
STATUTORY INSTRUMENTS

2018 No. 611

The Renewable Heat Incentive Scheme Regulations 2018

PART 6

Changes affecting accredited RHI installations and registered producers

Review of accreditation or registration following notification of a change in circumstances

- 52.**—(1) This regulation applies where—
- (a) the Authority receives a notification under regulation 43; and
 - (b) regulations [^{F1}[^{F2}52A, 54, 54A,], 55 and 55A] do not apply.
- (2) On receipt of the notification, the Authority may—
- (a) require the participant to provide such information as the Authority considers necessary to enable the Authority to consider whether a review should be carried out in accordance with this regulation and, if appropriate, to carry out such a review; and
 - (b) either—
 - (i) review the accreditation of the accredited RHI installation to which the notification relates to ensure that it continues to meet the eligibility criteria; or
 - (ii) review the registration of the registered biomethane producer to which the notification relates to ensure that the producer continues to meet the requirements under these Regulations.
- (3) No periodic support payment may be made from the date on which the Authority receives the notification until—
- (a) the Authority has notified the participant that—
 - (i) it is satisfied that it is not necessary to review the accreditation of the installation or registration of the biomethane producer;
 - (ii) it has carried out a review and is satisfied that the installation may continue to be an accredited RHI installation or the biomethane producer may continue to be registered; or
 - (b) where regulation 53(1)(a) or (b) applies, the Authority has notified the participant that it is satisfied that the metering requirements in regulation 24 have been met.
- (4) Where the Authority is satisfied in accordance with paragraph (3) it must resume payment of periodic support payments in accordance with these Regulations and pay to the participant any periodic support payments withheld in accordance with paragraph (3).

Textual Amendments

- F1** Words in reg. 52(1)(b) substituted (1.10.2018) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2018 \(S.I. 2018/635\)](#), regs. 1(4), **18**

Status: Point in time view as at 01/04/2022.

Changes to legislation: There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2018, PART 6. (See end of Document for details)

F2 Words in reg. 52(1)(b) substituted (1.4.2021) by [The Domestic Renewable Heat Incentive Scheme and Renewable Heat Incentive Scheme \(Amendment\) Regulations 2021 \(S.I. 2021/76\)](#), regs. 1(4)(b), **22**

[^{F3}Modification of installation capacity — shared ground loop systems

52A.—(1) This regulation applies to an accredited RHI installation which is a ground source heat pump or a shared ground loop system.

(2) The participant must notify the Authority on or before 31st March 2023 of any plan to modify the installation capacity of the accredited RHI installation by adding one or more ground source heat pumps in the circumstances set out in paragraph (3) (“plan to modify capacity”).

(3) The circumstances are—

- (a) any ground source heat pump to be added to the accredited RHI installation as part of the modification (“additional ground source heat pump”)—
 - (i) will be commissioned as part of a shared ground loop system; and
 - (ii) will meet the eligibility criteria set out in regulation 11; and
- (b) after the commissioning of any additional ground source heat pump, there will be an increase in the amount of heat in kWhth generated by the accredited RHI installation for eligible purposes.

[
^{F4}(3A) A participant must not notify the Authority of any further plan to modify capacity in relation to the same accredited RHI installation without first withdrawing the original plan to modify capacity.]

(4) A notification under paragraph (2) must be made in writing to the Authority and must—

- (a) provide details of the plan to modify capacity, including—
 - (i) whether the participant plans to modify the installation capacity under this regulation once only, or twice;
 - (ii) the total intended installation capacity of the accredited RHI installation following the modification or modifications detailed in the plan (“total intended installation capacity”);
 - (iii) the date on which the participant expects each additional ground source heat pump to be commissioned (“expected commissioning date”); and
 - (iv) the amount of heat in kWhth which the participant expects each additional ground source heat pump to generate each year for eligible purposes; and
- (b) be supported by—
 - (i) details of the process by which the participant proposes to modify the installation capacity of the accredited RHI installation;
 - (ii) such of the information specified in Schedule 2 as the Authority may require;
 - (iii) a declaration that the information provided by the participant is accurate to the best of the participant’s knowledge and belief; and
 - (iv) a declaration that the participant will be the owner, or one of the owners, of each additional ground source heat pump.

