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STATUTORY INSTRUMENTS

2022 No. 1217

ENERGY

**The Renewable Heat Incentive Scheme (Amendment) (No. 2)
Regulations 2022**

Made - - - - *21st November 2022*

Laid before Parliament *22nd November 2022*

Coming into force in accordance with regulation 1(1)

The Secretary of State, in exercise of the powers conferred by sections 100 and 104(2) of the Energy Act 2008(a), makes the following Regulations.

In accordance with section 100(7)(a) of that Act, the Secretary of State has obtained the consent of the Scottish Ministers to the making of these Regulations.

In accordance with section 148A(1)(b) of the Government of Wales Act 2006(b), the Secretary of State has consulted the Welsh Ministers before making these Regulations.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Renewable Heat Incentive Scheme (Amendment) (No. 2) Regulations 2022 and come into force on the day after the day on which they are laid before Parliament.

(2) These Regulations extend to England and Wales, and Scotland.

Amendment of the Renewable Heat Incentive Scheme Regulations 2018

2. In the Renewable Heat Incentive Scheme Regulations 2018(c), in Schedule 4A (solid biomass which is wood: criteria for woodfuel quality), in paragraph 2A(a), for “these Regulations” substitute “the Renewable Heat Incentive Scheme (Amendment) (No. 2) Regulations 2022”.

Callanan

Parliamentary Under Secretary of State

Department for Business, Energy and Industrial Strategy

21st November 2022

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- (a) 2008 c. 32. Section 100 was amended by section 51 of the Infrastructure Act 2015 (c. 7) and by S.I. 2011/2195. Section 51 also amended section 105 of the Energy Act 2008 (parliamentary control of subordinate legislation) and inserted subsections (3A) to (3I) concerning provisions which require the affirmative resolution procedure. By virtue of section 105(3A) to (3I), these Regulations do not attract the affirmative procedure.
- (b) 2006 c.32. Section 148A was inserted by the Wales Act 2017 (c. 4), section 55(1).
- (c) S.I. 2018/611; relevant amending instruments are S.I. 2021/76, 2022/159 and 2022/1096.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in Great Britain, amend the Renewable Heat Incentive Scheme Regulations 2018 (S.I. 2018/611) (the “2018 Regulations”).

The 2018 Regulations provide for a scheme under which owners of plants which generate heat from specified renewable sources and meet specified criteria, and producers of biomethane for injection, may receive prescribed tariffs for heat used for eligible purposes.

The Renewable Heat Incentive Scheme (Amendment) Regulations 2022 (S.I. 2022/1096) (the “2022 Regulations”) made various amendments to the 2018 Regulations. These included amending Schedule 4A to the 2018 Regulations to temporarily disapply for 12 months certain requirements relating to the fuel quality criteria. Due to a drafting error in regulation 6(b) of the 2022 Regulations, the 12-month suspension period purported to commence on the date that the 2018 Regulations came into force (rather than, as had been intended, the date on which the 2022 Regulations came into force). These Regulations amend Schedule 4A to the 2018 Regulations so that the 12-month suspension period commences on the date that these Regulations come into force.

The amendment to Schedule 4A will also affect the Domestic Renewable Heat Incentive Scheme Regulations 2014 (S.I. 2014/928), as the definition of “approved sustainable fuel” in those Regulations references regulation 51 of the 2018 Regulations.

A full impact assessment has not been produced for this instrument as no significant impact on the private, voluntary or public sectors is foreseen.

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