
STATUTORY INSTRUMENTS

2022 No. 159

**The Domestic Renewable Heat Incentive
Scheme and Renewable Heat Incentive
Scheme (Amendment) Regulations 2022**

PART 2

Amendment of the Domestic Renewable Heat Incentive Scheme Regulations 2014

Amendment of the Domestic Renewable Heat Incentive Scheme Regulations 2014

2. The Domestic Renewable Heat Incentive Scheme Regulations 2014⁽¹⁾ are amended in accordance with this Part.

Amendment of regulation 2 (interpretation)

- 3.** In regulation 2 (interpretation), in paragraph (1)—
- (a) in the definition of “accredited RHI installation”, for “2011” substitute “2018”;
 - (b) in the definition of “approved sustainable fuel”, at the end insert “or regulation 51 of the Renewable Heat Incentive Scheme Regulations 2018⁽²⁾”;
 - (c) for the definition of “code of practice” substitute—
 - ““code of practice” means—
 - (a) version O of the Home Insulation & Energy Systems Quality Assured Contractors Scheme Code of Practice published on 10th January 2022⁽³⁾;
 - (b) version 7 of the Renewable Energy Consumer Code published on 31st January 2022⁽⁴⁾; or
 - (c) a subsequent version or issue of a code mentioned in paragraph (a) or (b) approved by the Secretary of State under regulation 2B(3);”;
 - (d) after the definition of “RI” insert—
 - ““scheme closure” has the meaning given in regulation 2A(1);”;
 - (e) in the definition of “SCOP calculator”, at the end insert “or a subsequent version or issue of that document approved by the Secretary of State under regulation 2B(4)”.

(1) [S.I. 2014/928](#), amended by [S.I. 2015/143](#), [2015/145](#), [2016/257](#), [2018/610](#), [2018/635](#), [2019/1052](#), [2020/650](#) and [2021/76](#). There are other amending instruments but none is relevant.

(2) [S.I. 2018/611](#).

(3) Available on the Home Insulation and Energy Systems website (<https://www.hiesscheme.org.uk/regulation/hies-scheme-rules-code-of-practice/>). Hard copies can be obtained from HIES, Centurion House, Leyland Business Park, Centurion Way, Leyland, PR25 3G.

(4) Available on the Renewable Energy Consumer Code website (<https://www.recc.org.uk/scheme/consumer-code>). Hard copies can be obtained from Renewable Energy Consumer Code, Brettenham House, 2-19 Lancaster Place, London, WC2E 7EN.

Insertion of Part 1A

4. After Part 1 (introductory provisions), insert—

“PART 1A

Scheme closure

Closure of the domestic RHI scheme to applications

2A.—(1) Subject to this regulation—

- (a) the domestic RHI scheme is closed to applications from midnight at the end of 31st March 2022 (“scheme closure”); and
- (b) the Authority must not give accreditation under regulation 21(1) where it would result in a tariff start date that falls on or after 1st April 2022.

(2) The domestic RHI scheme is closed to investor applications from midnight at the end of 30th June 2028.

(3) The domestic RHI scheme is closed to authorisation applications from midnight at the end of 31st December 2028.

(4) The domestic RHI scheme is closed to accreditation applications for a replacement plant from midnight at the end of 31st December 2028.

(5) The domestic RHI scheme is closed to registration applications in relation to a replacement plant from midnight at the end of 31st December 2028.

(6) In paragraph (1)(a), “applications” means—

- (a) accreditation applications (not including accreditation applications for a replacement plant); and
- (b) registration applications (not including registration applications in relation to a replacement plant).

Approval of documents published after scheme closure

2B.—(1) The Secretary of State may approve a version or issue of an installation standard mentioned in regulation 8(2)(a) which is published by the Microgeneration Certification Scheme⁽⁵⁾ after scheme closure and is in force on a plant’s first commissioning date as a relevant installation standard for that plant.

(2) The Secretary of State may approve a version or issue of the installation standard mentioned in regulation 29(6) which is published after scheme closure for the purpose of calculating the deemed annual heat generation for a solar thermal plant.

(3) The Secretary of State may approve a version or issue of a code mentioned in paragraph (a) or (b) of the definition of “code of practice” in regulation 2 which is published after scheme closure as a code of practice for the purpose of these Regulations.

(4) The Secretary of State may approve a version or issue of the document mentioned in the definition of “SCOP calculator” in regulation 2 which is published after scheme closure for the purpose of calculating the seasonal performance factor.”.