(5) On receipt of a notification under paragraph (2), the Authority may request the participant to provide within a period of no less than four weeks starting with the date of the request—

- (a) further information specified in Schedule 2;

- (b) evidence of any heat loss calculation used in determining the increase in the amount of heat in kWhth to be generated by the accredited RHI installation for eligible purposes;
 - (c) evidence to demonstrate to the Authority's satisfaction that the shared ground loop system is an appropriate size for the total intended installation capacity.
- (6) On reviewing a plan to modify capacity, the Authority must send the participant a written notice—
- (a) approving or rejecting the plan;
 - (b) if the plan is rejected, giving reasons; and
 - (c) if the plan is approved, specifying—
 - (i) that the Authority is satisfied as to the matters mentioned in paragraph (7); and
 - (ii) the tariff which will apply to the accredited RHI installation in relation to the total intended installation capacity.
- (7) The Authority must not approve a plan to modify capacity unless satisfied that—
- (a) the circumstances in paragraph (3) apply;
 - (b) the evidence and information required by paragraphs (4) and (5) have been provided;
 - (c) the accredited RHI installation will continue to meet the eligibility criteria and should accordingly continue to be accredited;
 - (d) regulation 52B(4) does not apply;
[regulation 52B(4A) does not apply;]
- ^{F5}(da)
- (e) where regulation 53(1)(a) or (b) applies, the metering requirements in regulation 24 will be met;
 - (f) the notification under paragraph (2) was made on or before 31st March 2023.
- (8) A participant must notify the Authority within 28 days after modifying the installation capacity of an accredited RHI installation in accordance with a plan approved under this regulation.
- (9) A participant may not modify the installation capacity of an accredited RHI installation under this regulation more than twice during the tariff lifetime for that installation.
- (10) A notification under paragraph (8) in relation to a modification must contain—
- (a) the commissioning date or expected commissioning date for each ground source heat pump added as part of the modification;
 - (b) the installation capacity of the accredited RHI installation following the modification (“new installation capacity”);
 - (c) evidence that the new installation capacity does not exceed the total intended installation capacity; and
 - (d) evidence of any heat loss calculation used in determining the increase in the amount of heat in kWhth generated by the accredited RHI installation for eligible purposes.
- (11) On receipt of a notification under paragraph (8), the Authority may request the participant to provide, within a period of no less than four weeks starting with the date of the request, additional information in order to be satisfied as to the matters specified in paragraph (12)(a) to (c).
- (12) Paragraphs (13) and (14) apply if the Authority is satisfied that, following a modification—
- (a) the accredited RHI installation continues to meet the eligibility criteria;
 - (b) the new installation capacity does not exceed the total intended installation capacity; and
 - (c) there has not been a material change in circumstances such that, had the plan to modify capacity been notified under paragraph (2) after the change, it would have been rejected.

Status: Point in time view as at 01/04/2022.

Changes to legislation: There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2018, PART 6. (See end of Document for details)

(13) The Authority must update the central register referred to in regulation 30(9)(c) if appropriate.

(14) Periodic support payments taking account of the amount of heat in kWhth generated for eligible purposes by the ground source heat pump or pumps added as part of the modification, calculated from the date in paragraph (15), are payable in accordance with these Regulations.

(15) The date is the commissioning date for the last ground source heat pump added as part of the modification.

(16) The tariff which will apply to the accredited RHI installation from the first quarterly period following the date in paragraph (15) is—

- (a) if as a result of the modification there is no change in the tariff category (as defined in regulation 56), the relevant tariff set out in Schedule 6 determined as at the tariff start date for that installation;
- (b) if as a result of the modification there is a change in the tariff category, the relevant tariff set out in Schedule 6.

(17) In calculating the initial tariff or subsequent tariff, “initial heat” in regulation 63(6) must be determined taking into account the installed peak heat output capacity of the ground source heat pump or pumps added as part of the modification.

(18) The addition of any ground source heat pump or pumps to an accredited RHI installation in accordance with a plan approved under this regulation does not alter the tariff end date or the tariff lifetime for that installation.

