
STATUTORY INSTRUMENTS

2018 No. 611

The Renewable Heat Incentive Scheme Regulations 2018

PART 6

Changes affecting accredited RHI installations and registered producers

[^{F1}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 ^{F2}(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).

[^{F3}(3A) For the purposes of paragraph (3), a plan to modify capacity notified in relation to a proposed plant is deemed to be received by the Authority on the date the proposed plant becomes accredited under regulation 30.]

(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.

[^{F4}(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 x LF x H x T x I

where—

- [^{F5}(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

- F1** 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**
- F2** 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)**
- F3** Reg. 52B(3A) inserted (16.11.2022) by [The Renewable Heat Incentive Scheme \(Amendment\) Regulations 2022 \(S.I. 2022/1096\)](#), regs. 1(1), **5**
- F4** 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)**
- F5** 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)**

Changes to legislation:

There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2018, Section 52B.