STATUTORY INSTRUMENTS

2015 No. 197

ENERGY

The Renewable Heat Incentive Scheme (Amendment) Regulations 2015

Made - - - - 11th February 2015

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) and (2) and 104(2) of the Energy Act 2008(**1**).

In accordance with section 105(2)(a) and (3) 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 Renewable Heat Incentive Scheme (Amendment) Regulations 2015 and come into force on the day after the day on which they are made.

Amendments to the Renewable Heat Incentive Scheme Regulations 2011

2.—(1) The Renewable Heat Incentive Scheme Regulations 2011(**2**) ("the 2011 Regulations") are amended in accordance with these Regulations.

(2) A reference in regulations 3 to 29 to an amendment made to, or the substitution of, a numbered regulation is to that regulation as so numbered in the 2011 Regulations.

Amendments to regulation 2 (interpretation)

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

(2) In the definition of "average load factor"—

(a) for "providing metering data", in each place where it appears, substitute "in respect of which periodic support payments have been received";

(b) in paragraph (a)(ii) omit "and are";

(**1**) 2008 c. 32. Section 100 is amended by S.I. 2011/2195.
(**2**) S.I. 2011/2860, amended by S.I. 2012/1999, S.I. 2013/1033, S.I. 2013/2410, S.I. 2013/3179, S.I. 2014/928 and S.I. 2014/1413.

(c) omit paragraph (aa);

(d) in paragraph (b) omit "or paragraph (aa)";

(e) in paragraph (c) for "paragraphs (a) or (aa)" substitute "paragraph (a)".

(3) In the definition of "estimated energy from biomethane" for paragraph (a) substitute—

"(a) FR is the estimated flow rate; and".

(4) In the definition of "estimated heat", in paragraph (a)(i) for "the installation has provided metering data" substitute "a periodic support payment has been received in respect of the installation".

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

(a) in paragraph (b) after "relevant producer" insert "who has not received a periodic support payment";

(b) in paragraph (c) after "large installation" insert "in respect of which no periodic support payment has been received and";

(c) after paragraph (c) insert—

"(d) a relevant producer who has received a periodic support payment, means the sum of the estimated original biomethane spend and any estimated additional biomethane spend;".

(6) For the definition of "flow rate" substitute—

""flow rate", in relation to biomethane, means—

$$\frac{B}{H}$$

where—

(a) B is the amount of eligible biomethane in kWh for which periodic support payments have been received; and

(b) H is the total number of hours in the period commencing with the first day of the first quarterly period in which that biomethane was injected and ending on the last day of the last quarterly period in which that biomethane was injected;".

(7) In the definition of "initial tariff" for "regulation 37(7)(a)" substitute "regulation 37(7A)".

(8) For the definition of "installation capacity" substitute—

""installation capacity" means—

(a) in the case of a CHP system to which regulation 9(2)(b) or 9A applies, 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 9(2)(b) or 9A 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; or

(b) for any other plant, except where otherwise specified, the total installed peak heat output capacity of the plant;".

(9) In the definition of "maximum initial capacity" before "volume" insert "maximum".

(10) For the definition of "properly insulated" substitute—

""properly insulated" means—

(a) in respect of piping which is situated below the ground, insulated in accordance with—

(i) BS EN 253 (2009)(**3**);

(ii) BS EN 15632:2 and 3 (2010) and 15632:4 (2009)(**4**); or

(iii) BS EN 15698:1 (2009)(**5**); or

(b) in respect of piping which is situated above the ground, insulated so that the relevant maximum permissible heat losses set out in BS 5422:2009(**6**) are not exceeded;".

(11) For the definition of "quarterly period" substitute—

""quarterly period" means, except where otherwise specified, the first, second, third or fourth quarter of any year commencing with, or with the anniversary of—

(a) in relation to an accredited RHI installation, the tariff start date for that installation;

(b) in relation to a producer of biomethane who is registered in relation to any original biomethane or additional biomethane, the tariff start date for the original biomethane;".

(12) In the definition of "relevant installation", in paragraph (b)(iii) for "date on which the application was made" substitute "last date on which the Authority received information from the applicant in support of the application".

(13) In the definition of "relevant producer", in paragraph (b)(iii) for "date on which the application was made" substitute "last date on which the Authority received information from the applicant in support of the application".

