  is temperature measured in kelvin of the heat produced by the plant in the form of liquid or steam;

- (d)  $E$  is the greenhouse gas emissions expressed in grammes of  $\text{CO}_2$  eq per MJ of heat produced, from the production of the biomass, biogas or biomethane and calculated—
  - (i) using the actual value method in the case of participants producing biomethane for injection or using heat for a process in an accredited RHI installation with an installation capacity of 1MWth or above; or
  - (ii) in all other cases, using the actual value method or the default value method.

4. In this Schedule—

- (a) “actual value method” means the method set out in Part C of Annex 5 of [Directive 2009/28/EC](#) of the European Parliament and of the Council on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives [2001/77/EC](#) and [2003/30/EC](#) but with the following modifications to that part—
  - (i) in paragraph 1—
    - (aa) for “and use of transport fuels, biofuels and bioliquids” substitute “of solid biomass, biogas or biomethane”;
    - (bb) for “ $E$ =total emissions from the use of the fuel” substitute “ $E$ =greenhouse gas emissions from the production of the solid biomass, biogas or biomethane”; and
    - (cc) for “ $e_u$ =emission from the fuel in use” substitute “ $e_u$ =zero”;
  - (ii) in paragraph 2, for “fuels” and “fuel” substitute “solid biomass, biogas or biomethane”;
  - (iii) omit paragraphs 3 and 4;
  - (iv) in paragraph 7—
    - (aa) for each reference to “biofuel” substitute “solid biomass, biogas or biomethane”, and
    - (bb) omit the words “or bioliquid” in each place in which they occur;
  - (v) in paragraph 11—
    - (aa) at the end of the first sentence add “and in the case of biomethane shall include emissions from processing biogas into biomethane”;
    - (bb) for “fuel” substitute “solid biomass, biogas or biomethane”;
  - (vi) in paragraph 12, after “storage and distribution of finished materials” insert “, except in the case of biomethane”;
  - (vii) omit paragraph 13;
  - (viii) in paragraph 14, for “fuel” substitute “solid biomass, biogas or biomethane”;
  - (ix) in paragraph 16, for each reference to “fuel” substitute “solid biomass or biogas”;
  - (x) in paragraph 17, for each reference to “fuel” substitute “solid biomass or biogas”;
  - (xi) in paragraph 18—

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- (aa) for “fuel” and “fuels” substitute “solid biomass or biogas”;
- (bb) omit the words “In the case of biofuels and bioliquids,”;
- (cc) before “and residues from processing” insert “residues from forestry, arboriculture, aquaculture and fisheries”;

(xii) for paragraph 19 substitute—

“19. Where material is added to the solid biomass to act as a binding agent or to reduce the emissions of dust, carbon dioxide, methane or nitrous oxide from the use of the biomass, the material so added shall be considered to have zero greenhouse gas emissions provided that the material so added does not exceed 2% by weight of the solid biomass.”;

- (b) “default value method” means the use of the figures set out in the second column of the following table headed “Default values for solid biomass and biogas” to represent ‘E’ in relation to the corresponding type of fuel set out in the first column of that table;
- (c) “energy content” means the energy contained within a substance (whether measured by a calorimeter or determined in some other way) expressed in terms of the substance’s net calorific value within the meaning of BS 7420:1991 (Guide for the determination of calorific values of solid, liquid and gaseous fuels (including definitions)).

#### **Default values for solid biomass or biogas**

<i>Primary solid biomass or biogas</i>	<i>Default value for greenhouse gas emissions (in grams of CO<sub>2</sub> eq per MJ of heat produced)</i>
Wood chips from forest residues (European temperate continental forest)	1
Wood chips from forest residues (tropical and sub-tropical forest)	25
Wood chips from short rotation forestry (European temperate continental forest)	4
Wood chips from short rotation forestry (tropical and sub-tropical, for example, eucalyptus)	28
Wood briquettes or pellets made from European temperate continental forest residues where the production process uses wood as fuel	2
Wood briquettes or pellets made from tropical or sub-tropical forest residues where the production process uses natural gas as fuel	20
Wood briquettes or pellets made from tropical or sub-tropical forest residues where the production process uses wood as fuel	17
Wood briquettes or pellets made from the product of short rotation forestry in European temperate continental forest where the production process uses wood as fuel	4

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<i>Primary solid biomass or biogas</i>	<i>Default value for greenhouse gas emissions (in grams of CO<sub>2</sub> eq per MJ of heat produced)</i>
Wood briquettes or pellets made from the product of short rotation forestry in European temperate continental forest where the production process uses natural gas as fuel	22
Wood briquettes or pellets made from the produce of short rotation forestry in tropical and sub-tropical forest, for example eucalyptus, where the production process uses wood as fuel	22
Wheat straw	2
Bagasse briquettes using wood as process fuel	17
Bagasse bales	20
Palm kernel	27
Rice husk briquettes	28
Miscanthus bales	7
Biogas from wheat and straw (wheat whole plant)	21
Biogas from organic maize as a whole plant (maize as main crop)	19]

## [<sup>F274</sup>SCHEDULE 2B

Regulation 36A

### Land criteria

## PART 1

### Interpretation

1. In this Schedule, material is added to solid biomass for an exempt purpose if—
  - (a) it is added for the purpose of the use of that solid biomass as a fuel, in order to—
    - (i) act as a binding agent, or
    - (ii) reduce emissions of dust, carbon dioxide, methane or nitrous oxide from the use of the fuel, and
  - (b) it does not exceed 2% of the weight of the fuel.
2. In this Schedule—
 

“continuously forested area” means land of an area of more than one hectare which includes—

  - (a) trees more than five metres tall providing a tree canopy cover of more than 30%; or
  - (b) trees collectively having the capacity to provide a tree canopy cover of more than 30% which—
    - (i) are more than five metres tall; or
    - (ii) have the capacity to grow to a height of more than five metres;

**Status:** Point in time view as at 24/03/2016.

**Changes to legislation:** There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2011 (revoked). (See end of Document for details)

“designated for nature protection purposes” means designated pursuant to the law of the United Kingdom or of any part of the United Kingdom or pursuant to the law of any country or territory outside the United Kingdom, for the purpose of protecting the natural environment;

“highly biodiverse grassland” is to be construed in accordance with Article 17(3)(c) of [Directive 2009/28/EC](#) of the European Parliament and of the Council on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives [2001/77/EC](#) and [2003/30/EC](#);

F275 ...