(5) Details of which are available at www.mcscertified.com.

Amendment of regulation 8 (certification requirements)

5. In regulation 8 (certification requirements), in paragraph (2)—
- (a) before sub-paragraph (a) insert—
 - “(za) after scheme closure, a document mentioned in sub-paragraph (a) or a subsequent version or issue of that document approved by the Secretary of State under regulation 2B(1);”;
 - (b) in sub-paragraph (a), in the words before paragraph (i), after “date” insert “and before scheme closure”;
 - (c) in sub-paragraph (a)(ii)—
 - (i) in paragraph (cc), omit “or”;
 - (ii) in paragraph (dd), for “2017,” substitute “2017; or”;
 - (iii) after paragraph (dd), insert—
 - “(ee) Issue 1.0 of the document entitled “Microgeneration Installation Standard: MIS 3005-D The Heat Pump Standard (Design)” published on 1st December 2021⁽⁶⁾ and Issue 1.0 of the document entitled “Microgeneration Installation Standard: MIS 3005-I The Heat Pump Standard (Installation)” published on 1st December 2021⁽⁷⁾,”;
 - (iv) in the words after paragraph (ee), for “it is” substitute “the specified installation standard or standards are”;
 - (d) in sub-paragraph (a)(iii)—
 - (i) in paragraph (bb), omit “or”;
 - (ii) in paragraph (cc), for “2015,” substitute “2015; or”;
 - (iii) after paragraph (cc), insert—
 - “(dd) Issue 5.0 of the document entitled “Microgeneration Installation Standard: MIS 3001 The Solar Thermal Standard (Installation)” published on 1st December 2021⁽⁸⁾,”.

Amendment of regulation 12 (requirements where more than one plant provides heat to a property)

6. In regulation 12 (requirements where more than one plant provides heat to a property), in paragraph (4)(b), after “2011” insert “or the Renewable Heat Incentive Scheme Regulations 2018⁽⁹⁾”.

Amendment of regulation 13 (plants where heat generation must be metered)

7. In regulation 13 (plants where heat generation must be metered), in paragraph (2), after sub-paragraph (b) insert—
- “(ba) is located in a partition wall and directly radiates heat to two rooms;”.

⁽⁶⁾ Available at www.mcscertified.com.

⁽⁷⁾ Available at www.mcscertified.com.

⁽⁸⁾ Available at www.mcscertified.com.

⁽⁹⁾ S.I. 2018/611.

Amendment of regulation 17 (accreditation applications)

8. In regulation 17 (accreditation applications)—
- (a) in paragraph (4), after “(7)” insert “and regulation 2A(4)”;
 - (b) in paragraph (7), after “2019” insert “and before scheme closure”.

Amendment of regulation 22A (investor applications)

9. In regulation 22A (investor applications), in paragraph (1), after “2018” insert “and before midnight at the end of 30th June 2028”.

Amendment of regulation 29 (calculation of deemed annual heat generation)

10. In regulation 29 (calculation of deemed annual heat generation), in paragraph (6), for the words from “accordance with” to the end substitute “accordance with Issue 2.0 of the document entitled “MCS 024 Solar Thermal Domestic Hot Water Energy Calculator” published on 1st December 2021(10) or a subsequent version or issue of that document approved by the Secretary of State under regulation 2B(2)”.

Amendment of regulation 33 (duty to calculate and publish tariffs)

11. In regulation 33 (duty to calculate and publish tariffs), before paragraph (1) insert—
- “(A1) The requirement in paragraph (1)(a) does not apply after scheme closure.”.

Amendment of regulation 38 (expenditure forecast statement and tariff change notice)

12. In regulation 38 (expenditure forecast statement and tariff change notice), before paragraph (1), insert—

“(A1) The requirement in paragraph (1) does not apply after scheme closure.”.

Amendment of regulation 40 (ongoing obligations: changes affecting accredited domestic plants)

13. In regulation 40 (ongoing obligations: changes affecting accredited domestic plants)—
- (a) after paragraph (1)(b), insert—
 - “(ba) any repair work is carried out on the accredited domestic plant;”;
 - (b) after paragraph (1)(c) insert—
 - “(ca) any part of the accredited domestic plant is replaced during repair work;”.