(14) In the definition of "tariff start date"—

(a) for paragraph (c) substitute—

"(c) in relation to original biomethane in respect of which a producer of biomethane is registered, the date of registration for that biomethane;";

(b) after paragraph (c) insert—

"(d) in relation to additional biomethane in respect of which a producer of biomethane is registered, the date of registration for that biomethane;".

(15) For the definition of waste substitute—

""waste" has the meaning given in Article 3(1) of Directive 2008/98/EC of the European Parliament and of the Council on waste(**7**) and includes excreta produced by animals;".

(16) Insert the following definitions at the appropriate places—

""additional biomethane" has the meaning given in regulation 43A(5);";

""eligible biomethane" has the meaning given in regulation 42(2);";

""estimated additional biomethane spend" in relation to an assessment date and any additional biomethane registered on a particular date in respect of which a relevant producer has received a periodic support payment means—

$$A \times B \times C$$

where—

(**3**) ISBN 978 0 580 75633 7.
(**4**) ISBN 978 0 580 70945 6.
(**5**) ISBN 978 0 580 58925 6.
(**6**) ISBN 978 0 580 69184 3.
(**7**) OJ L No 312, 22.11.2008, p 3.

(a) A is the flow rate for all additional biomethane registered on that particular date;

(b) B is the number of hours in the 12 month period commencing with the assessment date; and

(c) C is the relevant initial tariff or subsequent tariff calculated in accordance with regulations 37 to 37D;";

""estimated original biomethane spend" in relation to an assessment date and any original biomethane in respect of which a relevant producer has received a periodic support payment means—

$$A \times B \times C$$

where—

(a) A is the flow rate for all original biomethane;

(b) B is the number of hours in the 12 month period commencing with the assessment date; and

(c) C is the relevant initial tariff or subsequent tariff calculated in accordance with regulations 37 to 37D;";

""fourth relevant date" means the date of coming into force of the Renewable Heat Incentive Scheme (Amendment) Regulations 2015;";

""maximum additional capacity" has the meaning given in regulation 43A(5);";

""original biomethane" means biomethane which is produced by a relevant producer and which falls within that producer's maximum initial capacity;".

Amendment to regulation 5 (eligible installations generating heat from solid biomass)

4. In regulation 5 omit paragraph (1)(b).

Amendments to regulation 9 (eligible installations which are CHP systems)

5. In regulation 9—

(a) in paragraph (2)(b), for "in combination with each other" substitute "alone or in any combination";

(b) omit paragraph (3)(a);

(c) after paragraph (5) insert—

"(6) In the case of CHP systems which generate heat and power from biogas, references in this regulation to "combustion unit" include the biogas production plant which produces the biogas which is used in the combustion unit.".

Amendment to regulation 9A (eligible installations which are new solid biomass CHP systems)

6. In regulation 9A omit paragraph (3)(d).

Amendments to regulation 12 (other eligibility requirements for technologies)

7. In regulation 12—

(a) for paragraph (1)(b) substitute—

"(b) except where regulation 9(2)(b) or 9A applies, the plant was new at the time of installation;";

(b) for paragraph (2) substitute—

"(2) In the case of a CHP system—

(a) the requirements of paragraphs (1)(a)(i) and (b) are deemed to be satisfied where a plant was previously generating electricity only, using biogas, and was first commissioned as a CHP system on or after 4th December 2013; and

(b) the requirements of paragraphs (1)(a)(ii) and (b) are deemed to be satisfied where the plant was previously generating electricity only, using solid biomass, solid biomass contained in waste, or biogas, and was first commissioned as a CHP system on or after 15th July 2009.".

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

8.—(1) Regulation 13 is amended as follows.

(2) In paragraph (1)(a) and (b)(ii) for "the relevant installation standard" substitute "a relevant installation standard".

(3) In paragraph (2)(a) for paragraphs (ii) and (iii) substitute—

"(ii) where the plant is a ground source heat pump or air source heat pump—

(aa) version 4.1 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 21st November 2014(**8**); or

(bb) version 4.0 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 16th December 2013(**9**),

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

(iii) where the plant generates heat using a solar collector—

(aa) version 4.1 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 21st November 2014(**10**); or

(bb) version 4.0 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 16th December 2013(**11**),

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

Amendment to regulation 14 (plants comprised of more than one plant)

9. In regulation 14(1) omit "(5)(b)".

(**8**) Published on www.microgenerationcertification.org.
(**9**) Published on www.microgenerationcertification.org.
(**10**) Published on www.microgenerationcertification.org.
(**11**) Published on www.microgenerationcertification.org.