“local and national laws” means laws applying in the locality in which the site is situated, whether made at a local or national level;

“primary forest” means woodland of native species, where there is no clearly visible indication of human activity and ecological processes are not significantly disturbed; and

“wetland area” means land that is covered with or saturated by water—

- (a) permanently; or
- (b) for a significant part of the year.

#### Textual Amendments

**F275** Words in Sch. 2B para. 2 omitted (24.3.2016) by virtue of [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2016 \(S.I. 2016/257\)](#), regs. 1, [12\(2\)](#)

#### 3. For the purposes of this Schedule—

- (a) solid biomass was obtained from a former continuously forested area if the land—
  - (i) was a continuously forested area at any time during January 2008; and
  - (ii) was not a continuously forested area when the solid biomass was obtained from it;
- (b) <sup>F276</sup> ...  
and
- (c) solid biomass was obtained from a former wetland area if the land—
  - (i) was a wetland area at any time during January 2008; and
  - (ii) was not a wetland area when the solid biomass was obtained from it.

#### Textual Amendments

**F276** Sch. 2B para. 3(b) omitted (27.7.2015) by virtue of [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) \(No. 2\) Regulations 2015 \(S.I. 2015/1459\)](#), regs. 1(1), [10\(2\)](#)

## PART 2

Land criteria for solid biomass which is wood or wholly derived from wood, excluding energy crops

<sup>F277</sup>4. Solid biomass which is wood or wholly derived from wood (except energy crops) meets the land criteria if—

**Status:** Point in time view as at 24/03/2016.

**Changes to legislation:** There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2011 (revoked). (See end of Document for details)

- (a) at least 70% of each consignment was obtained from a sustainable source;
- (b) where more than one consignment is used in a quarterly period, at least 70% of the solid biomass used was obtained from a sustainable source; or
- (c) the solid biomass was certified under an environmental quality assurance scheme which ensures that at least 70% of the solid biomass certified by that scheme was obtained from a sustainable source.]

#### Textual Amendments

**F277** Sch. 2B para. 4 substituted (24.3.2016) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2016 \(S.I. 2016/257\)](#), regs. 1, **12(3)**

[<sup>F278</sup>**5.**—(1) For the purposes of paragraph 4, solid biomass which is wood or wholly derived from wood (except energy crops) is obtained from a sustainable source if it—

- (a) was grown within an area of forest or of other land which is managed—
  - (i) in a way that is consistent with—
    - (aa) the Forest Europe Sustainable Forest Management Criteria, or
    - (bb) a set of international principles for the sustainable management of land which meet the requirements specified in sub-paragraph (2); and
  - (ii) to meet the requirements specified in sub-paragraph (4);
- (b) was residue from arboriculture carried out in an area which was not a forest; or
- (c) was removed for the purpose of creating, restoring or maintaining the ecosystem of an area which was not a forest.

(2) The requirements specified in this sub-paragraph are that—

- (a) the principles have been adopted following a process (“the principle-setting process”) which sought to—
  - (i) obtain a balanced representation of the views of interest groupings,
  - (ii) ensure that no single interest grouping could dominate the principle-setting process, and
  - (iii) ensure that no decision on the contents of the principles could be made in the absence of agreement from a majority within each interest grouping involved in the principle-setting process; and
- (b) the principles can be changed by a process (“the change process”) which seeks to ensure that—
  - (i) no single interest grouping can dominate the change process, and
  - (ii) no decision on changes to the principles can be made in the absence of agreement from a majority within each interest grouping involved in the change process.

(3) For the purposes of sub-paragraph (2), each of the following is an interest grouping in relation to an area of forest or of other land where the solid biomass was grown—

- (a) persons with interests which are predominantly economic in nature;
- (b) persons with interests which are predominantly environmental in nature;
- (c) persons with interests which are predominantly social in nature.

(4) The requirements specified in this sub-paragraph are—

- (a) harm to ecosystems is minimised, in particular by—



- (i) assessing the impacts of the extraction of wood from the area and adopting plans to minimise any negative impacts,
  - (ii) protecting soil, water and biodiversity,
  - (iii) controlling the use of chemicals and ensuring that chemicals are used in an appropriate way,
  - (iv) wherever possible, using integrated pest management (within the meaning of Article 3(6) of [Directive 2009/128/EC](#) establishing a framework for Community action to achieve the sustainable use of pesticides), and
  - (v) disposing of waste in a manner that minimises any negative impacts;
- (b) the productivity of the area is maintained, in particular by—
- (i) adopting plans to avoid significant negative impacts on productivity,
  - (ii) adopting procedures for the extraction of wood that minimise the impact on other uses of the area,
  - (iii) providing for all of the contractors and workers who are working in the area to be adequately trained in relation to the maintenance of productivity, and
  - (iv) maintaining an adequate inventory of the trees in the area (including data on the growth of the trees and on the extraction of wood) so as to ensure that wood is extracted from the area at a rate which does not exceed its long-term capacity to produce wood;
- (c) compliance with the requirement in paragraph (b) is monitored, the results of that monitoring are reviewed and planning is updated accordingly;
- (d) the health and vitality of ecosystems is maintained, in particular by—
- (i) adopting plans to maintain or increase the health and vitality of ecosystems,
  - (ii) adopting plans to deal with natural processes or events such as fires, pests and diseases, and
  - (iii) taking adequate measures to protect the area from unauthorised activities such as illegal logging, mining and encroachment;
- (e) biodiversity is maintained, in particular by—
- (i) implementing safeguards to protect rare, threatened and endangered species,
  - (ii) conserving key ecosystems in their natural state, and
  - (iii) protecting features and species of outstanding or exceptional value;
- (f) those responsible for the management of the area (and any contractors engaged by them) comply with local and national laws relating to health and safety and the welfare of workers;
- (g) those responsible for the management of the area have regard to—
- (i) legal, customary and traditional rights of tenure and land use,
  - (ii) mechanisms for resolving grievances and disputes including those relating to tenure and land use rights, forest or land management practices and working conditions, and
  - (iii) safeguarding the health and safety and rights of workers;
- (h) there is regular assessment of the extent to which those responsible for the management of the area have met the requirements set out in paragraphs (a) to (g).]