Amendment of regulation 41 (ongoing obligations: annual declarations)

14. In regulation 41 (ongoing obligations: annual declarations)—
- (a) in paragraph (c)—
 - (i) for “order and” substitute “order, no repair work has been carried out in relation to the plant, no part of the plant has been replaced and the plant”;
 - (ii) for the words from “Authority” to the end substitute “Authority under regulation 40(1) of the repair work, the replacement of part of the plant during the repair work, or the installation of a replacement plant”;

- (b) after paragraph (d) insert—
 - “(da) a change in the level of occupancy if—
 - (i) the number of days the RHI property was occupied in the 12 month period ending on the date the declaration is given was less than 183 days;
 - (ii) this level of occupancy has not previously been notified to the Authority under regulation 40 or this regulation; and
 - (iii) the Authority has not provided a metering statement for the plant;”;
- (c) in paragraph (g), for sub-paragraph (i) substitute—
 - “(i) that all solid biomass used in that plant on or after 5th October 2015 was—
 - (aa) an approved sustainable fuel at the time when it was received by the participant; or
 - (bb) a fuel in respect of which the Secretary of State has made a declaration under regulation 36E(5) of the Renewable Heat Incentive Scheme Regulations 2011 or regulation 51(5) of the Renewable Heat Incentive Scheme Regulations 2018; and”;
- (d) in paragraph (h), omit “and”;
- (e) in paragraph (i), for “contract.” substitute “contract; and”;
- (f) after paragraph (i) insert—
 - “(j) any other matter relating to the participant’s compliance with an ongoing obligation which the Authority may request.”.

Amendment of regulation 42A (sustainable solid biomass)

15. In regulation 42A (sustainable solid biomass)(11), in paragraph (2)(b), after “2011” insert “or regulation 51(5) of the Renewable Heat Incentive Scheme Regulations 2018”.

Insertion of regulation 43A (exemption from requirement for metering)

16. After regulation 43 (ongoing obligations: metering) insert—

“Exemption from requirement for metering

43A.—(1) This regulation applies where the Authority—

- (a) has not provided a metering statement for an accredited domestic plant at an RHI property; and
 - (b) is notified by a participant under regulation 40 or 41 that the property is or has been occupied for less than 183 days in a 12 month period.
- (2) The Authority must—
- (a) request that the participant provide such of the information specified in Schedule 4 and any declarations the Authority considers necessary for the proper administration of the domestic RHI scheme;
 - (b) when making that request, notify the participant that if the participant wishes to request an exemption for that 12 month period, the participant must, within 28 days of receiving the request for information—
 - (i) send the Authority a written request for an exemption; and

- (ii) provide evidence of exceptional circumstances to support the request for the exemption; and
- (c) request that the participant provide any further information the Authority considers necessary to determine whether or not to grant the exemption.
- (3) The Authority must, after considering evidence of exceptional circumstances and any further information provided by the participant—
 - (a) determine whether or not an exemption for that 12 month period should be granted; and
 - (b) notify the participant of its decision, giving reasons.
- (4) The Authority must publish guidance specifying the circumstances which constitute exceptional circumstances for the purpose of this regulation.
- (5) Where this regulation applies, no RHI payment may be made for the accredited domestic plant until—
 - (a) the Authority notifies the participant under paragraph (3)(b) that an exemption is granted; or
 - (b) if an exemption is not requested or is not granted, the Authority has provided the participant and, where there is an assignment, the NRI with a metering statement under regulation 46(5).
- (6) In this regulation, “exemption” means exemption from the requirement for heat generated by an accredited domestic plant to be metered because the property was occupied for less than 183 days in a 12 month period.”.

Amendment of regulation 45 (review of accreditation or investor registration following notification of a change in circumstances)

17. In regulation 45 (review of accreditation or investor registration following notification of a change in circumstances), in paragraph (1), after “22F,” insert “43A,”.

Amendment of regulation 46 (changes affecting whether accredited domestic plants must be metered)

18. In regulation 46 (changes affecting whether accredited domestic plants must be metered)—
- (a) in paragraph (1), for “This” substitute “Subject to paragraphs (1B) and (1C) and regulation 2A(3) and (4), this”;
 - (b) after paragraph (1) insert—
 - “(1B) This regulation does not apply in relation to an accredited domestic plant if—
 - (a) regulation 43A applies; and
 - (b) the Authority grants an exemption under that regulation in relation to the plant.
 - (1C) Paragraphs (2) to (6) of this regulation apply in relation to an accredited domestic plant if—
 - (a) regulation 43A applies; and
 - (b) the Authority does not grant an exemption under that regulation in relation to the plant.”.

