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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which apply in England and Wales, establish the Boiler Upgrade Scheme (“the Scheme”).

The Scheme is a renewable heat incentive scheme to facilitate and encourage the use of heat pumps and biomass boilers to provide space and water heating in domestic properties and small non-domestic properties. To that extent the Scheme replaces the Domestic Renewable Heat Incentive Scheme, set out in the Domestic Renewable Heat Incentive Scheme Regulations 2014 (S.I. 2014/928) which closes to new applicants, with some exceptions, on 31st March 2022.

The Scheme supports the installation of heat pumps and biomass boilers through a grant mechanism provided that they do not replace an existing renewable heating system.

These Regulations confer functions on the Gas and Electricity Markets Authority (“the Authority”) in relation to the administration of the Scheme.

Part 2 prescribes eligible properties for the purposes of the Scheme. In brief, these are buildings including building units (other than social housing):

- (a) which either meet certain insulation requirements or are new build properties, and
- (b) where the existing heating system in the property is fuelled by fossil fuel or is a heating system which provides heat generated wholly or mainly from electricity (other than a heat pump).

Part 3 prescribes the eligible plant which may be installed for eligible properties under the Scheme, namely air source heat pumps, ground source heat pumps, and biomass boilers, where the plant is first commissioned on or after 1st April 2022. However, a biomass boiler may not be installed under the Scheme for an eligible property which is in an urban area and fuelled by mains gas, or which is a new-build property.

Part 4 sets out the budget control mechanism for the Scheme, and provides for the Secretary of State to determine and publish: the total budget for the Scheme, the budget allocation for boiler upgrade vouchers for each of the financial years 2022/23, 2023/24 and 2024/25, and the value of boiler upgrade vouchers for each of the types of eligible plant. The value of the boiler upgrade grants may be reviewed by the Secretary of State during the lifetime of the Scheme. Part 4 provides for a certified installer who installs an eligible plant for an eligible property, or a property to which regulation 14(1)(b) applies, to apply to the Authority for a boiler upgrade voucher. The voucher is time-limited, and entitles the installer to be paid the relevant boiler upgrade grant on completion of the installation, provided that a valid application to redeem the voucher is made before the voucher expires. However, the Authority may not issue a boiler upgrade voucher after 31st December 2024.

Part 5 deals with compliance and enforcement. It places obligations on installers in relation to the provision of information to the Authority, and enables the Authority to take action in the event that an installer fails to comply with such an obligation or has been issued a boiler upgrade voucher on the basis of information which was incorrect in a material particular. Part 5 enables the Authority to withhold boiler upgrade grant payments, to revoke vouchers and to require repayment of a grant in certain circumstances.

Part 6 sets out the additional powers and functions of the Authority under the Scheme. It enables any installer or former installer to apply to the Authority for a review of any decision affecting them. It requires the Authority to publish guidance to installers, and requires the Authority to maintain a

**Changes to legislation:** *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Boiler Upgrade Scheme (England and Wales) Regulations 2022. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

register of grant applications and grants paid, and to make monthly reports to the Secretary of State on the operation of the Scheme.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Department for Business, Energy and Industrial Strategy at 1 Victoria Street, London, SW1H 0ET and is published with the Explanatory Memorandum alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).

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### Changes and effects yet to be applied to :