**Status:** Point in time view as at 24/03/2016.

**Changes to legislation:** There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2011 (revoked). (See end of Document for details)

**Textual Amendments**

**F278** Sch. 2B para. 5 substituted (24.3.2016) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2016 \(S.I. 2016/257\)](#), regs. 1, **12(4)**

**6.** Material added to solid biomass for an exempt purpose shall be disregarded for the purposes of paragraph 4.

**F279** **7.** . . . . .

**Textual Amendments**

**F279** Sch. 2B para. 7 omitted (24.3.2016) by virtue of [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2016 \(S.I. 2016/257\)](#), regs. 1, **12(5)**

**F280** **8.** . . . . .

**Textual Amendments**

**F280** Sch. 2B para. 8 omitted (24.3.2016) by virtue of [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2016 \(S.I. 2016/257\)](#), regs. 1, **12(5)**

**9.** In this Part, “Forest Europe Sustainable Forest Management Criteria” means the criteria for sustainable forest management in Lisbon Resolution L2 of the third Ministerial conference on the Protection of Forests in Europe held in June 1998.

### PART 3

#### Land criteria for other solid biomass including energy crops

**10.** Solid biomass which is not wood or derived wholly from wood, or which is an energy crop, meets the land criteria if it—

- (a) was not obtained from a protected source;
- (b) was an energy crop in respect of which financial assistance was paid under the Energy Crops Regulations 2000 or under an equivalent financial assistance scheme;
- (c) was residue (other than residue from agriculture, aquaculture, fisheries or forestry).

**11.** Material added to solid biomass for an exempt purpose shall be disregarded for the purposes of paragraph 10.

**12.** Solid biomass is obtained from a protected source if it is obtained from—

- (a) land which at any time during or after January 2008 was primary forest;
- (b) except where paragraph 13 applies, land which at any time during or after January 2008 was designated for nature protection purposes;
- (c) highly biodiverse grassland [<sup>F281</sup>unless the harvesting is necessary to preserve the grassland status];
- (d) except where paragraph 14 applies, land which at any time during January 2008 was peatland;
- (e) a former continuously forested area;

- F282 (f) .....
- (g) a former wetland area.

**Textual Amendments**

- F281** Words in Sch. 2B para. 12(c) inserted (27.7.2015) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) \(No. 2\) Regulations 2015 \(S.I. 2015/1459\)](#), regs. 1(1), **10(3)(a)**
- F282** Sch. 2B para. 12(f) omitted (27.7.2015) by virtue of [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) \(No. 2\) Regulations 2015 \(S.I. 2015/1459\)](#), regs. 1(1), **10(3)(b)**

13. This paragraph applies if the production of the solid biomass did not interfere with the nature protection purposes for which the land was designated.

14. This paragraph applies if the cultivation and harvesting of the solid biomass did not involve the drainage of previously undrained soil.]

SCHEDULE 3

Regulation 37

Tariffs

**Table 1**

<i>Tariff name</i>	<i>Sources of energy or technology</i>	<i>Installation capacity</i>	<i>Tariff (pence/kWh)</i>
Small commercial biomass	Solid biomass including biomass contained in F283 ...waste and [F284 CHP systems generating heat and power from solid biomass including solid biomass contained in waste]	Less than 200kWth	Tier 1: 7.9 Tier 2: 2.0
Medium Biomass	As above	200kWth and above up to but not including 1MWth	Tier 1: 4.9 Tier 2: 2.0
Large biomass	As above	1MWth and above	1.0
Small commercial heat pumps	Ground source heat pump, F285 ... deep geothermal	Less than 100kWth	4.5

**Status:** Point in time view as at 24/03/2016.

**Changes to legislation:** There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2011 (revoked). (See end of Document for details)

Large commercial heat pumps	As above	100kWth and above	3.2
All Solar collectors	Solar collectors	Below 200kWth	8.5
Biomethane [ <sup>F286</sup> small combustion]	and Biogas	Biomethane injection and biogas combustion [ <sup>F287</sup> including CHP systems generating heat and power from biogas]	[ <sup>F288</sup> biogas combustion below 200kWth and all biomethane injection] 6.8

#### Textual Amendments

- F283** Words in Sch. 3 omitted (28.5.2014) by virtue of [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **46(a)(i)**
- F284** Words in Sch. 3 substituted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **46(a)(ii)**
- F285** Words in Sch. 3 omitted (28.5.2014) by virtue of [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **46(b)**
- F286** Words in Sch. 3 substituted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **46(c)(i)**
- F287** Words in Sch. 3 inserted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **46(c)(ii)**
- F288** Words in Sch. 3 substituted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **46(c)(iii)**

### [<sup>F289</sup>SCHEDULE 3A

Regulation 37(9)

New tariffs for plants generating heat from solid biomass with a capacity of 1 MWth or above, ground source heat pumps and solar collectors

#### Textual Amendments

- F289** Sch. 3A, Sch. 3B inserted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **47**

<i>Tariff name</i>	<i>Source of energy or technology</i>	<i>Installation capacity</i>	<i>Tariff (pence/kWh)</i>
New large biomass	Solid biomass including solid biomass contained in waste, including CHP systems generating heat and power from solid biomass	1MWth and above	2.0
New ground source heat pumps	Ground source heat pumps	All capacities	Tier 1: 8.7

**Status:** Point in time view as at 24/03/2016.**Changes to legislation:** There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2011 (revoked). (See end of Document for details)

<i>Tariff name</i>	<i>Source of energy or technology</i>	<i>Installation capacity</i>	<i>Tariff (pence/kWh)</i>
			Tier 2: 2.6
New solar collectors	Solar collectors	Less than 200kWth	10.0]

