STATUTORY INSTRUMENTS

2018 No. 610

ENERGY

The Domestic Renewable Heat Incentive Scheme (Amendment) Regulations 2018

Made - - - - 21st May 2018

Coming into force in accordance with regulation 1

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 100(1), (1A) and (2) and 104(2) of the Energy Act 2008(**1**).

In accordance with section 105(3)(**2**) 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.

Citation and commencement

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

Amendments to the Domestic Renewable Heat Incentive Scheme Regulations 2014

2. The Domestic Renewable Heat Incentive Scheme Regulations 2014(**3**) are amended as follows.

Amendments to regulation 2 (interpretation)

3. In regulation 2(1)—

(a) after the definition of "assessment date" insert—

> ""assignment" means an arrangement under which a participant assigns their RHI payments to an NRI;";

(b) after the definition of "certified installer" insert—

> ""code of practice" means—

(**1**) 2008 c.32. Section 100 is amended by section 51 of the Infrastructure Act 2015 (c.7) and S.I. 2011/2195.
(**2**) Section 105 is amended by section 51 of the Infrastructure Act 2015 which inserted subsections (3A) to (3I) concerning provisions which require the affirmative resolution procedure.
(**3**) S.I. 2014/928 amended by S.I. 2015/143, 2015/145, 2015/1459, 2016/257, 2017/727 and 2017/857.

(a) version M of the Home Insulation & Energy Systems Quality Assured Contractors Scheme Code of Practice published on 1st March 2017(**4**);

(b) version 6 of the Renewable Energy Consumer Code published on 28th October 2016(**5**);";

(c) in the definition of "eligible electricity meter", in both places where it occurs, for "MI-003" substitute "V";

(d) in the definition of "eligible gas meter", in both places where it occurs, for "MI-002" substitute "IV";

(e) in the definition of "eligible heat meter", in both places where it occurs, for "MI-004" substitute "VI";

(f) in the definition of "eligible new-build property", in paragraph (b) after "first occupied was" insert "on or";

(g) in the definition of "eligible oil meter", in both places where it occurs, for "MI-005" substitute "VII";

(h) for the definition of "heat meter" substitute—

""heat meter" has the same meaning as that given to "thermal energy meter" in Annex VI to the Measuring Instruments Directive;";

(i) after the definition of "installation capacity" insert—

""investor" has the meaning given in regulation 22A(1);

"investor application" means an application made under regulation 22A which has not been withdrawn;

"investor registration" means the entry of an investor's details on the central register under regulation 22C(2)(a);";

(j) for the definition of "Measuring Instruments Directive" substitute—

""Measuring Instruments Directive" means Directive 2014/32/EU of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to the making available on the market of measuring instruments (recast)(**6**);";

(k) after the definition of "metering and monitoring installer" insert—

""metering and monitoring lump sum payment" means a single payment of—

(a) £700 for a metering and monitoring biomass boiler; or

(b) £805 for a heat pump which is an accredited domestic plant;";

(l) for the definition of "metering and monitoring payment" substitute—

""metering and monitoring payment" means—

(a) in respect of a registration given before the third relevant date, one or more payments totalling—

(i) £200 during a 12 month period for a metering and monitoring biomass boiler; or

(ii) £230 during a 12 month period for a heat pump which is an accredited domestic plant;

(**4**) The code of practice can be accessed here: https://www.hiesscheme.org.uk/scheme-rules-code-practice.pdf. Hard copies can be obtained from HIES, Centurion House, Leyland Business Park, Centurion Way, Leyland, PR25 3GR.

(**5**) The consumer code can be accessed here: https://www.recc.org.uk/scheme/consumer-code. Hard copies can be obtained from Renewable Energy Consumer Code, 80 Strand, London WC2R 0ET.

(**6**) OJ L 96, 29.3.2014, p149.

(b) in respect of a registration given on or after the third relevant date, one or more payments totalling—

(i) £100 during a 12 month period for a metering and monitoring biomass boiler; or

(ii) £115 during a 12 month period for a heat pump which is an accredited domestic plant;";

(m) after the definition of "metering statement", insert—

""MM payments" means a metering and monitoring lump sum payment or metering and monitoring payments, or both;

"NRI" has the meaning given in regulation 22E(3);";

(n) after the definition of "NOx", insert—

""on-board meter" means an electricity meter which is integrated into a heat pump and is able to display the electricity consumption of that heat pump in kWh;";

(o) in the definition of "ongoing obligations", after "Part 7" insert "or Part 7A, as applicable";

(p) after the definition of "participant" insert—

""properly made" in relation to an application means—

(i) in the case of an application made under regulation 17, an application which provides the information required by regulation 17(2) and (3);

