
STATUTORY INSTRUMENTS

2018 No. 611

The Renewable Heat Incentive Scheme Regulations 2018

PART 4

Ongoing obligations for participants

CHAPTER 3

Ongoing obligations relating to other matters

Ongoing obligations: general

- 43.** 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;
 - (b) where they have used solid biomass which was an approved sustainable fuel at the time when it was received by the participant or in respect of which the Secretary of State had made a declaration under regulation 51(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;
 - (c) 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;
 - (d) 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;
 - (e) they must notify the Authority if any of the information provided in support of their application for accreditation or registration was incorrect;
 - (f) they must ensure that their accredited RHI installation continues to meet the eligibility criteria;
 - (g) they must comply with any condition attached to their accreditation or registration;
 - (h) they must keep their accredited RHI installation maintained to the Authority's satisfaction and keep evidence of this including service and maintenance documents;
 - (i) 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;
 - (j) they must allow the Authority or its authorised agent reasonable access in accordance with regulation 85;
 - (k) participants generating heat from solid biomass or solid biomass contained in waste must comply with the regulation specified by the Authority in accordance with regulation 30(9)(e);
 - (l) 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;
- (m) 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;
 - (n) they must notify the Authority within 28 days of a change in ownership of all or part of their accredited RHI installation;
 - (o) they must repay any overpayment in accordance with any notice served under regulation 83;
 - (p) 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;
 - (q) they must not generate heat for the purpose of increasing their periodic support payments;
 - (r) 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;
 - (s) they must notify the Authority within 28 days where the accredited RHI installation is moved to a new location;
 - (t) they must comply with such other administrative requirements that the Authority may specify in relation to the effective administration of the Scheme;
 - (u) participants generating heat and power in a CHP system to which regulation 13 applies, must notify the Authority within 28 days where CHPQA certification ceases to apply;
 - (v) 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;
 - (w) participants generating heat using a ground source heat pump for which an application for accreditation is made on or after 28th May 2014 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;
 - (x) participants to whom regulation 32(12) applies, must ensure that any necessary planning permission continues to be complied with in respect of the processes by which the biogas which is used to produce the biomethane is produced, the biogas is converted into biomethane, and the biomethane is injected;
 - [^{F1}(xa) where regulation 32(12A) applied to their application for registration, participants must ensure that any necessary environmental permits and local and national laws including those relating to the protection of the environment continue to be complied with in respect of the processes by which the biogas which is used to produce the biomethane is produced, the biogas is converted into biomethane, and the biomethane is injected;]
 - (y) where regulation 74 applies, the participant must comply with the following obligations in relation to each payment year (within the meaning of regulation 74)—

- (i) the participant must provide a declaration to the Authority following the end of each payment year stating the proportion of the total biogas yield for that payment year which is not derived from waste or residue; and
 - (ii) in the case of a producer of biomethane for injection or an accredited RHI installation with an installation capacity of 1MWth or above which generates heat from biogas, the annual report submitted by the participant in accordance with regulation 50 must confirm whether the figure provided by the participant under sub-paragraph (i) is correct, together with supporting evidence to show how it is calculated.
- [^{F2}(z) they must notify the Authority within 28 days of the installation of a replacement plant; and
- (z1) they must ensure that any necessary environmental permits, and local and national laws including those relating to the protection of the environment, continue to be complied with by the plant].

Textual Amendments

- F1** Reg. 43(xa) 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), **16(a)**
- F2** Reg. 43(z)(z1) 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), **16(b)**

Changes to legislation:

There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2018, Section 43.