[<sup>F289</sup>SCHEDULE 3B

Regulation 37(10)

New tariffs for new solid biomass CHP systems, deep geothermal energy, biogas combustion with a capacity of 200kWth and above and air source heat pumps

<i>Tariff name</i>	<i>Source of energy or technology</i>	<i>Installation capacity</i>	<i>Tariff (pence/kWh)</i>
New solid biomass CHP systems	Solid biomass (excluding solid biomass contained in waste) used in CHP systems which comply with the requirements in regulation 9A	All capacities	4.1
New deep geothermal	Deep geothermal energy, including CHP systems generating heat and power from such energy	All capacities	5
Medium biogas	Biogas combustion	200kWth and above up to but not including 600kWth	5.9
Large biogas	Biogas combustion	600kWth and above	2.2
Air source heat pumps	Air source heat pumps	All capacities	2.5]

[<sup>F290</sup>SCHEDULE 3C

Regulation 37

New biomethane tariffs

**Textual Amendments**

**F290** Sch. 3C inserted (12.2.2015) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/197\)](#), regs. 1, **29**

<i>Tariff name</i>	<i>Tariff (pence/kWh injected)</i>
New biomethane	Tier 1: 7.5 Tier 2: 4.4

**Status:** Point in time view as at 24/03/2016.

**Changes to legislation:** There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2011 (revoked). (See end of Document for details)

<i>Tariff name</i>	<i>Tariff (pence/kWh injected)</i>
	Tier 3: 3.4]

[<sup>F291</sup>SCHEDULE 4

Regulations 37C and 37D

Total expenditure

**Textual Amendments**

**F291** Sch. 4 substituted (24.3.2016) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2016 \(S.I. 2016/257\)](#), regs. 1, 13

<i>Assessment date</i>	<i>Total expenditure anticipated for subsequent year</i>	<i>Expenditure threshold when calculating C for the purposes of regulation 37A</i>
30th April 2013	£ 97.2 million	£ 48.6 million
31st July 2013	£ 120.2 million	£ 60.1 million
31st October 2013	£ 143.3 million	£ 71.6 million
31st January 2014	£ 166.3 million	£ 83.2 million
30th April 2014	£ 192.8 million	£ 96.4 million
31st July 2014	£ 184.1 million	£ 92.1 million
31st October 2014	£ 207.2 million	£ 103.6 million
31st January 2015	£ 230.3 million	£ 115.1 million
30th April 2015	£ 260.9 million	£ 130.4 million
31st July 2015	£ 306.2 million	£ 153.1 million
31st October 2015	£ 351.5 million	£ 175.7 million
31st January 2016	£ 396.8 million	£ 198.4 million
30th April 2016	£ 442.1 million	£ 221.1 million
31st July 2016	£ 487.4 million	£ 243.7 million
31st October 2016	£ 532.7 million	£ 266.4 million
Any date after 30th January 2017	£ 578.0 million	£ 289.0 million]

[<sup>F292</sup>SCHEDULE 5

Regulations 37C and 37D

## Expenditure in relation to individual technologies

**Textual Amendments**

**F292** Sch. 5 substituted (28.5.2014) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/1413\)](#), regs. 1, **49**

**PART 1**

## Small biomass plants

[<sup>F293</sup>Table 1**Small biomass plants**

<i>Assessment date</i>	<i>Expenditure anticipated for subsequent year</i>	<i>Expenditure for threshold when calculating C for the purposes of regulation 37A</i>	<i>Anticipated increase in expenditure since previous assessment date</i>
30th April 2013	£ 14.8 million	£ 22.2 million	
31st July 2013	£ 16.7 million	£ 25.1 million	£ 2.9 million
31st October 2013	£ 18.7 million	£ 28.0 million	£ 2.9 million
31st January 2014	£ 20.6 million	£ 30.9 million	£ 2.9 million
30th April 2014	£ 22.6 million	£ 34.0 million	£ 3.1 million
31st July 2014	£ 48.8 million	£ 58.6 million	£ 8.7 million
31st October 2014	£ 56.0 million	£ 67.2 million	£ 8.7 million
31st January 2015	£ 63.2 million	£ 75.9 million	£ 8.7 million
30th April 2015	£ 71.1 million	£ 85.3 million	£ 9.5 million
31st July 2015	£ 80.3 million	£ 96.4 million	£ 11.0 million
31st October 2015	£ 89.5 million	£ 107.4 million	£ 11.0 million
31st January 2016	£ 98.7 million	£ 118.5 million	£ 11.0 million
30th April 2016	£ 107.9 million	£ 129.5 million	£ 11.0 million
31st July 2016	£ 117.1 million	£ 140.5 million	£ 11.0 million
31st October 2016	£ 126.3 million	£ 151.5 million	£ 11.0 million
Any date after 30th January 2017	£ 135.4 million	£ 162.5 million	£ 11.0 million]

**Status:** Point in time view as at 24/03/2016.

**Changes to legislation:** There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2011 (revoked). (See end of Document for details)

### Textual Amendments

**F293** Sch. 5 Pt. 1 Table substituted (24.3.2016) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2016 \(S.I. 2016/257\)](#), regs. 1, **14(2)**

## PART 2

### Medium biomass plants

<sup>F294</sup>Table 2

#### Medium biomass plants

<i>Assessment date</i>	<i>Expenditure anticipated for subsequent year</i>	<i>Expenditure for threshold when calculating C for the purposes of regulation 37A</i>	<i>Anticipated increase in expenditure since previous assessment date</i>
30th April 2013	£ 13.4 million	£ 20.1 million	
31st July 2013	£ 15.5 million	£ 23.2 million	£ 3.1 million
31st October 2013	£ 17.6 million	£ 26.3 million	£ 3.1 million
31st January 2014	£ 19.6 million	£ 29.4 million	£ 3.1 million
30th April 2014	£ 21.8 million	£ 32.7 million	£ 3.3 million
31st July 2014	£ 43.7 million	£ 52.5 million	£ 6.3 million
31st October 2014	£ 49.0 million	£ 58.8 million	£ 6.3 million
31st January 2015	£ 54.2 million	£ 65.1 million	£ 6.3 million
30th April 2015	£ 59.9 million	£ 71.8 million	£ 6.7 million
31st July 2015	£ 66.2 million	£ 79.4 million	£ 7.6 million
31st October 2015	£ 72.5 million	£ 87.0 million	£ 7.6 million
31st January 2016	£ 78.8 million	£ 94.5 million	£ 7.6 million
30th April 2016	£ 85.1 million	£ 102.1 million	£ 7.6 million
31st July 2016	£ 91.4 million	£ 109.7 million	£ 7.6 million
31st October 2016	£ 97.8 million	£ 117.3 million	£ 7.6 million
Any date after 30th January 2017	£ 104.1 million	£ 124.9 million	£ 7.6 million]

