
STATUTORY INSTRUMENTS

2021 No. 76

**The Domestic Renewable Heat Incentive
Scheme and Renewable Heat Incentive
Scheme (Amendment) Regulations 2021**

PART 3

Amendment of the Renewable Heat Incentive Scheme Regulations 2018

CHAPTER 4

Amendment of Part 4

Insertion of regulation 40A

17. After regulation 40 (biogas produced from gasification or pyrolysis) insert—

“Biogas produced from feedstock derived from fossil fuel

40A.—(1) This regulation applies to—

- (a) a participant producing biogas from anaerobic digestion in an accredited RHI installation; or
- (b) a participant producing biomethane for injection from biogas made from anaerobic digestion.

(2) The participant may use feedstock derived from fossil fuel only where the contribution of that fossil fuel to the energy content of the biogas does not exceed 10%.

(3) For the purposes of paragraph (2)—

- (a) the percentage of the energy content of biogas from the fossil fuel component of the feedstock is to be determined by the Authority for every quarterly period;
- (b) it is for the participant to provide, in such form as the Authority may require, evidence to demonstrate to the Authority’s satisfaction the percentage of the energy content of biogas from feedstock derived from fossil fuel; and
- (c) the percentage of the energy content of biogas from feedstock derived from fossil fuel is the energy content of the fossil fuel expressed as a percentage of the energy content of the biogas used in that quarterly period to generate heat or produce biomethane.

(4) Without prejudice to paragraph (3)(b), in determining the percentage of the energy content of biogas from feedstock derived from fossil fuel, the Authority may have regard to any information (whether or not produced to it by the participant) if, in its opinion, that information indicates the contribution of feedstock derived from fossil fuel to the energy content of the biogas.

(5) Where the Authority so requests, the participant must arrange for samples of the fuel used (or to be used) in the accredited RHI installation or in the production of biomethane, or of any gas or other substance produced as the result of the use of such fuel, to be taken by a person (and analysed in a manner) specified by the Authority, and for the results of that analysis to be made available to the Authority in such form as the Authority may require.”.

Amendment of regulation 41 (participants generating heat from biogas)

18. In regulation 41 (participants generating heat from biogas) —

- (a) in paragraph (3), after “fuel” insert “(not being feedstock derived from fossil fuel)”;
(b) after paragraph (3) insert—

“(4) The participant may use feedstock derived from fossil fuel in the accredited RHI installation only in accordance with regulation 40A.”.