- Sch. 2 para. 2(g) omitted by [S.I. 2024/524 reg. 23\(f\)](#)
- Sch. 2 para. 2(j) words inserted by [S.I. 2024/524 reg. 23\(h\)](#)
- Sch. 2 para. 2(c) words substituted by [S.I. 2024/524 reg. 23\(a\)](#)
- Sch. 2 para. 2(f)(ii) words substituted by [S.I. 2024/524 reg. 23\(b\)](#)
- Sch. 3 para. 2(e) omitted by [S.I. 2024/524 reg. 24\(c\)](#)
- Sch. 3 para. 2(c) words omitted by [S.I. 2024/524 reg. 24\(a\)](#)
- reg. 2(1) words inserted by [S.I. 2024/524 reg. 3\(2\)](#)
- reg. 2(1) words inserted by [S.I. 2024/524 reg. 3\(4\)](#)
- reg. 2(1) words omitted by [S.I. 2024/524 reg. 3\(7\)](#)
- reg. 2(1) words substituted by [S.I. 2024/524 reg. 3\(3\)](#)
- reg. 2(1) words substituted by [S.I. 2024/524 reg. 3\(5\)](#)
- reg. 2(1) words substituted by [S.I. 2024/524 reg. 3\(6\)](#)
- reg. 2(1) words substituted by [S.I. 2024/524 reg. 3\(8\)](#)
- reg. 4(1)(h) word omitted by [S.I. 2024/524 reg. 4\(a\)](#)
- reg. 4(1)(i) words inserted by [S.I. 2024/524 reg. 4\(b\)](#)
- reg. 5(1)(c) words substituted by [S.I. 2024/524 reg. 5\(a\)\(i\)](#)
- reg. 5(1)(c)(i) omitted by [S.I. 2024/524 reg. 5\(a\)\(ii\)](#)
- reg. 5(1)(d) substituted by [S.I. 2024/524 reg. 5\(b\)](#)
- reg. 6 omitted by [S.I. 2024/524 reg. 6](#)
- reg. 8(1)(b)(i) words omitted by [S.I. 2024/524 reg. 8\(a\)\(i\)](#)
- reg. 8(1)(b)(ii) words substituted by [S.I. 2024/524 reg. 8\(a\)\(ii\)](#)
- reg. 8(2)(b)(i) words omitted by [S.I. 2024/524 reg. 8\(b\)\(i\)](#)
- reg. 8(2)(b)(ii) words substituted by [S.I. 2024/524 reg. 8\(b\)\(ii\)](#)
- reg. 9(1)(b) words substituted by [S.I. 2024/524 reg. 9\(1\)\(a\)](#)
- reg. 9(2) words omitted by [S.I. 2024/524 reg. 9\(1\)\(b\)](#)
- reg. 9(4) words omitted by [S.I. 2024/524 reg. 9\(1\)\(c\)](#)
- reg. 10(2) words omitted by [S.I. 2024/524 reg. 10\(b\)](#)
- reg. 13(1) substituted by [S.I. 2024/524 reg. 11\(a\)](#)
- reg. 13(3) words inserted by [S.I. 2024/524 reg. 11\(c\)](#)
- reg. 14(1)(b) omitted by [S.I. 2024/524 reg. 12\(a\)](#)
- reg. 14(2)(a)(iii) word omitted by [S.I. 2024/524 reg. 12\(b\)](#)
- reg. 14(2)(a)(iv) omitted by [S.I. 2024/524 reg. 12\(c\)](#)
- reg. 14(7) words omitted by [S.I. 2024/524 reg. 12\(f\)](#)
- reg. 14(8) omitted by [S.I. 2024/524 reg. 12\(g\)](#)
- reg. 15(1)(d) substituted by [S.I. 2024/524 reg. 13\(a\)](#)
- reg. 15(2)(b)(ii) word substituted by [S.I. 2024/524 reg. 13\(b\)](#)
- reg. 15(3) words substituted by [S.I. 2024/524 reg. 13\(c\)](#)
- reg. 15(7)(c) word substituted by [S.I. 2024/524 reg. 13\(d\)](#)
- reg. 16(1)(b) words omitted by [S.I. 2024/524 reg. 14\(a\)](#)
- reg. 16(2) omitted by [S.I. 2024/524 reg. 14\(b\)](#)
- reg. 17(1) words substituted by [S.I. 2024/524 reg. 15](#)
- reg. 18(1)(b) words omitted by [S.I. 2024/524 reg. 16](#)
- reg. 19(1)(c) word inserted by [S.I. 2024/524 reg. 17\(b\)](#)
- reg. 19(1)(c) words omitted by [S.I. 2024/524 reg. 17\(a\)](#)
- reg. 19(1)(d) omitted by [S.I. 2024/524 reg. 17\(c\)](#)
- reg. 20(1)(c) word inserted by [S.I. 2024/524 reg. 18\(b\)](#)
- reg. 20(1)(c) words omitted by [S.I. 2024/524 reg. 18\(a\)](#)
- reg. 20(1)(d) omitted by [S.I. 2024/524 reg. 18\(c\)](#)
- reg. 21(1)(d)(iii) omitted by [S.I. 2024/524 reg. 19\(c\)](#)
- reg. 21(1)(d)(ii) word inserted by [S.I. 2024/524 reg. 19\(b\)](#)

- reg. 21(1)(d)(ii) words omitted by S.I. 2024/524 reg. 19(a)
- reg. 24(1) words inserted by S.I. 2024/524 reg. 20
- reg. 30(4) word substituted by S.I. 2024/524 reg. 21

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1A inserted by S.I. 2024/524 reg. 22
- Sch. 2 para. 2(ha) inserted by S.I. 2024/524 reg. 23(g)
- Sch. 2 para. 2(f)(iii)(bb) omitted by S.I. 2024/524 reg. 23(c)
- Sch. 2 para. 2(f)(iv)(bb) omitted by S.I. 2024/524 reg. 23(e)
- Sch. 2 para. 2(f)(iv)(aa) word omitted by S.I. 2024/524 reg. 23(d)
- Sch. 3 para. 2(da) inserted by S.I. 2024/524 reg. 24(b)
- reg. 4(1)(j) inserted by S.I. 2024/524 reg. 4(c)
- reg. 5(1)(c)(iii)-(v) inserted by S.I. 2024/524 reg. 5(a)(iii)
- reg. 5(2)(aa) inserted by S.I. 2024/524 reg. 5(c)
- reg. 7(1) reg. 7 renumbered as reg. 7(1) by S.I. 2024/524 reg. 7(a)
- reg. 7(1)(a) word omitted by S.I. 2024/524 reg. 7(b)
- reg. 7(1)(b) word inserted by S.I. 2024/524 reg. 7(c)
- reg. 7(1)(c) inserted by S.I. 2024/524 reg. 7(d)
- reg. 7(2) inserted by S.I. 2024/524 reg. 7(e)
- reg. 8(3) inserted by S.I. 2024/524 reg. 8(c)
- reg. 10(1)(e) inserted by S.I. 2024/524 reg. 10(a)
- reg. 13(2A)(2B) inserted by S.I. 2024/524 reg. 11(b)
- reg. 13(5) inserted by S.I. 2024/524 reg. 11(d)
- reg. 14(2)(a)(v)-(vii) inserted by S.I. 2024/524 reg. 12(d)
- reg. 14(2)(ba) inserted by S.I. 2024/524 reg. 12(e)
- reg. 14(9) inserted by S.I. 2024/524 reg. 12(h)
- reg. 16(4A) inserted by S.I. 2024/524 reg. 14(c)