### Textual Amendments

**F294** Sch. 5 Pt. 2 Table substituted (24.3.2016) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2016 \(S.I. 2016/257\)](#), regs. 1, **14(3)**



## PART 3

## Large biomass plants

[<sup>F295</sup>Table 3

## Large biomass plants

<i>Assessment date</i>	<i>Expenditure anticipated for subsequent year</i>	<i>Expenditure for threshold when calculating C for the purposes of regulation 37A</i>	<i>Anticipated increase in expenditure since previous assessment date</i>
30th April 2013	£ 23.1 million	£ 34.7 million	
31st July 2013	£ 27.6 million	£ 41.3 million	£ 6.6 million
31st October 2013	£ 32.0 million	£ 48.0 million	£ 6.7 million
31st January 2014	£ 36.4 million	£ 54.6 million	£ 6.6 million
30th April 2014	£ 41.2 million	£ 61.8 million	£ 7.2 million
31st July 2014	£ 10.9 million	£ 16.3 million	£ 2.2 million
31st October 2014	£ 12.4 million	£ 18.5 million	£ 2.2 million
31st January 2015	£ 13.9 million	£ 20.8 million	£ 2.2 million
30th April 2015	£ 15.8 million	£ 23.8 million	£ 3.0 million
31st July 2015	£ 18.8 million	£ 28.2 million	£ 4.5 million
31st October 2015	£ 21.8 million	£ 32.7 million	£ 4.5 million
31st January 2016	£ 24.8 million	£ 37.2 million	£ 4.5 million
30th April 2016	£ 27.8 million	£ 41.7 million	£ 4.5 million
31st July 2016	£ 30.8 million	£ 46.2 million	£ 4.5 million
31st October 2016	£ 33.8 million	£ 50.7 million	£ 4.5 million
Any date after 30th January 2017	£ 36.8 million	£ 55.2 million	£ 4.5 million]

**Textual Amendments**

**F295** Sch. 5 Pt. 3 Table substituted (24.3.2016) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2016 \(S.I. 2016/257\)](#), regs. 1, **14(4)**

**Status:** Point in time view as at 24/03/2016.

**Changes to legislation:** There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2011 (revoked). (See end of Document for details)

## PART 4

### Heat pumps (except air source heat pumps)

**Table 4**

#### Heat pumps (except air source heat pumps) with an installation capacity of less than 100 kWth

<i>Assessment date</i>	<i>Expenditure anticipated for subsequent year</i>	<i>Expenditure threshold for when calculating C for the purposes of regulation 37A</i>	<i>Anticipated increase in expenditure since previous assessment date</i>
30th April 2013	£ 28.9 million	£ 43.4 million	
31st July 2013	£ 36.3 million	£ 54.4 million	£ 11 million
31st October 2013	£ 43.6 million	£ 65.5 million	£ 11.1 million
31st January 2014	£ 51 million	£ 76.5 million	£ 11 million
30th April 2014	£ 59.7 million	£ 89.5 million	£ 13 million

**Table 5**

#### Heat pumps (except air source heat pumps) with an installation capacity of 100 kWth and above

<i>Assessment date</i>	<i>Expenditure anticipated for subsequent year</i>	<i>Expenditure threshold when calculating C for the purposes of regulation 37A</i>	<i>Anticipated increase in expenditure since previous assessment date</i>
30th April 2013	£ 4.9 million	£ 4.9 million	
31st July 2013	£ 6 million	£ 6 million	£ 1.1 million
31st October 2013	£ 7.2 million	£ 7.2 million	£ 1.2 million
31st January 2014	£ 8.3 million	£ 8.3 million	£ 1.1 million
30th April 2014	£ 9.6 million	£ 9.6 million	£ 1.3 million

**[<sup>F296</sup>Table 6**

#### Ground source heat pumps

<i>Assessment date</i>	<i>Expenditure anticipated for subsequent year</i>	<i>Expenditure threshold when calculating C for the purposes of regulation 37A</i>	<i>Anticipated increase in expenditure since previous assessment date</i>
31st July 2014	£ 7.4 million	£ 11.1 million	£ 2.3 million
31st October 2014	£ 8.9 million	£ 13.3 million	£ 2.3 million

**Status:** Point in time view as at 24/03/2016.**Changes to legislation:** There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2011 (revoked). (See end of Document for details)

<i>Assessment date</i>	<i>Expenditure anticipated for subsequent year</i>	<i>Expenditure threshold when calculating C for the purposes of regulation 37A</i>	<i>Anticipated increase in expenditure since previous assessment date</i>
31st January 2015	£ 10.4 million	£ 15.6 million	£ 2.3 million
30th April 2015	£ 12.6 million	£ 18.9 million	£ 3.3 million
31st July 2015	£ 16.2 million	£ 24.2 million	£ 5.4 million
31st October 2015	£ 19.7 million	£ 29.6 million	£ 5.4 million
31st January 2016	£ 23.3 million	£ 35.0 million	£ 5.4 million
30th April 2016	£ 26.9 million	£ 40.4 million	£ 5.4 million
31st July 2016	£ 30.5 million	£ 45.8 million	£ 5.4 million
31st October 2016	£ 34.1 million	£ 51.2 million	£ 5.4 million
Any date after 30th January 2017	£ 37.7 million	£ 56.6 million	£ 5.4 million]