Textual Amendments

- F3** Regs. 52A, 52B inserted (1.4.2021) by [The Domestic Renewable Heat Incentive Scheme and Renewable Heat Incentive Scheme \(Amendment\) Regulations 2021 \(S.I. 2021/76\)](#), regs. 1(4)(b), **23**
- F4** [Reg. 52A\(3A\)](#) inserted (1.4.2022) by [The Domestic Renewable Heat Incentive Scheme and Renewable Heat Incentive Scheme \(Amendment\) Regulations 2022 \(S.I. 2022/159\)](#), regs. 1(3), **42(a)**
- F5** [Reg. 52A\(7\)\(da\)](#) inserted (1.4.2022) by [The Domestic Renewable Heat Incentive Scheme and Renewable Heat Incentive Scheme \(Amendment\) Regulations 2022 \(S.I. 2022/159\)](#), regs. 1(3), **42(b)**

Budget allocation for modification of installation capacity — shared ground loop systems

52B.—(1) The Secretary of State may—

- (a) determine and publish a budget allocation for modifying installation capacity under regulation 52A (“budget allocation”) for any of the financial years 2021/2022, 2022/2023 and 2023/2024;

[for the financial years 2022/2023 and 2023/2024, determine and publish those parts of the ^{F6}(aa) budget allocation which will be allocated to—

- (i) heating a space or water, or heating both a space and water, in domestic premises; and
- (ii) all other heat uses;]
- (b) review the budget allocation for a current or future financial year; and
- (c) as a result of such a review, increase the budget allocation for that year.

(2) For the purpose of determining the budget allocation for a financial year, the Secretary of State must publish—

- (a) an estimate of inflation for the financial year; and
- (b) load factors applicable for each relevant technology.

(3) The Authority must consider plans to modify capacity in the order in which it receives notification of them under regulation 52A(2).

(4) Where the Secretary of State publishes a budget allocation for a financial year, the Authority must not approve a plan to modify capacity where the estimated total modified capacity commitment for a financial year would exceed the budget allocation for that year if the plan were approved.

[
^{F7}(4A) Where the Secretary of State exercises the power in paragraph (1)(aa), paragraph (4) applies as if the reference to the “estimated total modified capacity commitment” were to the part of that sum to be used as set out in paragraph (1)(aa)(i) or (ii) and the reference to “budget allocation” were to the corresponding part of the budget allocation.

(4B) The Authority must not approve a plan to modify capacity in any financial year subsequent to the financial year 2023/2024.]

(5) Following an increase in budget allocation pursuant to paragraph (1)(c), or any decrease in the estimated total modified capacity commitment resulting from the withdrawal or rejection of a plan to modify capacity, the Authority must proceed to consider outstanding plans in the order in which it receives notification of them under regulation 52A(2).

(6) In this regulation—

“estimated annual payment”, in relation to a plan to modify the installation capacity of a plant under regulation 52A, means—

$C \times LF \times H \times T \times I$

where—

- [^{F8}(i) C is the expected increase in the installation capacity of the plant as a result of the modification;]
- (ii) LF is the heat load factor for the plant’s technology, published by the Secretary of State under paragraph (2);
- (iii) H is the number of hours in a financial year;
- (iv) T is the tariff which will apply under regulation 52A(16); and
- (v) I is the estimate of inflation for a financial year, published by the Secretary of State under paragraph (2);

“estimated total modified capacity commitment”, in relation to a financial year, means the sum of the estimated annual payments for every plan to modify capacity which has not been withdrawn by the applicant or rejected by the Authority;

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

“plan to modify capacity” has the meaning given in regulation 52A(2).]

Textual Amendments

- F3** Regs. 52A, 52B inserted (1.4.2021) by [The Domestic Renewable Heat Incentive Scheme and Renewable Heat Incentive Scheme \(Amendment\) Regulations 2021 \(S.I. 2021/76\)](#), regs. 1(4)(b), **23**
- F6** [Reg. 52B\(1\)\(aa\)](#) inserted (1.4.2022) by [The Domestic Renewable Heat Incentive Scheme and Renewable Heat Incentive Scheme \(Amendment\) Regulations 2022 \(S.I. 2022/159\)](#), regs. 1(3), **43(a)**
- F7** [Reg. 52B\(4A\)\(4B\)](#) inserted (1.4.2022) by [The Domestic Renewable Heat Incentive Scheme and Renewable Heat Incentive Scheme \(Amendment\) Regulations 2022 \(S.I. 2022/159\)](#), regs. 1(3), **43(b)**
- F8** Words in [reg. 52B\(6\)](#) substituted (1.4.2022) by [The Domestic Renewable Heat Incentive Scheme and Renewable Heat Incentive Scheme \(Amendment\) Regulations 2022 \(S.I. 2022/159\)](#), regs. 1(3), **43(c)**