Amendment of regulation 47 (replacement plants)

19. In regulation 47 (replacement plants)—

- (a) the existing text becomes paragraph (1);
- (b) in paragraph (1), for “Where” substitute “Subject to regulation 2A(4), where”;
- (c) after paragraph (1) insert—

“(2) Where the date on which the original plant ceased to provide heat to the eligible property (“cessation date”) falls after 31st December 2028, no RHI payments are payable on or after the cessation date in respect of a replacement plant.”.

Insertion of regulation 47A

- 20.** After regulation 47 (replacement plants) insert—

“Replacement parts

47A.—(1) A replacement part must use the same source of energy as the original part.

(2) In this regulation, “replacement part” means any part of an accredited domestic plant which—

- (a) uses a source of energy; and
- (b) is replaced during repair work.”.

Amendment of regulation 48 (changes in ownership of accredited domestic plants)

21. In regulation 48 (changes in ownership of accredited domestic plants), in paragraph (8), for “completion of the steps set out in paragraph (5)” substitute “the notification under paragraph (2) (a), or paragraph (2)(aa) if required.”.

Amendment of regulation 50 (registration applications)

- 22.** In regulation 50 (registration applications), before paragraph (1) insert—

“(A1) This regulation is subject to regulation 2A(5).”.

Amendment of regulation 51 (conditions of registration)

- 23.** In regulation 51 (conditions of registration)—

- (a) in paragraph (1)(c), for “by the metering and monitoring installer or the participant” substitute “to another certified installer, to another owner of the accredited domestic plant or to a new owner of that plant”;
- (b) in paragraph (1)(d), for “information collected” substitute “data collected before scheme closure”;
- (c) after paragraph (1) insert—

“(1A) It is a condition of registration that the participant must, on receipt of a request from the Authority, the Secretary of State, or an agent nominated by the Authority or Secretary of State—

- (a) authorise that person to access—
 - (i) any data collected by the installer or a sub-contractor of the installer after scheme closure under the metering and monitoring agreement;
 - (ii) any information relating to the agreement; and
 - (iii) information about anything else done under that agreement; and

- (b) give that authority in the manner and form and by the date specified in the request.”;
- (d) after paragraph (2) insert—
 - “(3) In this regulation, “data” means information recorded by measuring instruments under a metering and monitoring agreement.”.

Amendment of regulation 53 (exceptions to duty to give registration)

24. In regulation 53 (exceptions to duty to give registration)—
- (a) in paragraph (1), for “or (4)” substitute “, (4) or (4A)”;
 - (b) in paragraph (4), after “if” insert “, before scheme closure,”;
 - (c) after paragraph (4), insert—
 - “(4A) This paragraph applies if, after scheme closure, the Authority has advised the applicant that further information is required before registration can be given and that information is not provided within 12 weeks of the date on which that request was first made.”.

Amendment of regulation 54 (changes affecting registration)

25. In regulation 54—
- (a) in the heading, after “registration” insert “and changes in requirements for metering and monitoring agreements”;
 - (b) the existing text becomes paragraph (1);
 - (c) after paragraph (1), insert—
 - “(2) After scheme closure, all metering and monitoring agreements are to be read as if their terms effect the assignment of all rights and obligations under the agreement—
 - (a) by the metering and monitoring installer to another certified installer if the participant consents;
 - (b) to a certified installer from a metering and monitoring installer who has ceased trading, where the participant requests this assignment within 28 days after becoming aware that the metering and monitoring installer has ceased trading;
 - (c) by the participant who entered into the metering and monitoring agreement to another owner of the accredited domestic plant where—
 - (i) the participant ceases to be the owner of the accredited domestic plant; and
 - (ii) notice is given to the metering and monitoring installer by the participant or another owner of the plant.”.

Amendment of regulation 55 (withdrawal of registration and repayments)

26. In regulation 55 (withdrawal of registration and repayments), after paragraph (2) insert—
 - “(2A) Paragraph (2)(c) does not apply where the Authority decides to withdraw registration under paragraph (1)(c) for non-compliance with, or a likely breach of, the condition in regulation 51(1A).”.