**Textual Amendments**

**F296** Sch. 5 Pt. 4 Table substituted (24.3.2016) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2016 \(S.I. 2016/257\)](#), regs. 1, **14(5)**

**PART 5****Plants using solar collectors****[<sup>F297</sup>Table 7****Plants using solar collectors**

<i>Assessment date</i>	<i>Expenditure anticipated for subsequent year</i>	<i>Expenditure threshold when calculating C for the purposes of regulation 37A</i>	<i>Anticipated increase in expenditure since previous assessment date</i>
30th April 2013	£ 4.9 million	£ 4.9 million	
31st July 2013	£ 6.0 million	£ 6.0 million	£ 1.1 million
31st October 2013	£ 7.2 million	£ 7.2 million	£ 1.2 million
31st January 2014	£ 8.3 million	£ 8.3 million	£ 1.1 million
30th April 2014	£ 9.6 million	£ 9.6 million	£ 1.3 million
31st July 2014	£ 3.9 million	£ 3.9 million	£ 0.8 million
31st October 2014	£ 4.7 million	£ 4.7 million	£ 0.8 million

**Status:** Point in time view as at 24/03/2016.

**Changes to legislation:** There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2011 (revoked). (See end of Document for details)

<i>Assessment date</i>	<i>Expenditure anticipated for subsequent year</i>	<i>Expenditure threshold when calculating C for the purposes of regulation 37A</i>	<i>Anticipated increase in expenditure since previous assessment date</i>
31st January 2015	£ 5.5 million	£ 5.5 million	£ 0.8 million
30th April 2015	£ 6.5 million	£ 6.5 million	£ 0.9 million
31st July 2015	£ 7.5 million	£ 7.5 million	£ 1.1 million
31st October 2015	£ 8.6 million	£ 8.6 million	£ 1.1 million
31st January 2016	£ 9.8 million	£ 9.8 million	£ 1.1 million
30th April 2016	£ 10.9 million	£ 10.9 million	£ 1.1 million
31st July 2016	£ 12.0 million	£ 12.0 million	£ 1.1 million
31st October 2016	£ 13.1 million	£ 13.1 million	£ 1.1 million
Any date after 30th January 2017	£ 14.1 million	£ 14.1 million	£ 1.1 million]

#### Textual Amendments

**F297** Sch. 5 Pt. 5 Table substituted (24.3.2016) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2016 \(S.I. 2016/257\)](#), regs. 1, **14(6)**

## PART 6

Producers of biomethane for injection and plants which generate heat from biogas

**Table 8**

### Producers of biomethane for injection and plants which generate heat from biogas

<i>Assessment date</i>	<i>Expenditure anticipated for subsequent year</i>	<i>Expenditure threshold when calculating C for the purposes of regulation 37A</i>	<i>Anticipated increase in expenditure since previous assessment date</i>
30th April 2013	£ 12 million	£ 18 million	
31st July 2013	£ 18.1 million	£ 27.2 million	£ 9.2 million
31st October 2013	£ 24.2 million	£ 36.3 million	£ 9.1 million
31st January 2014	£ 30.3 million	£ 45.5 million	£ 9.2 million
30th April 2014	£ 37 million	£ 55.5 million	£ 10 million

**Status:** Point in time view as at 24/03/2016.**Changes to legislation:** There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2011 (revoked). (See end of Document for details)[<sup>F298</sup>Table 9**Plants which generate heat from biogas**

<i>Assessment date</i>	<i>Expenditure anticipated for subsequent year</i>	<i>Expenditure threshold for calculating C for the purposes of regulation 37A</i>	<i>Anticipated increase in expenditure since previous assessment date</i>
31st July 2014	£ 3.9 million	£ 3.9 million	£ 0.8 million
31st October 2014	£ 4.7 million	£ 4.7 million	£ 0.8 million
31st January 2015	£ 5.5 million	£ 5.5 million	£ 0.8 million
30th April 2015	£ 6.5 million	£ 6.5 million	£ 0.9 million
31st July 2015	£ 7.5 million	£ 7.5 million	£ 1.1 million
31st October 2015	£ 8.6 million	£ 8.6 million	£ 1.1 million
31st January 2016	£ 9.8 million	£ 9.8 million	£ 1.1 million
30th April 2016	£ 10.9 million	£ 10.9 million	£ 1.1 million
31st July 2016	£ 12.0 million	£ 12.0 million	£ 1.1 million
31st October 2016	£ 13.1 million	£ 13.1 million	£ 1.1 million
Any date after 30th January 2017	£ 14.1 million	£ 14.1 million	£ 1.1 million]

**Textual Amendments**

**F298** Sch. 5 Pt. 6 Table substituted (24.3.2016) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2016 \(S.I. 2016/257\)](#), regs. 1, **14(7)**

[<sup>F299</sup>Table 10**Producers of biomethane for injection**

<i>Assessment date</i>	<i>Expenditure anticipated for subsequent year</i>	<i>Expenditure threshold for calculating C for the purposes of regulation 37A</i>	<i>Anticipated increase in expenditure since previous assessment date</i>
31st July 2014	£ 41.5 million	£ 49.8 million	£ 5.1 million
31st October 2014	£ 45.9 million	£ 55.1 million	£ 5.3 million
31st January 2015	£ 50.3 million	£ 60.4 million	£ 5.3 million
30th April 2015	£ 57.5 million	£ 69.0 million	£ 8.6 million
31st July 2015	£ 70.2 million	£ 84.2 million	£ 15.2 million
31st October 2015	£ 82.8 million	£ 99.4 million	£ 15.2 million

**Status:** Point in time view as at 24/03/2016.

**Changes to legislation:** There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2011 (revoked). (See end of Document for details)

<i>Assessment date</i>	<i>Expenditure anticipated for subsequent year</i>	<i>Expenditure threshold when calculating C for the purposes of regulation 37A</i>	<i>Anticipated increase in expenditure since previous assessment date</i>
31st January 2016	£ 95.5 million	£ 114.6 million	£ 15.2 million
30th April 2016	£ 108.2 million	£ 129.8 million	£ 15.2 million
31st July 2016	£ 120.8 million	£ 145.0 million	£ 15.2 million
31st October 2016	£ 133.5 million	£ 160.2 million	£ 15.2 million
Any date after 30th January 2017	£ 146.2 million	£ 175.4 million	£ 15.2 million]