(ii) in the case of an application made under regulation 22A, an application which provides the information required by regulation 22A(2); and

(iii) in the case of an application made under regulation 50, an application which provides the information required by regulation 50(2);";

(q) in the definition of "registration", after "registration" insert ", except in the term "investor registration",";

(r) after the definition of "RHPP grant" insert—

""RI" means an investor registered on the central register in accordance with regulation 22C;";

(s) after the definition of "testing laboratory" insert—

""third relevant date" means the date of coming into force of the Domestic Renewable Heat Incentive Scheme (Amendment) Regulations 2018(**7**);";

(t) after the definition of "type-testing range" insert—

""Unique Registered Investor Reference" has the meaning given in regulation 22C(2)(b)(iii);".

Amendments to regulation 5 (requirements for heat pumps)

4.—(1) Renumber regulation 5 as paragraph (1) of that regulation.

(2) In regulation 5(1) as so renumbered—

(a) after sub-paragraph (d) omit "and",

(b) after sub-paragraph (e) insert—

"; and

(**7**) S.I. 2018/610.

(f) if it is a heat pump for which the RHI date is on or after the third relevant date, it meets the requirements specified in paragraph (2)".

(3) After regulation 5(1), insert—

"(2) The requirements specified in this paragraph are that—

(a) one or more eligible electricity meters or on-board meters are installed to record any—

(i) electricity supplied to the plant which is used to generate heat;

(ii) electrical input into any supplementary electric heater controlled by the same control system which governs the heat pump; and

(iii) electrical input into any immersion heater for a domestic hot water cylinder where the immersion heater is controlled by the same control system which governs the heat pump;

(b) in respect of any eligible electricity meter installed in accordance with sub-paragraph (a)—

(i) in the case of a meter installed before the third relevant date, a certified installer was responsible for installing it or for checking that it was properly installed;

(ii) in the case of a meter installed on or after the third relevant date, a certified installer was responsible for installing it;

(iii) the meter is properly calibrated, properly installed and in good working order; and

(iv) the meter has a label which identifies the plant or other components being metered.".

Amendments to regulation 10 (requirements regarding funding of plants)

5. For regulation 10(a) substitute—

"(a) some or all of the costs of the purchase or installation of the plant are met by—

(i) an owner or former owner of the plant, using that person's own funds (including a loan which that person was liable to repay or a Green Deal Plan for which that person is liable to make, or has made, payments); or

(ii) an RI; or".

Amendments to regulation 14 (metering requirements)

6. In regulation 14—

(a) in paragraph (1)—

(i) after "in relation to the plant" insert ", other than any eligible electricity meters installed in order to comply with the requirements specified in regulation 5(2)",

(ii) in paragraph (b) after "participant" insert "or NRI",

(b) for paragraph (2)(a) substitute—

"(a) in the case of a meter installed—

(i) before the relevant date, a certified installer was responsible for installing it or for checking that it was properly installed;

(ii) on or after the relevant date, a certified installer was responsible for installing it;".

Amendments to regulation 17 (accreditation applications)

7.—(1) In regulation 17(2)—

(a) after sub-paragraph (f) omit "and",

(b) after sub-paragraph (g) insert—

"; and

(h) where paragraph (2A) applies, a declaration that, to the best of the applicant's knowledge and belief, one or more eligible electricity meters or on-board meters are installed in accordance with the requirements specified in regulation 5(2)".

(2) After regulation 17(2) insert—

"(2A) This paragraph applies where an accreditation application is made on or after the third relevant date in respect of a plant which is a heat pump and is—

(a) a replacement plant, with an RHI date on or after the third relevant date; or

(b) not a replacement plant.".

Amendments to regulation 21 (accreditation)

8. In regulation 21—

(a) in paragraph (1)(e)—

(i) after paragraph (v) omit "and", and

(ii) after paragraph (vi) insert—

"(vii) where applicable, that RHI payments have been assigned to the NRI nominated by the participant pursuant to regulation 22E; and",

(b) after paragraph (3) insert—

"(4) Where there is an assignment, the notification and statements referred to in paragraph (1)(b) and (d) to (f), and paragraph (3), must also be provided to any NRI in respect of the plant.".

Amendments to regulation 22 (rejection of accreditation applications)

9. In regulation 22(3) after "notify the applicant" insert "and any NRI in respect of the plant,".

Insertion of Part 3A (Investors)

10. After regulation 22 insert—

"PART 3A

Investors

Investor applications

22A.—(1) A person (an "investor") may apply to the Authority, on or after 27th June 2018, to be registered as an RI for the purposes of these Regulations.

(2) An application referred to in paragraph (1) (an "investor application") must include—

(a) all of the information specified in Schedule 4A; and