STATUTORY INSTRUMENTS

2016 No. 718

ENERGY

The Renewable Heat Incentive Scheme (Amendment) Regulations 2016

Made - - - -	*7th July 2016*
Laid before Parliament	*11th July 2016*
Coming into force - -	*1st August 2016*

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) Regulations 2016 and come into force on 1st August 2016.

Amendments to the Renewable Heat Incentive Scheme Regulations 2011

2. The Renewable Heat Incentive Scheme Regulations 2011(**2**) are amended in accordance with regulations 3 to 5.

Amendment to regulation 39A (periodic support payments for new accredited RHI installations)

3.—(1) In regulation 39A(1), after "second relevant date" insert ", except where regulation 39B applies";

(2) In regulation 39A(2), for "39C, 40 and 41" substitute "39C to 41".

(**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; relevant amending instruments are S.I. 2013/1033, S.I. 2013/2410, S.I. 2013/3179, S.I. 2014/1413, S.I. 2015/197 and S.I. 2016/257.

Amendment to regulation 39B (periodic support payments for CHP systems using biomass or biogas in combination with other sources of energy)

4. In regulation 39B(2), for "regulation 23(2) and 39C" substitute "regulations 23(2), 39C and 39D".

Periodic support payments for new solid biomass CHP systems

5. After regulation 39C, insert—

"**Periodic support payments for new solid biomass CHP systems**

39D.—(1) This regulation applies where—

(a) an accredited RHI installation which is, or includes, a new solid biomass CHP system has a tariff start date on or after 1st August 2016; and

(b) the power efficiency of the CHP system is lower than 20%.

(2) Subject to regulations 23(2) and 39C, the periodic support payment for the installation in respect of each quarterly period is to be calculated in accordance with the following formula—

$$(A \times B) + ((1 - B) \times (C \times D)) + E$$

where—

(a) A is the periodic support payment calculated in accordance with regulation 39A or 39B in respect of the heat generated using solid biomass in the CHP system which meets the requirements of regulation 9A;

(b) B is the figure, expressed as a decimal, derived from multiplying the power efficiency of the CHP system by 5;

(c) C is the tariff, calculated in accordance with regulations 37 to 37D, that would apply if the CHP system ceased to be certified under CHPQA;

(d) D is the kWhth of heat generated using solid biomass in the CHP system which meets the requirements of regulation 9A, calculated in accordance with regulation 39A(2)(b)(ii) or 39B(2)(b);

(e) insofar as D relates to heat calculated in accordance with regulation 39A(2)(b)(ii), regulation 40 applies to the periodic support payment figure given by the calculation

$$(C \times D)$$

;

(f) E is the sum of the periodic support payments, calculated in accordance with regulation 39A or 39B, in respect of any heat generated by the installation using biogas, biomass contained in waste, or other biomass used in a CHP system where regulation 9 applies.

(3) For the purposes of this regulation, the power efficiency of a CHP system is to be determined for each 12 month period beginning with 1st August and ending with 31st July (or for any part of that period) and is the power efficiency stated—

(a) on the certificate issued under CHPQA in the calendar year in which that period begins; or

(b) on the most recent certificate issued under CHPQA where a certificate has not been issued in the calendar year in which that period begins.".