
STATUTORY INSTRUMENTS

2022 No. 159

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

PART 3

Amendment of the Renewable Heat Incentive Scheme Regulations 2018

Insertion of regulations 47A and 47B

40. After regulation 47 (interpretation) insert—

“Ongoing obligation in relation to boiler maintenance

47A.—(1) This regulation applies to a participant who generates heat from a boiler which uses solid biomass, or solid biomass contained in waste, as fuel.

(2) The participant must—

- (a) ensure that, in each payment year, a maintenance check is carried out in relation to the boiler (“annual maintenance check”);
- (b) following the end of each payment year, provide to the Authority a declaration stating that—
 - (i) the annual maintenance check has been carried out; and
 - (ii) the maintenance standard has been met.

(3) Participants must retain evidence (including service and maintenance invoices, receipts or certificates) of the matters stated in the declaration for the duration of their participation in the Scheme and must provide the Authority with that evidence when requested to do so.

(4) A document issued by HETAS (or an equivalent body) certifying that the boiler has been assessed against a maintenance standard may be accepted as evidence that the maintenance standard has been met.

(5) In this regulation—

- (a) “equivalent body” means a certification body which is approved by the Secretary of State under regulation 47B(1)(a);
- (b) “equivalent standard” means a document which—
 - (i) specifies the standards to be met by a participant when carrying out the annual maintenance check of a boiler which uses solid biomass, or solid biomass contained in waste, as fuel; and
 - (ii) is approved by the Secretary of State under regulation 47B(1)(b);
- (c) “maintenance standard” means MCS 040 or an equivalent standard;

- (d) “MCS 040” means Issue 1.0 of the document entitled “MCS 040: Planned and Preventative Maintenance of Biomass Appliances – Requirements for Maintenance Engineers carrying out Maintenance Activities” published on 30th June 2021(1) or a subsequent version of that standard;
- (e) “payment year” means any 12 month period beginning on or after 1st April 2022 commencing with the anniversary of the tariff start date.

Approval of equivalent bodies, equivalent standards and equivalent certification schemes

47B.—(1) For the purpose of regulation 47A (ongoing obligation in relation to boiler maintenance), the Secretary of State may approve—

- (a) a certification body as an equivalent body if it has a certification scheme for certifying compliance with a maintenance standard;
- (b) a standard as an equivalent standard if it matches or exceeds the standards specified in MCS 040.

(2) For the purpose of paragraph 2 of Schedule 4A (solid biomass which is wood: criteria for woodfuel quality), the Secretary of State may approve a standard as an equivalent standard if it matches or exceeds the ENplus A1 standard.

(3) For the purpose of paragraph 3 of that Schedule, the Secretary of State may approve a standard as an equivalent standard if it matches or exceeds a fuel quality standard mentioned in that paragraph.

(4) For the purpose of paragraph 4 of that Schedule, the Secretary of State may approve a certification scheme which matches or exceeds the Woodsure Certification Scheme as an equivalent certification scheme.

(5) The Secretary of State must publish details of any equivalent body, equivalent standard or equivalent certification scheme approved under this regulation and the date from which the approval takes effect.

(6) The Secretary of State may revoke an approval given under this regulation by publishing a notice specifying the date from which the approval is revoked.

(7) An equivalent body or equivalent certification scheme may not certify compliance with an equivalent standard developed by that body or scheme.”.