Draft Regulations laid before Parliament under section 105(2)(a) and (3) of the Energy Act 2008, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2014 No. 0000

ENERGY

The Domestic Renewable Heat Incentive Scheme Regulations 2014

Made - - - - 2014

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 sections 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.

PART 1

Introductory provisions

Citation and commencement

1. These Regulations may be cited as the Domestic Renewable Heat Incentive Scheme Regulations 2014 and come into force on the day after the day on which they are made.

Interpretation

2. In these Regulations—

"accreditation" means a determination by the Authority that a plant for which an accreditation application is made is an accredited domestic plant;

"accreditation application" means an application for accreditation of a plant under regulation 17 which has not been withdrawn by the applicant;

"accredited domestic plant" means a plant in respect of which RHI payments are payable;

(**1**) 2008 c.32. Section 100 is amended by S.I. 2011/2195.

"accredited RHI installation" has the meaning given by regulation 2 of the Renewable Heat Incentive Scheme Regulations 2011(**2**);

"additional plant" means any plant which provides heat to the same RHI property as an accredited domestic plant but which is not part of that accredited domestic plant;

"air source heat pump" means a plant which generates heat by absorbing energy stored in the form of heat in the ambient air outside a property and uses that energy to heat a liquid;

"applicant" means a person who makes an accreditation application, an authorisation application or a registration application;

"assessment date" means 31st January, 30th April, 31st July or 31st October in any calendar year;

"associated infrastructure" includes equipment installed under a metering and monitoring agreement;

"authorisation", in relation to a metering arrangement, means approval by the Authority of that metering arrangement under regulation 25;

"authorisation application" means an application for authorisation of a metering arrangement under regulation 23;

"authorised metering arrangement" means a metering arrangement which has been given authorisation;

"biomass boiler" means a plant which—

(a) is designed and installed to burn solid biomass to provide heat;

(b) is designed to minimise direct heat loss to the immediate area in which it is installed;

(c) is not capable of providing heat to a property without using a liquid to deliver that heat; and

(d) is not designed to generate heat for the purpose of cooking food;

"biomass plant" means a plant which is a biomass boiler or a biomass stove but not both;

"biomass stove" means a plant which—

(a) is designed and installed to burn wood pellets to generate heat which is radiated directly into the room in which it is installed; and

(b) is not designed to generate heat for the purpose of cooking food;

"central register" means the register maintained by the Authority under regulation 67;

"certified installer" means a person who is certified by the Microgeneration Certification Scheme(**3**) or an equivalent scheme accredited under EN 45011(**4**) or EN ISO/IEC 17065:2012(**5**);

"commissioned", in relation to a plant, means the completion of such procedures and tests as constitute, at the time they are undertaken, the usual industry standards and practices for that type of plant which demonstrate that it is capable of operating and generating heat;

"compressor" means a mechanical device which increases the pressure of refrigerant used in a heat pump;

(**2**) S.I. 2011/2860, amended by S.I. 2012/1999, S.I. 2013/1033, S.I. 2013/2410 and S.I. 2013/3179.
(**3**) Details of which are available at www.microgenerationcertification.org.
(**4**) The ISBN for the English language version of this standard is ISBN 0580294153. Copies can be obtained from the British Standards Institution at www.bsigroup.com.
(**5**) The ISBN for the English language version of this standard is ISBN 978 0 580 78472 9. Copies can be obtained from the British Standards Institution at www.bsigroup.com.

"condensing plant" means a plant which is designed to use the latent heat released from the condensation of water vapour into a liquid with the resulting liquid leaving the boiler by way of a drain;

"deemed annual heat generation" has the meaning given by regulation 29;

"domestic hot water" means hot water used in an eligible property for a purpose other than space heating or heating a swimming pool;

"domestic hot water cylinder" means a tank used to store domestic hot water;

"domestic RHI scheme" means the scheme established by these Regulations;

"dwelling" has the meaning given by—

(a) in relation to a property in England or Wales, regulation 2(1) of the Energy Performance of Buildings (England and Wales) Regulations 2012(**6**);

(b) in relation to a property in Scotland, regulation 2(1) of the Energy Performance of Buildings (Scotland) Regulations 2008(**7**);

"efficiency" means the ratio of the heat generated by a plant to its energy consumption;

"eligibility criteria" has the meaning given by regulation 3;

"eligible electricity meter" means an electricity meter which meets the relevant requirements set out in Annex 1 to the Measuring Instruments Directive, the specific requirements listed in Annex MI-003 to that Directive and the requirements for accuracy class A as defined in Annex MI-003 to that Directive;

"eligible gas meter" means a gas meter which meets the relevant requirements set out in Annex 1 to the Measuring Instruments Directive, the specific requirements listed in Annex MI-002 to that Directive and the requirements for accuracy class 1.5 as defined in Annex MI-002 to that Directive;

"eligible heat meter" means a heat meter which meets the relevant requirements set out in Annex 1 to the Measuring Instruments Directive, the specific requirements listed in Annex MI-004 to that Directive and the requirements for accuracy class 3 as defined in Annex MI-004 to that Directive;

"eligible meter" means an eligible electricity meter, eligible gas meter, eligible heat meter or eligible oil meter;

"eligible metered heat" means, in relation to an accredited domestic plant which is—