Amendment of regulation 62 (right of review)

27. In regulation 62 (right of review), at the end insert—

“(7) Paragraph (8) applies where—

- (a) the Authority rejects an accreditation application or registration application; and
- (b) on a review under this regulation, the Authority revokes its decision to reject the application.

(8) Subject to regulation 2A(1)(b), the tariff start date is the date that would have been the tariff start date had the Authority not rejected the application.”.

Amendment of regulation 69 (duty to report to the Secretary of State)

28. In regulation 69 (duty to report to the Secretary of State)—

- (a) in paragraph (1), omit “monthly”;
- (b) in paragraph (2)—
 - (i) for “Monthly reports” substitute “Reports”;
 - (ii) after “form” insert “and at such intervals”;
- (c) omit paragraph (3);
- (d) in paragraph (4), omit “quarterly and”;
- (e) omit paragraph (6);
- (f) in paragraph (7)(a), omit “quarterly and”.

Amendment of Schedule 1 (standards relevant to plants)

29. Paragraph 1 of Schedule 1 (standards relevant to plants) is amended as follows—

- (a) in sub-paragraph (2), after “are:” insert “BS EN 303-5:2012(**12**), BS EN 16510-1:2018(**13**),”;
- (b) in sub-paragraph (4), before paragraph (a) insert—
 - “(za) BS EN 14511-1:2018(**14**), BS EN 14511-2:2018(**15**), BS EN 14511-3:2018(**16**) and BS EN 14511-4:2018(**17**),”;
- (c) in sub-paragraph (5)(a), before “EN 12975-1:2006+A1:2010” insert “BS EN ISO 9806:2017(**18**),”;
- (d) in sub-paragraph (5)(b), before “EN 12975-1:2006+A1:2010” insert “BS EN ISO 9806:2017,”;

(12) Heating boilers – Heating boilers for solid fuels, manually and automatically stoked, nominal heat output of up to 500 kW. Terminology, requirements, testing and marking (ISBN 978 0 580 71785 7). Published by the British Standards Institution on 31st August 2012.

(13) Residential solid fuel burning appliances – General requirements and test methods (ISBN 978 0 539 19279 7). Published by the British Standards Institution on 30th September 2018.

(14) Air conditioners, liquid chilling packages and heat pumps for space heating and cooling and process chillers, with electrically driven compressors – Terms and definitions (ISBN 978 0 580 91338 9). Published by the British Standards Institution on 31st March 2018.

(15) Air conditioners, liquid chilling packages and heat pumps for space heating and cooling and process chillers, with electrically driven compressors – Test conditions (ISBN 978 0 580 91336 5). Published by the British Standards Institution on 31st March 2018.

(16) Air conditioners, liquid chilling packages and heat pumps for space heating and cooling and process chillers, with electrically driven compressors – Test methods (ISBN 978 0 580 91337 2). Published by the British Standards Institution on 31st March 2018.

(17) Air conditioners, liquid chilling packages and heat pumps for space heating and cooling and process chillers, with electrically driven compressors – Requirements (ISBN 978 0 580 91335 8). Published by the British Standards Institution on 31st March 2018.

(18) Solar energy. Solar thermal collectors. Test methods (ISBN 978 0 580 93683 8). Published by the British Standards Institution on 28th February 2018.

- (e) in sub-paragraph (5)(c), before “EN 12976-1:2006” insert “BS EN 12976-1:2017(19), BS EN 12976-2:2017(20), BS EN 12976-2:2019(21),”.

Amendment of Schedule 7 (requirements for metering and monitoring agreements)

- 30.** In Schedule 7 (requirements for metering and monitoring agreements)—
- (a) in paragraph 1(b), omit “and”;
 - (b) in paragraph 1(c)—
 - (i) for “12” substitute “11”;
 - (ii) for “Schedule.” substitute “Schedule; and”;
 - (c) after paragraph 1(c), insert—
 - “(d) is to be read as if its terms effect the assignment of all rights and obligations under the agreement in accordance with regulation 54.”;
 - (d) omit paragraph 12.

(19) Thermal solar systems and components. Factory made systems – General requirements (ISBN 978 0 580 86106 2). Published by the British Standards Institution on 28th February 2017.

(20) Thermal solar systems and components. Factory made systems – Test methods (ISBN 978 0 580 86105 5). Published by the British Standards Institution on 31st January 2017.

(21) Thermal solar systems and components. Factory made systems – Test methods (ISBN 978 0 539 01051 0). Published by the British Standards Institution on 30th April 2019.