Change in circumstances for shared ground loop systems

53.—(1) The heat generated by a ground source heat pump must be metered in accordance with regulation 24 in any case where, following a review under regulation 52 or an investigation under Part 9 in respect of a shared ground loop system, the Authority considers that—

- (a) one of the conditions set out in regulation 24(2) applies to a ground source heat pump which forms part of the shared ground loop system and in respect of which the heat generated has not been metered in accordance with regulation 24; or
- (b) the property to which the ground source heat pump provides heat was occupied for less than 183 days in any 12 month period ending with the anniversary of the accredited RHI installation's tariff start date.

(2) When payments are resumed in accordance with regulation 52(4), such payments must be calculated in accordance with regulation 70(3).

Changes in ownership [^{F9}of accredited RHI installations]

54.—(1) This regulation applies where ownership of all or part of an accredited RHI installation is transferred [^{F10}from one person to another person (“new owner”)].

(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 (4) have been completed.

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

- (a) may require the new owner to provide such information 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 notification under paragraph (2)(a), such information as has been required under paragraph (3)(a), if any, and, where a review has been carried out, is satisfied as to the matters specified in paragraph (3)(b), it must—

- (a) update the central register referred to in regulation 30(9)(c);
- (b) where the new owner is to become the participant, send the new owner a statement of eligibility setting out the information specified in regulation 30(9)(f); and
- (c) where applicable, send the new owner (if the new owner is to become the participant) a notice in accordance with regulation 30(9)(e).

(5) If the Authority becomes aware of the transfer of ownership of an accredited RHI installation and, within a period of 12 months commencing with the date of the transfer of ownership taking effect—

- (a) no notification is made in accordance with paragraph (2)(a); or
- (b) any information required under paragraph (3)(a) is not provided to the Authority,

the installation will on the expiry of that period cease to be accredited and accordingly no further periodic support payments may be made 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), if the steps required under paragraph (4) are completed, the new owner of an accredited RHI installation must be paid periodic support payments calculated from the date of [^{F11}the notification under paragraph (2)(a)] for the remainder of the tariff lifetime of that accredited RHI installation in accordance with these Regulations.

(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 30(3).

Textual Amendments

- F9** Words in reg. 54 heading inserted (1.4.2021) by [The Domestic Renewable Heat Incentive Scheme and Renewable Heat Incentive Scheme \(Amendment\) Regulations 2021 \(S.I. 2021/76\)](#), regs. 1(4)(b), **24**
- F10** Words in reg. 54(1) substituted (1.4.2022) by [The Domestic Renewable Heat Incentive Scheme and Renewable Heat Incentive Scheme \(Amendment\) Regulations 2022 \(S.I. 2022/159\)](#), regs. 1(3), **44(a)**
- F11** Words in reg. 54(7) substituted (1.4.2022) by [The Domestic Renewable Heat Incentive Scheme and Renewable Heat Incentive Scheme \(Amendment\) Regulations 2022 \(S.I. 2022/159\)](#), regs. 1(3), **44(b)**

[^{F12}Change of producer of biomethane for injection

54A.—(1) This regulation applies where—

- (a) a person begins to use equipment to produce biomethane for injection (“new producer”); and
- (b) a registered producer of biomethane for injection (“the original producer”) is receiving periodic support payments for the production of biomethane for injection using that same equipment.

(2) No periodic support payment may be made to the new producer until—

- (a) the new producer has notified the Authority of the change;
- (b) the steps required by paragraph (4) have been completed; and
- (c) periodic payments to the original producer for the production of biomethane for injection using the same equipment have stopped.

