*Draft Regulations laid before Parliament under section 105(3) of the Energy Act 2008, for approval by resolution of each House of Parliament.*

DRAFT STATUTORY INSTRUMENTS

# 2017 No.

# ENERGY

# The Domestic Renewable Heat Incentive Scheme (Amendment) Regulations 2017

*Made - - - - 2017*

*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 2017 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—

(a) in the definition of—

(i) "eligible electricity meter", in both instances, for "MI-003" substitute "V";

(ii) "eligible gas meter", in both instances, for "MI-002" substitute "IV";

(**1**) 2008 c.32. Section 100 is amended by s.51 of the Infrastructure Act 2015 (c.7) and S.I. 2011/2195.

(**2**) Section 105 (parliamentary control of subordinate legislation) is amended by s.51 of the Infrastructure Act 2015 (c.7) 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, 2015/1459 and 2016/257.

(iii) "eligible heat meter", in both instances, for "MI-004" substitute "VI";

(iv) "eligible oil meter", in both instances, for "MI-005" substitute "VII";

(b) 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;";

(c) in the definition of "initial tariff" after "plant for" insert "all or part of";

(d) 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);";

(e) 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;";

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

""metering and monitoring payment" means—

(a) in respect of a registration given before the second 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;

(b) in respect of a registration given on or after the second 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;";

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

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

(h) 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;";

(i) after the definition of "seasonal performance factor", insert—

""second relevant date" means the date of coming into force of the Domestic Renewable Heat Incentive Scheme (Amendment) Regulations 2017;"; and

(j) in the definition of "subsequent tariff" after "plant for" insert "all or part of".

**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

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

(3) After regulation 5(1), insert—

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

(a) that one or more eligible electricity meters or on-board meters are installed to record separately 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) that, in respect of any eligible electricity meter installed in accordance with sub-paragraph (a)—

(i) in the case of a meter installed before the second 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 second 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.".

**Amendment to regulation 8 (certification requirements)**

**5.** In regulation 8(2)(a)(ii)—

(a) after sub-paragraph (bb) omit "or";

(b) after sub-paragraph (cc) insert—

"; or

(dd) version 5.0 of the document entitled "Microgeneration Installation Standard: MIS 3005 requirements for MCS contractors undertaking the supply, design, installation, set to work, commissioning and handover of microgeneration heat pump systems" published on 28th April 2017(**4**)

**Amendment to regulation 14 (metering requirements)**

**6.** In regulation 14(1), after "in relation to the plant" insert ", other than any eligible electricity meters installed in accordance with the requirements specified in regulation 5(2)".

(**4**) Published online and available at www.microgenerationcertification.org as well as from Gemserv Limited at 8 Fenchurch Place, London EC3M 4AJ.

**Amendment 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 second 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 second relevant date; or

(b) not a replacement plant.".

**Amendments to regulation 27 (calculation of RHI payments where metering is not required)**

**8.**—(1) Renumber regulation 27 as paragraph (1) of that regulation.

(2) After regulation 27(1) as so renumbered, insert—

"(2) In this regulation and regulation 28, where the RHI payment for an accredited domestic plant is calculated for a quarterly period which starts before the second relevant date and ends on or after the second relevant date, "applicable initial tariff or subsequent tariff" means, as the case may be—

(a) the initial tariff which applies to that plant on the second relevant date, as calculated in accordance with regulation 34; or

(b) the subsequent tariff which applies to that plant on the second relevant date, as calculated in accordance with regulation 37.".

**Amendment to regulation 29 (calculation of deemed annual heat generation)**

**9.** In regulation 29, for paragraphs (2) to (5) substitute—

"(2) If the accredited domestic plant is a biomass plant which provides space heating, but not heating for domestic hot water, to the RHI property, the deemed annual heat generation is—

(a) for an accredited domestic plant with a tariff start date before the second relevant date, the heat demand for space heating specified in the relevant EPC for that property; or

(b) for an accredited domestic plant with a tariff start date on or after the second relevant date, the lower of—

(i) the heat demand for space heating specified in the relevant EPC for that property; or

(ii) 25,000 kWh.

(3) If the accredited domestic plant is a biomass plant which provides both space heating and domestic hot water heating to the RHI property, the deemed annual heat generation is—

(a) for an accredited domestic plant with a tariff start date before the second relevant date, the heat demand for space heating and water heating specified in the relevant EPC for that property; or

(b) for an accredited domestic plant with a tariff start date on or after the second relevant date, the lower of—

(i) the heat demand for space heating and water heating specified in the relevant EPC for that property; or

(ii) 25,000 kWh.

(4) If the accredited domestic plant is a heat pump which provides space heating, but not heating for domestic hot water, to the RHI property, the deemed annual heat generation is—

(a) for an accredited domestic plant with a tariff start date before the second relevant date, calculated in accordance with the following formula—

$$A \times \left(1 - \frac{1}{B}\right)$$

where—

(i) A is the heat demand for space heating specified in the relevant EPC for that property; and

(ii) B is the seasonal performance factor for the heat pump; or

(b) for an accredited domestic plant with a tariff start date on or after the second relevant date, the lower of—

(i) the result of the formula in sub-paragraph (a); or

(ii) the result obtained from applying the following formula—

$$C \times \left(1 - \frac{1}{B}\right)$$

where—

(aa) C is 20,000 kWh in the case of an air source heat pump, or 30,000 kWh in the case of a ground source heat pump; and

(bb) B is the seasonal performance factor for the heat pump.

(5) If the accredited domestic plant is a heat pump which provides both space heating and domestic hot water heating to the RHI property, the deemed annual heat generation is—

(a) for an accredited domestic plant with a tariff start date before the second relevant date, calculated in accordance with the following formula—

$$A \times \left(1 - \frac{1}{B}\right)$$

where—

(i) A is the heat demand for space heating and water heating specified in the relevant EPC for that property; and

(ii) B is the seasonal performance factor for the heat pump; or

(b) for an accredited domestic plant with a tariff start date on or after the second relevant date, the lower of—