#### Textual Amendments

**F299** Sch. 5 Pt. 6 Table substituted (24.3.2016) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2016 \(S.I. 2016/257\)](#), regs. 1, **14(8)**

## PART 7

### New biomass CHP systems

[<sup>F300</sup>Table 11

#### New solid biomass CHP systems

<i>Assessment date</i>	<i>Expenditure anticipated for subsequent year</i>	<i>Expenditure threshold when calculating C for the purposes of regulation 37A</i>	<i>Anticipated increase in expenditure since previous assessment date</i>
31st July 2014	£ 17.9 million	£ 26.9 million	
31st October 2014	£ 18.8 million	£ 28.2 million	£ 1.4 million
31st January 2015	£ 19.7 million	£ 29.6 million	£ 1.4 million
30th April 2015	£ 22.8 million	£ 34.2 million	£ 4.7 million
31st July 2015	£ 30.3 million	£ 45.5 million	£ 11.2 million
31st October 2015	£ 37.8 million	£ 56.7 million	£ 11.2 million
31st January 2016	£ 45.3 million	£ 68.0 million	£ 11.2 million
30th April 2016	£ 52.8 million	£ 79.2 million	£ 11.2 million
31st July 2016	£ 60.3 million	£ 90.4 million	£ 11.2 million
31st October 2016	£ 67.7 million	£ 101.6 million	£ 11.2 million

**Status:** Point in time view as at 24/03/2016.**Changes to legislation:** There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2011 (revoked). (See end of Document for details)

<i>Assessment date</i>	<i>Expenditure anticipated for subsequent year</i>	<i>Expenditure for threshold when calculating C for the purposes of regulation 37A</i>	<i>Anticipated increase in expenditure since previous assessment date</i>
Any date after 30th January 2017	£ 75.2 million	£ 112.8 million	£ 11.2 million]

**Textual Amendments**

**F300** Sch. 5 Pt. 7 Table substituted (24.3.2016) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2016 \(S.I. 2016/257\)](#), regs. 1, **14(9)**

**PART 8****Deep geothermal plants****[<sup>F301</sup>Table 12****Deep geothermal plants**

<i>Assessment date</i>	<i>Expenditure anticipated for subsequent year</i>	<i>Expenditure for threshold when calculating C for the purposes of regulation 37A</i>	<i>Anticipated increase in expenditure since previous assessment date</i>
31st July 2014	£ 3.9 million	£ 3.9 million	
31st October 2014	£ 4.7 million	£ 4.7 million	£ 0.8 million
31st January 2015	£ 5.5 million	£ 5.5 million	£ 0.8 million
30th April 2015	£ 6.5 million	£ 6.5 million	£ 0.9 million
31st July 2015	£ 7.5 million	£ 7.5 million	£ 1.1 million
31st October 2015	£ 8.6 million	£ 8.6 million	£ 1.1 million
31st January 2016	£ 9.8 million	£ 9.8 million	£ 1.1 million
30th April 2016	£ 10.9 million	£ 10.9 million	£ 1.1 million
31st July 2016	£ 12.0 million	£ 12.0 million	£ 1.1 million
31st October 2016	£ 13.1 million	£ 13.1 million	£ 1.1 million
Any date after 30th January 2017	£ 14.1 million	£ 14.1 million	£ 1.1 million]

**Status:** Point in time view as at 24/03/2016.

**Changes to legislation:** There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2011 (revoked). (See end of Document for details)

#### Textual Amendments

**F301** Sch. 5 Pt. 8 Table substituted (24.3.2016) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2016 \(S.I. 2016/257\)](#), regs. 1, **14(10)**

## PART 9

### Air source heat pumps

[<sup>F302</sup>Table 13

#### Air source heat pumps

<i>Assessment date</i>	<i>Expenditure anticipated for subsequent year</i>	<i>Expenditure for threshold when calculating C for the purposes of regulation 37A</i>	<i>Anticipated increase in expenditure since previous assessment date</i>
31st July 2014	£ 12.2 million	£ 18.3 million	
31st October 2014	£ 14.0 million	£ 21.0 million	£ 2.7 million
31st January 2015	£ 15.8 million	£ 23.7 million	£ 2.7 million
30th April 2015	£ 17.9 million	£ 26.8 million	£ 3.2 million
31st July 2015	£ 20.7 million	£ 31.0 million	£ 4.2 million
31st October 2015	£ 23.4 million	£ 35.1 million	£ 4.2 million
31st January 2016	£ 26.2 million	£ 39.3 million	£ 4.2 million
30th April 2016	£ 29.0 million	£ 43.5 million	£ 4.2 million
31st July 2016	£ 31.8 million	£ 47.7 million	£ 4.2 million
31st October 2016	£ 34.6 million	£ 51.9 million	£ 4.2 million
Any date after 30th January 2017	£ 37.4 million	£ 56.1 million	£ 4.2 million]]

#### Textual Amendments

**F302** Sch. 5 Pt. 9 Table substituted (24.3.2016) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2016 \(S.I. 2016/257\)](#), regs. 1, **14(11)**



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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which apply to Great Britain, establish a renewable heat incentive scheme (“the scheme”) under which owners of plants which generate heat from specified renewable sources and meet specified criteria may receive payments at prescribed tariffs for the heat used for eligible purposes. Payments may also be made to biomethane producers who produce biomethane for injection. The Regulations confer functions on the Gas and Electricity Markets Authority (“the Authority”) in connection with the administration of the scheme.

Regulation 3 confers on the Authority the function of making payments to participants in the scheme and specifies the eligible purposes for which heat will receive payment.

Chapter 1 of Part 2 (regulation 4) defines criteria (“eligibility criteria”) that must be satisfied for a plant to be eligible to participate in the scheme.

Chapter 2 of Part 2 (regulations 5 to 15) specifies the eligibility criteria other than those in relation to metering.

