
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

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.”.