(3) On receipt of a notification under paragraph (2)(a), the Authority may require the new producer to provide information which the Authority considers necessary for the proper administration of the Scheme.

(4) If the Authority is satisfied that the ongoing obligations will continue to be complied with by the new producer and that the eligibility criteria will continue to be met, the Authority must (subject to regulations 31 and 81(4))—

- (a) update the central register referred to in regulation 32(10)(b) by substituting the name of the new producer; and
- (b) send the new producer a statement of eligibility including the following information—
 - (i) the date of registration of the original producer;
 - (ii) the date on which the new producer is added to the register;
 - (iii) the tariff which applies;
 - (iv) the process and timing for providing meter readings, if applicable;
 - (v) details of the frequency and timetable for periodic support payments; and
 - (vi) the tariff lifetime and tariff end date.

(5) The Authority may refuse to register a new producer where it considers that one or more of the applicable ongoing obligations will not be complied with.

Status: Point in time view as at 01/04/2022.

Changes to legislation: There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2018, PART 6. (See end of Document for details)

(6) The new registered producer must be paid periodic support payments (calculated from the date of receipt of a notification under paragraph (2)(a) until the tariff end date in accordance with these Regulations) if injection of biomethane produced by the new registered producer has commenced.

(7) This paragraph applies where, within the period of 12 months beginning with a change of producer, the Authority becomes aware that a new producer is using equipment to produce biomethane for injection and a registered producer of biomethane for injection is receiving periodic support payments for the production of biomethane for injection using that same equipment, and—

- (a) no notification is made under paragraph (2)(a); or
- (b) any information required under paragraph (3) is not provided to the Authority.

(8) If paragraph (7) applies, at the end of the period of 12 months specified in that paragraph—

- (a) the original producer will cease to be registered; and
- (b) no further periodic support payments may be made in respect of any biomethane produced using that equipment.

(9) The period specified in paragraph (7) may be extended by the Authority where the Authority considers it is just and equitable to do so.]

Textual Amendments

F12 Reg. 54A inserted (1.4.2021) by [The Domestic Renewable Heat Incentive Scheme and Renewable Heat Incentive Scheme \(Amendment\) Regulations 2021 \(S.I. 2021/76\)](#), regs. 1(4)(b), **25**

Changes in location of accredited RHI installations

55.—(1) This regulation applies where an accredited RHI installation is moved to a new location.

(2) No periodic support payment is payable 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 information 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 16(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 30(9)(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 are payable in accordance with these Regulations.

[^{F13}Replacement plants

55A.—(1) Where a replacement plant is installed—

- (a) an accreditation application for that plant may be made by the owner of the replacement plant if that person is a participant in relation to the original plant; and

- (b) no periodic support payments are payable for the period commencing with the date on which the original plant ceased to provide heat and ending with the day before the date on which the Authority received the accreditation application for the replacement plant.

[
F14(1A) An accreditation application under paragraph (1) may be made after Scheme closure.]

(2) Where a replacement plant has a greater capacity than the original plant, no periodic support payments may be made in respect of any capacity above that of the original plant.

(3) The tariff to be used for the purpose of calculating periodic support payments for a replacement plant is the tariff which would have applied to the original plant, had it not been replaced.

(4) Where a replacement plant has a lower capacity than the original plant and regulation 63 applies, initial heat (within the meaning given in regulation 63(3), (4) or (5)) is to be calculated using the installation capacity of the replacement plant.

(5) A replacement plant meets the criteria for being an eligible installation if it meets the eligibility criteria applicable as at the date of accreditation of the original plant except that, in the case of a replacement plant which is an installation generating heat from solid biomass, regulation 5 must apply to the replacement plant itself.]

Textual Amendments

F13 Reg. 55A inserted (1.10.2018) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2018 \(S.I. 2018/635\)](#), regs. 1(4), **19**

F14 Reg. 55A(1A) inserted (1.4.2021) by [The Domestic Renewable Heat Incentive Scheme and Renewable Heat Incentive Scheme \(Amendment\) Regulations 2021 \(S.I. 2021/76\)](#), regs. 1(4)(b), **26**

Status:

Point in time view as at 01/04/2022.

Changes to legislation:

There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2018, PART 6.