Changes to legislation: *The Renewable Heat Incentive Scheme Regulations 2018 is up to date with all changes known to be in force on or before 28 February 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

2018 No. 611

ENERGY

The Renewable Heat Incentive Scheme Regulations 2018

Made - - - - 21st May 2018

Coming into force in accordance with regulation 1

The Secretary of State, in exercise of the powers conferred by sections 100 and 104(2) of the Energy Act 2008 [F1], makes the following Regulations.

In accordance with section 105(3) [F2] of that Act, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

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

F1 2008 c.32. Section 100 was amended by section 51 of the Infrastructure Act 2015 (c.7) and by S.I. 2011/2195.

F2 Section 105 (Parliamentary control of subordinate legislation) was amended by section 51 of the Infrastructure Act 2015 which inserted subsections (3A) to (3I) concerning provisions which require the affirmative resolution procedure.

PART 1

Introductory provisions

Citation and commencement

1.—(1) These Regulations may be cited as the Renewable Heat Incentive Scheme Regulations 2018 and come into force on the day after the day on which they are made.

Interpretation

2.—(1) In these Regulations—

"accreditation" means accreditation of an eligible installation by the Authority [F3] following an application under regulation 30;

"accredited RHI installation" means an eligible installation which has been given accreditation;

"additional biomethane" has the meaning given in regulation 77;

"additional RHI capacity" has the meaning given in regulation 76;

"air source heat pump" means a plant which generates heat by absorbing energy stored in the form of heat in the ambient air;

"anaerobic digestion" means the bacterial fermentation of biomass in the absence of oxygen;

"applicant" means a person who makes an application for accreditation, an application for registration, or an application for a tariff guarantee;

"approved sustainable fuel" means solid biomass which is listed under a scheme approved by the Secretary of State in accordance with regulation 51;

"biogas production plant" means a plant which produces biogas by anaerobic digestion, gasification or pyrolysis;

"building" means any permanent or long-lasting building or structure of whatever kind and whether fixed or moveable which, except for doors and windows, is wholly enclosed on all sides with a roof or ceiling and walls;

"certified installer" means a person who is certified by the Microgeneration Certification Scheme [F4] or a scheme which is—

(a) equivalent to that scheme; and

(b) under which installers are certified to that scheme's standards by a certification body or organisation accredited to EN 45011 [F5] or EN ISO/IEC 17065:2012 [F6];

"CHP system" means a system which generates power and is (or may be) operated for purposes including the supply to any premises (using liquid or steam) of heat produced in association with that power;

"CHPQA" means, except in regulation 27, the Combined Heat and Power Quality Assurance Standard, Issue 6, October 2016 [F7];

"class 2 heat meter" means a heat meter which—

(a) complies with the relevant requirements set out in Annex I to the Measuring Instruments Directive;

(b) complies with the specific requirements listed in Annex VI (Thermal energy meters (MI-004)) to that Directive; and

(c) falls within accuracy class 2 as defined in Annex VI (Thermal energy meters (MI-004)) to that Directive;

"coefficient of performance" means the ratio of the amount of heating or cooling in kilowatts provided by a heat pump to the kilowatts of power consumed by the heat pump;

"combustion unit" means—

(a) a boiler which uses solid biomass, or solid biomass contained in waste, as fuel; or

(b) a boiler, turbine or engine which uses biogas as fuel;

"commissioned", in relation to an eligible installation **[**[F8]or equipment used to produce biomethane for injection**]**, means the completion of such procedures and tests as constitute, at the time they are undertaken, the usual industry standards and practices for commissioning that type of eligible installation **[**[F9]or equipment used to produce biomethane for injection**]** in order to demonstrate that it is capable of operating and delivering heat to the premises or process for which it was installed **[**[F10], or producing biomethane for injection**]**;

"connected person", in relation to an applicant or a participant, means any person connected to them within the meaning of section 1122 of the Corporation Tax Act 2010 [F11];

"connection agreement" means an agreement between a person who proposes to inject biomethane into a pipe-line system and the operator of the pipe-line system which provides

for the design and construction of a connection whereby the biomethane may be injected into the pipe-line system;

"consumer prices index" means—

(a) the consumer prices index calculated and published by the Office for National Statistics; or

(b) where the index is not published for a year, any substituted index or figures published by that Office;

"current information" means information which is no more than five working days out of date;

[[F12]"date of accreditation" means in relation to an accredited RHI installation which is—

(a) not a replacement plant, the later of—

(i) the first day which falls on or after the date of receipt by the Authority of the application for accreditation on which, in the Authority's opinion, both—

(aa) the application was properly made, and

(bb) the plant met the eligibility criteria; and

(ii) the day on which the plant was first commissioned; or

(b) a replacement plant, the date of accreditation of the original plant;**]**

"date of registration", in relation to a producer of biomethane for injection, means the first day which falls on or after the date of receipt by the Authority of the application for registration on which the application was, in the Authority's opinion, properly made;

"deep geothermal", in relation to energy, means naturally occurring energy located and extracted from at least 500 metres beneath the surface of solid earth, and a "deep geothermal plant" means a plant which generates heat using such energy;

"design heat load", in relation to ground source heat pumps that are capable of heating and cooling, means the heat flow required to achieve the planned heating requirements for that plant;

