STATUTORY INSTRUMENTS

2016 No. 1197

ENERGY

The Renewable Heat Incentive Scheme (Amendment) (No. 2) Regulations 2016

Made - - - -	*8th December 2016*
Laid before Parliament	*9th December 2016*
Coming into force - -	*1st January 2017*

The Secretary of State, in exercise of the powers conferred by sections 100(1) to (4) and 104(2) of the Energy Act 2008(**1**), makes the following Regulations.

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 Renewable Heat Incentive Scheme (Amendment) (No. 2) Regulations 2016 and come into force on 1st January 2017.

Amendments to the Renewable Heat Incentive Scheme Regulations 2011

2.—(1) Regulation 39D of the Renewable Heat Incentive Scheme Regulations 2011(**2**) is amended as follows.

(2) For paragraph (1) substitute—

"(1) On or after 1st January 2017, this regulation applies where—

(a) an accredited RHI installation which is, or includes, a new solid biomass CHP system—

(i) has a tariff start date on or after 1st August 2016;

(ii) the power efficiency of the CHP system is lower than 10%; and

(iii) sub-paragraph (b) does not apply; or

(**1**) 2008 c.32; section 100 was amended by S.I. 2011/2195 and section 51 of the Infrastructure Act 2015 (c.7). Section 51 also amended section 105 of the Energy Act 2008 (Parliamentary control of subordinate legislation) and inserted subsections (3A) to (3I) concerning provisions which require the affirmative resolution procedure. These Regulations do not contain provisions of the kind described in those subsections.

(**2**) S.I. 2011/2860; regulation 39D was inserted by S.I. 2016/718.