STATUTORY INSTRUMENTS

# 2015 No. 1459

# ENERGY

# The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme (Amendment) (No. 2) Regulations 2015

*Made - - - - 30th June 2015*

*Laid before Parliament 6th July 2015*

*Coming into force in accordance with regulation 1(1) and (2)*

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

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

## PART 1

## Introduction

### Citation, commencement and interpretation

**1.**—(1) These Regulations may be cited as the Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme (Amendment) (No. 2) Regulations 2015 and, except as provided in paragraph (2), come into force on 27th July 2015.

(2) Regulations 4, 9 and 11 to 13 come into force on 26th September 2015.

(**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. By virtue of subsections (3A) to (3I), these Regulations do not require the affirmative procedure.

# PART 2

## Amendments to the Renewable Heat Incentive Scheme Regulations 2011

### 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 10.

### Amendments to regulation 2 (interpretation)

**3.**—(1) Regulation 2 is amended as follows.

(2) In the definition of "estimated additional biomethane spend", in paragraph (a) omit "all".

(3) In the definition of "estimated energy from biomethane"—

(a) for "FRxTx10" substitute "FRxTx10xP";

(b) after "estimated flow rate;" omit "and"; and

(c) at the end insert—

"and

(c) P is the proportion of biomethane which is calculated as follows—

$$\frac{E}{B}$$

where—

(i) E is the amount of eligible biomethane in kWh injected by all producers of biomethane who have been registered and in relation to which periodic support payments have been received; and

(ii) B is the amount of all biomethane in kWh injected by such producers in the quarterly periods for which periodic support payments have been received;".

(4) In the definition of "estimated original biomethane spend", in paragraph (a) omit "all".

(5) In the definition of "estimated spend"—

(a) in paragraph (b) after "a periodic support payment" insert "or has received three or fewer periodic support payments"; and

(b) in paragraph (d) for "a periodic support payment" substitute "four or more periodic support payments".

(6) In the definition of "flow rate" in paragraph (a) after "received" insert "commencing with the third periodic support payment".

### Amendments to regulation 13 (certification for installation of Microgeneration heating equipment)

**4.**—(1) Regulation 13 is amended as follows.

(2) For regulation 13(2)(a)(i) substitute—

"(i) where the plant generates heat from solid biomass—

(**2**) S.I. 2011/2860; relevant amending instruments are 2013/1033, 2014/1413, 2015/145 and 2015/197 .

(aa) version 4.0 of the document entitled "Microgeneration Installation Standard: MIS 3004 requirements for contractors undertaking the supply, design, installation, set to work, commissioning and handover of solid biofuel heating systems" published on 16th December 2013(**3**);

(bb) version 4.1 of the document entitled "Microgeneration Installation Standard: MIS 3004 requirements for contractors undertaking the supply, design, installation, set to work, commissioning and handover of solid biofuel heating systems" published on 1st May 2015(**4**); or

(cc) version 4.2 of the document entitled "Microgeneration Installation Standard: MIS 3004 requirements for contractors undertaking the supply, design, installation, set to work, commissioning and handover of solid biofuel heating systems" published on 6th May 2015(**5**),

provided it is in force on the plant's first commissioning date;".

(3) In regulation 13(2)(a)(ii)(aa) after "21st November 2014;" omit "or".

(4) In regulation 13(2)(a)(ii)(bb) after "16th December 2013" insert—

"; or

(cc) version 4.3 of the document entitled "Microgeneration Installation Standard: MIS 3005 requirements for contractors undertaking the supply, design, installation, set to work, commissioning and handover of microgeneration heat pump systems" published on 6th May 2015(**6**)

(5) In regulation 13(2)(a)(iii)(aa) after "21st November 2014;" omit "or".

(6) In regulation 13(2)(a)(iii)(bb) after "16th December 2013" insert—

"; or

(cc) version 4.2 of the document entitled "Microgeneration Installation Standard: MIS 3001 requirements for contractors undertaking the supply, design, installation, set to work, commissioning and handover of solar heating microgeneration systems" published on 1st May 2015(**7**)

**Amendments to regulation 22 (applications for accreditation)**

**5.** After paragraph (3) insert—

"(3A) Where the Authority considers that further information is necessary for the purpose of determining an application it may by notice—

(a) specify further information which the applicant is required to provide under Schedule 1;

(b) specify a period of no less than 12 weeks starting with the date of the notice within which that information must be provided; and

(c) inform the applicant that failure to provide the requested information within that period may result in the application being rejected.

(3B) The Authority may by notice extend the period specified in a notice under paragraph (3A)(b) where it is satisfied that it is reasonable to do so.

(**3**) Published on www.microgenerationcertification.org.
(**4**) Published on www.microgenerationcertification.org.
(**5**) Published on www.microgenerationcertification.org.
(**6**) Published on www.microgenerationcertification.org.
(**7**) Published on www.microgenerationcertification.org.