
STATUTORY INSTRUMENTS

2018 No. 611

The Renewable Heat Incentive Scheme Regulations 2018

PART 3

Accreditation, registration and tariff guarantees

Producers of biomethane

32.—(1) 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 2 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 for injection; and
- (d) a declaration as to the volume in cubic metres of biomethane which the applicant expects to produce for injection each year.

(3) Before registering a producer of biomethane for injection as a participant, the Authority may request access without notice at any reasonable hour to carry out inspections 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.

(4) Where 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.

[^{F1}(4A) Where a producer of biomethane for injection makes an application for registration on or after 20th June 2018, the Authority must not register an applicant unless—

- (a) the applicant has specified the biogas production plant to be used for the purposes of its registration; and
- (b) the equipment used to produce biomethane has been commissioned.]

(5) 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 four 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.
- (6) The Authority may by notice extend the period specified in a notice under paragraph (5)(b) where it is satisfied that it is reasonable to do so.
- (7) The Authority may refuse to register an applicant if, within the period specified under paragraph (5)(b) or, where applicable, (6), the applicant has failed to provide the information specified in a notice given under paragraph (5).
- (8) The Authority may in registering an applicant attach such conditions as it considers appropriate.
- (9) The Authority must specify the maximum initial capacity in respect of which the participant is registered.
- (10) Where the application for registration has, in the Authority's opinion, been properly made, the Authority must (subject to paragraphs (11) to (14) and regulations [^{F2}3A,] 31 and 81(4))—
- (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;
 - (d) notify the applicant of the maximum initial capacity specified in accordance with paragraph (9); and
 - (e) send the applicant a statement of eligibility including [^{F3}the tariff end date and such other] of the information specified in regulation 30(9)(f) as the Authority considers applicable.
- (11) The Authority may refuse to register an applicant where it considers that one or more of the applicable ongoing obligations will not be complied with.
- (12) Where an application for registration is made on or after the date on which these Regulations come into force, the Authority must not register an applicant unless any necessary planning permission has been granted in respect of the processes by which the biogas which is used to produce the biomethane is produced, the biogas is converted into biomethane, or the biomethane is injected.
- [^{F4}(12A) Where an application for registration is made on or after 1st October 2018, the Authority must not register an applicant unless—
- (a) any necessary environmental permits have been granted in respect of the processes by which the biogas which is used to produce the biomethane is produced, the biogas is converted into biomethane, or the biomethane is injected; and
 - (b) a declaration is made that the processes by which the biogas which is used to produce the biomethane is produced, the biogas is converted into biomethane, or the biomethane is injected comply, and will continue to comply, with all local and national laws including those relating to the protection of the environment.]
- (13) The Authority—
- (a) must not register an applicant if it would result in periodic support payments being made to more than one participant for the same biomethane;
 - (b) must not register an applicant where the applicant refused to allow the Authority access for the purposes of an inspection under paragraph (3), and—
 - (i) the Authority is not satisfied that the refusal was reasonable; and
 - (ii) any subsequent access granted by the applicant for the purposes of an inspection was not sufficient to enable the Authority to satisfy itself that the applicant should be registered;

- (c) may refuse to register an applicant if the Authority refused a previous application for registration made by the applicant, or a connected person, on the ground that information contained in the previous application was incorrect or misleading in a material particular;
- [^{F5}(d) in the case of an application for registration made on or after 20th June 2018, may refuse to register an applicant where the Authority is satisfied that the biogas production plant specified in accordance with paragraph (4A)(a) has been used for the purposes of the registration of any other participant].
- (14) The Authority must not register an applicant unless at the time of making the application, injection of biomethane produced by that applicant has commenced.
- (15) 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.

Textual Amendments

- F1** Reg. 32(4A) inserted (20.6.2018) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2018 \(S.I. 2018/635\)](#), regs. 1(2), **14(a)**
- F2** Word in reg. 32(10) 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), **13(a)**
- F3** Words in reg. 32(10)(e) 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), **13(b)**
- F4** Reg. 32(12A) 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), **14(b)**
- F5** Reg. 32(13)(d) inserted (20.6.2018) by [The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme \(Amendment\) Regulations 2018 \(S.I. 2018/635\)](#), regs. 1(2), **14(c)**

Changes to legislation:

There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2018, Section 32.