
STATUTORY INSTRUMENTS

2015 No. 1459

**The Renewable Heat Incentive Scheme and
Domestic Renewable Heat Incentive Scheme
(Amendment) (No. 2) Regulations 2015**

PART 2

Amendments to the Renewable Heat Incentive Scheme Regulations 2011

Amendments to the Renewable Heat Incentive Scheme Regulations 2011

2. The Renewable Heat Incentive Scheme Regulations 2011⁽¹⁾ are amended in accordance with regulations 3 to 10.

Amendments to regulation 2 (interpretation)

3.—(1) Regulation 2 is amended as follows.

(2) In the definition of “estimated additional biomethane spend”, in paragraph (a) omit “all”.

(3) In the definition of “estimated energy from biomethane”—

(a) for “FRxTx10” substitute “FRxTx10xP”;

(b) after “estimated flow rate,” omit “and”; and

(c) at the end insert—

“and

(c) P is the proportion of biomethane which is calculated as follows—

$$\frac{E}{B}$$

where—

(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.”

(4) In the definition of “estimated original biomethane spend”, in paragraph (a) omit “all”.

(5) In the definition of “estimated spend”—

(a) in paragraph (b) after “a periodic support payment” insert “or has received three or fewer periodic support payments”; and

⁽¹⁾ S.I. 2011/2860; relevant amending instruments are 2013/1033, 2014/1413, 2015/145 and 2015/197.

(b) in paragraph (d) for “a periodic support payment” substitute “four or more periodic support payments”.

(6) In the definition of “flow rate” in paragraph (a) after “received” insert “commencing with the third periodic support payment”.

Amendments to regulation 13 (certification for installation of Microgeneration heating equipment)

4.—(1) Regulation 13 is amended as follows.

(2) For regulation 13(2)(a)(i) substitute—

“(i) 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⁽²⁾;

(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⁽³⁾; 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⁽⁴⁾,

provided it is in force on the plant’s first commissioning date;”.

(3) In regulation 13(2)(a)(ii)(aa) after “21st November 2014;” omit “or”.

(4) In regulation 13(2)(a)(ii)(bb) after “16th December 2013” insert—

“; or

(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⁽⁵⁾

(5) In regulation 13(2)(a)(iii)(aa) after “21st November 2014;” omit “or”.

(6) In regulation 13(2)(a)(iii)(bb) after “16th December 2013” insert—

“; or

(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⁽⁶⁾

Amendments to regulation 22 (applications for accreditation)

5. After paragraph (3) insert—

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“(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.

(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.

(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).”.

Amendment to regulation 25 (producers of biomethane)

6.—(1) Regulation 25 is amended as follows.

(2) After paragraph (2B) insert—

“(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.

(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.

(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) After paragraph (8) insert—

“(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.”.

Amendment to regulation 36A (interpretation of Part 4)

7. In regulation 36A, for the definition of “sustainable biomethane” substitute—

““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);

Amendment to regulation 36C (information to be provided to the Authority in relation to the use of sustainable solid biomass etc)

- 8.—(1) Regulation 36C is amended as follows.
- (2) In paragraph (2)(b), for “regulation 36B(3)(b)” substitute “regulation 36B(3)(a) or (b)”.
- (3) In paragraph (7)(a), for the words in brackets substitute “except solid biomass to which regulation 36B(3)(a) or (b) applies”.

Amendment to Schedule 1 (Information required for accreditation and registration)

- 9.—(1) Paragraph 1(5) is amended as follows.
- (2) Before “(n)(ii)” insert “(2)”.
- (3) For paragraph 1(5)(a) of Schedule 1 substitute—
- “(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(7);
- (ii) version 2.0 of the document entitled “Heat Emitter Guide for Domestic Heat Pumps” published on 21st November 2014(8); or
- (ii) version 1.0 of the document entitled “MCS 026 Seasonal Coefficient of Performance Calculator” published on 1st May 2015(9),
- whichever is required by the relevant installation standard for the purposes of regulation 13;”.

Amendment to Schedule 2B (Land criteria)

- 10.—(1) Schedule 2B is amended as follows.
- (2) In paragraph 3, omit sub-paragraph (b).
- (3) In paragraph 12—
- (a) in paragraph (c), after “highly biodiverse grassland”, insert “unless the harvesting is necessary to preserve the grassland status”; and
- (b) omit sub-paragraph (f).

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