"domestic premises" means single, self-contained premises used wholly or mainly as a private residential dwelling where the fabric of the building has not been significantly adapted for non-residential use;

"eligibility criteria" has the meaning given in regulation 4;

"eligible biomethane" has the meaning given in regulation 73;

"eligible installation" means a plant which meets the eligibility criteria;

[[F13]"eligible purpose"—

(a) where the installation capacity of an accredited RHI installation is modified under regulation 52A by the addition of one or more ground source heat pumps, in relation to that additional ground source heat pump or pumps, means either of the following purposes—

(i) heating a space;

(ii) heating water;

(b) otherwise, means a purpose specified in regulation 3(2);**]**

"energy content" means the energy contained within a substance (whether measured by a calorimeter or determined in some other way) expressed in terms of the substance's gross calorific value within the meaning of BS 7420:1991 (Guide for the determination of calorific values of solid, liquid and gaseous fuels (including definitions)) [F14];

"energy crop" means—

(a) a perennial crop planted at high density, the stems of which are harvested above ground level at intervals of less than 20 years and which is one of the following—

(i) Acer pseudoplatanus (also known as sycamore);

(ii) Alnus (also known as alder);

(iii) Betula (also known as birch);

(iv) Castanea sativa (also known as sweet chestnut);

(v) Corylus avellana (also known as hazel);

(vi) Fraxinus excelsior (also known as ash);

(vii) Populus (also known as poplar);

(viii) Salix (also known as willow);

(ix) Tilia cordata (also known as small-leaved lime); or

(b) a perennial crop which is one of the following—

(i) Arundo donax (also known as giant reed);

(ii) Bambuseae, where the crop was planted after 31st December 1989 and is grown primarily for the purpose of being used as fuel;

(iii) Miscanthus;

(iv) Panicum;

(v) Pennisetum, other than Pennisetum setaceum (also known as fountain grass), Pennisetum clandestinum (also known as kikuyu grass) and Pennisetum villosum (also known as feathertop grass);

(vi) Phalaris;

"environmental permit" means a permit issued in accordance with the provisions of the Environmental Permitting (England and Wales) Regulations 2016 [F15] or the Pollution Prevention and Control (Scotland) Regulations 2012 [F16];

"environmental quality assurance scheme" means a voluntary scheme which establishes environmental or social standards in relation to the production of biomass or matter from which biomass is derived;

"EPC" means an energy performance certificate within the meaning given—

(a) in relation to a property in England and Wales, by regulation 2(1) of the Energy Performance of Buildings (England and Wales) Regulations 2012 [F17];

(b) in relation to a property in Scotland, by regulation 2(1) of the Energy Performance of Buildings (Scotland) Regulations 2008 [F18];

[[F19]"extension application" has the meaning given in regulation 3B(3);**]**

"GWh" means gigawatt hours;

"gasification" means the substoichiometric oxidation or steam reformation of a substance to produce a gaseous mixture containing two or all of the following: carbon, methane or oxides of carbon;

"gas transporter" means the holder of a licence granted under section 7 of the Gas Act 1986 [F20];

"ground loop", in relation to a shared ground loop system, means the equipment which absorbs energy stored in the form of heat in the ground, including heat in water in the ground, or in surface water;

"ground source heat pump" means—

(a) in the case of a shared ground loop system, the piece of equipment installed in each premises which generates heat in those premises using the heat energy provided by the ground loop;

(b) in all other cases, a plant which generates heat by absorbing energy stored in the form of heat in the ground, including water in the ground, or in surface water, but does not include a plant which is a deep geothermal plant;

"guaranteed tariff" has the meaning given in regulation 35(9);

"heat loss calculation" means a calculation of heat lost which is carried out in accordance with the guidance issued by the Chartered Institute of Building Services Engineers and contained in CIBSE Guide C: Reference Data (2007 edition) [F21];

"heat meter" has the same meaning as that given to "thermal energy meter" in Annex VI (Thermal energy meters (MI-004)) to the Measuring Instruments Directive;

"initial tariff" means the tariff calculated in accordance with regulation 60;

"injection" means the introduction of gas into a pipe-line system operated by a gas transporter;

"installation capacity"—

(a) in the case of a CHP system to which regulation 12(2)(b) or 13 applies, means the capacity determined by the formula—

$$\frac{X}{Y} \times P$$

where—

i X is the total installed peak heat output capacity of all the combustion units to which regulation 12(2)(b) or 13 applies which use the same source of energy;

ii Y is the total installed peak heat output capacity of all the combustion units forming part of the CHP system; and

iii P is the total installed peak heat output capacity of the CHP system;

(b) in the case of a shared ground loop system, means the sum of the total installed peak heat output capacities of each of the ground source heat pumps which form part of the shared ground loop system;

(c) for any other plant, means the total installed peak heat output capacity of the plant;

"kWh" means kilowatt hours;

"kWhth" means kilowatt hours thermal;

"kWth" means kilowatt thermal;

"large installation" means—

(a) a plant which generates heat from biogas with an installation capacity of 600kWth or above;

(b) a plant which generates heat using geothermal sources;

(c) a plant which is, or forms part of, a new solid biomass CHP system;

(d) any other plant which has an installation capacity of at least 1MWth;

[[F22]"local and national laws" means laws applying in the locality in which the site is situated, whether made at a local or national level;**]**

"maximum additional capacity" has the meaning given in regulation 77;