Chapter 3 of Part 2 (regulations 16 to 21) specifies the eligibility criteria in relation to metering, setting out the types of meters which may be used, the requirements with which they must comply and what must be measured.

Part 3 (regulations 22 to 26) sets out the procedures for accreditation, registration, change of ownership and preliminary accreditation. Regulation 22 confers on the Authority the function of accrediting eligible installations (which upon accreditation are known as accredited RHI installations) and specifies the process by which applicants apply to the Authority for accreditation.

Regulation 23 specifies the circumstances in which the Authority may not accredit a plant. These include matters relating to the receipt of grants from public funds; where a plant has not been commissioned; where an applicant has indicated that applicable ongoing obligations will not be complied with and where the plant is one of a number of plants which would together form one eligible installation in accordance with Part 2.

Regulation 24 specifies the procedure for notifying the Authority where there has been a transfer in ownership of all or part of an accredited RHI installation and sets out the process by which the new owner may receive payments under the scheme.

Regulation 25 confers on the Authority the function of registering producers of biomethane who are producing biomethane for injection. It specifies the process by which applicants apply to the Authority for registration and specifies the circumstances in which an application for registration can be refused.

Regulation 26 sets out the process by which a person may apply for and the Authority may grant preliminary accreditation in respect of a plant.

Chapter 1 of Part 4 (regulations 27 to 30) sets out ongoing obligations with which participants generating heat from biomass must comply.

Regulation 28 applies to participants generating heat from solid biomass contained in municipal waste. It specifies the minimum proportion of solid biomass which must be contained in the municipal waste used, sets out how the proportion of solid biomass is determined and specifies the permitted uses of fossil fuel in accredited RHI installations.

Regulations 29 and 30 apply to participants generating heat from solid biomass, not being solid biomass contained in municipal waste. They specify the permitted levels of and reasons for fossil fuel contamination, set out how the proportion of fossil fuel contamination is determined and specify the permitted uses of fossil fuel in accredited RHI installations. Regulation 29 also imposes a sustainability reporting requirements for participants generating heat using accredited RHI installations with an installation capacity of 1MWth or above.

**Status:** Point in time view as at 24/03/2016.

**Changes to legislation:** There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2011 (revoked). (See end of Document for details)

Chapter 2 of Part 4 (regulations 31 to 33) sets out ongoing obligations for participants who are generating heat from biogas and producing biomethane for injection.

Regulation 31 applies to participants producing biogas using gasification and pyrolysis and generating heat from that biogas. It stipulates composition requirements for the feedstock used by participants and specifies the permitted uses of fossil fuel in accredited RHI installations.

Regulation 32 applies to participants generating heat from biogas to whom regulation 31 does not apply. It stipulates feedstock requirements for participants using biogas produced from anaerobic digestion and specifies permitted uses of fossil fuel in accredited RHI installations.

Regulation 33 applies to biomethane producers who produce biomethane for injection. It specifies composition requirements for feedstocks used to produce the biogas from which the biomethane is made and sets out the ongoing obligations relating to administration with which participants must comply. It also imposes a sustainability reporting requirement.

Chapter 3 of Part 4 (regulations 34 to 36) sets out the ongoing obligations for participants which are not specific to those participants generating heat from biomass or biogas or producing biomethane for injection.

Regulation 34 specifies general ongoing obligations relating to administrative and other matters with which participants must comply.

Regulation 35 specifies the ongoing obligations in relation to metering. It imposes requirements on participants in relation to their heat meters and steam measuring equipment; requires participants to provide data when requested by the Authority; and specifies the metering arrangements for participants using heat pumps for both heating and cooling. This regulation also permits the data to be estimated in exceptional circumstances.

Regulation 36 specifies ongoing obligations in relation to the provision of information and gives effect to Schedule 1.

Part 5 (regulations 37 to 42) confers on the Authority the function of calculating and paying periodic support payments to participants. These regulations specify the method by which tariffs are assigned; confer a function on the Authority to calculate and publish a table of tariffs each year based on the tariffs set out in Schedule 3 adjusted in line with the retail price index and specifies the method by which periodic support payments are calculated.

Part 6 (regulation 43) specifies how a plant using the same source of energy and technology as an accredited RHI installations and supplying heat to the same heating system (known as additional RHI capacity) is to be treated under the scheme.

Part 7 (regulations 44 to 48) sets out the provisions in relation to enforcement. Regulations 44 to 47 confer on the Authority a wide range of powers to temporarily or permanently withhold a participant's periodic support payments or reduce a periodic support payment.

Regulation 47 confers a power on the Authority to revoke accreditation or registration in certain circumstances.

Regulation 48 confers a power on the Authority to recover overpayments.

Part 8 (regulation 49) confers on the Authority a power to revoke any sanction imposed under Part 7 and specifies the circumstances and manner in which the Authority may exercise this power.

Part 9 (regulation 50) confers on the Authority or its authorised agent the power to inspect an accredited RHI installation and its associated infrastructure and specifies the manner and circumstances in which this power may be exercised and the consequences of refusal.

Part 10 (regulation 51) confers a right of review on any prospective, current or former participant affected by a decision made by the Authority under these Regulations, sets out the process by which a person may request a review of such decisions and specifies the Authority's powers on review.

Part 11 (regulations 52 to 55) confers additional administrative functions on the Authority. Under regulation 52 the Authority must publish procedural guidance in connection with the administration of the scheme.

Regulation 53 requires the Authority to provide information to the Secretary of State including annual, quarterly and monthly reports and to publish certain information on its website.

Regulation 54 requires the Authority to provide certain additional information as the Secretary of State may request.

Regulation 55 describes the form of notices under these Regulations.

A draft of these Regulations was notified to the European Commission in accordance with Directive [98/34/EC](#) of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical standards and regulations (OJ L 204, 21.7.1998, p. 37) as amended by Directive [98/48/EC](#) (OJ L 217, 5.8.1998, p. 18).

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Department of Energy and Climate Change at 3 Whitehall Place, London, SW1A 2AW and is published with the Explanatory Memorandum alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).

**Status:**

Point in time view as at 24/03/2016.

**Changes to legislation:**

There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2011 (revoked).