(a) a biomass plant, the figure calculated in accordance with regulation 30; or

(b) a heat pump, the figure calculated in accordance with regulation 31;

"eligible new-build property" means a property which is supplied with heat by a plant in respect of which an accreditation application is made and where—

(a) any building that forms part of that property was built principally with the use of the labour or resources of the first owner (including where the resource was a loan which the first owner was liable to repay);

(b) the date the property was first occupied was after the date the plant was first commissioned; and

(c) the property has not, while the building was built or at any subsequent time been owned wholly or partly by a person who is not an individual;

"eligible oil meter" means an oil meter which meets the relevant requirements set out in Annex 1 to the Measuring Instruments Directive, the specific requirements listed in Annex MI-005

(**6**) S.I. 2012/3118, amended by S.I. 2013/181; there are other amending instruments but none is relevant.
(**7**) S.S.I. 2008/309, relevant amending instruments are S.S.I. 2012/190, 2012/208, 2013/12.

to that Directive and the requirements for accuracy class 1 as defined in Annex MI-005 to that Directive;

"eligible property" means a property that meets the requirements set out in Schedule 3;

"eligible purpose" means, in relation to heat generated by—

(a) a biomass plant or heat pump, the purpose of space heating, or both space heating and domestic hot water heating, for an eligible property; or

(b) a solar thermal plant, the purpose of domestic hot water heating for an eligible property;

"Energy Performance Certificate" has the meaning given by—

(a) in relation to a property in England and Wales, regulation 2(1) of the Energy Performance of Buildings (England and Wales) Regulations 2012;

(b) in relation to a property in Scotland, regulation 2(1) of the Energy Performance of Buildings (Scotland) Regulations 2008;

"expenditure forecast statement" has the meaning given by regulation 38(1);

"financial year" means a 12 month period commencing on 1st April and ending on the following 31st March;

"first commissioning date" means the date on which a plant is first commissioned;

"forecast for expenditure" has the meaning given by regulation 38(7);

"fuel" excludes electricity;

"grant from public funds" means a grant made by a public authority or by any person distributing funds on behalf of a public authority;

"grant funding deduction" means the figure calculated in accordance with regulation 32;

"Green Deal Assessment" means a qualifying assessment under regulation 7 of the Green Deal Framework (Disclosure, Acknowledgment, Redress etc) Regulations 2012(**8**);

"Green Deal Plan" has the meaning given by section 1 of the Energy Act 2011(**9**);

"ground source heat pump" means a plant which generates heat by absorbing energy stored in the form of heat from the ground, including water in the ground, or surface water or both and uses that energy to heat a liquid;

"heat emitter guide" means version 1.0 of the document "MCS 021 heat emitter guide for domestic heat pumps" published on 16 December 2013(**10**);

"heat meter" has the same meaning as that given in Annex MI-004 to the Measuring Instruments Directive;

"heat pump" means a plant which is an air source heat pump or a ground source heat pump but not both;

"increase in expenditure forecast" has the meaning given by regulation 38(7);

"initial tariff" means the tariff for an accredited domestic plant for its initial tariff period, calculated in accordance with regulation 34;

"initial tariff period" means the period commencing on a plant's tariff start date and ending on the following 31st March;

"installation capacity" means the total installed peak heat output capacity of a plant;

"kWh" means kilowatt hour;

(**8**) S.I. 2012/2079; to which there are amendments not relevant to these Regulations.
(**9**) 2011 c.16.
(**10**) Details of which are available at www.microgenerationcertification.org.

"landlord" means a person who owns a property (solely or together with one or more other owners) but does not occupy that property;

"local authority" means a local authority within the meaning given in section 106 of the Localism Act 2011(**11**) or a council constituted under section 2 of the Local Government etc (Scotland) Act 1994(**12**);

"MCS register" means the register maintained by the Microgeneration Certification Scheme, or an equivalent scheme accredited under EN 45011 or EN ISO/IEC 17065:2012, of installers and plant which are certified under that scheme;

"measuring instrument" means an eligible meter, a temperature sensor, or any equipment which records information used to determine the efficiency of a biomass plant;

"Measuring Instruments Directive" means Directive 2004/22/EC of the European Parliament and of the Council on measuring instruments(**13**);

"metering and monitoring agreement" means an agreement which meets the requirements set out in Schedule 7;

"metering and monitoring biomass boiler" means a biomass boiler which is an accredited domestic plant and is designed and installed to burn only wood pellets;

"metering and monitoring installer" means a certified installer who has entered into a metering and monitoring agreement with a participant;

"metering and monitoring payment" means one or more payments totalling—

(a) £200 during a 12 month period for a metering and monitoring biomass boiler; or

(b) £230 during a 12 month period for a heat pump which is an accredited domestic plant;

"metering arrangement" means a document which identifies the location and type of each eligible meter positioned in accordance with paragraph (3) or (4) of regulation 15 or paragraph (3), (4) or (5) of regulation 16;

"metering requirements" has the meaning given by regulation 14(1)(a);

"metering statement" means a written statement provided by the Authority which contains the information specified in regulation 21(1)(f);

"NOx" means oxides of nitrogen;

"ongoing obligations" means the obligations specified in Part 7;

"original plant" means an accredited domestic plant which is replaced by another plant;

"participant" means the owner of an accredited domestic plant or, where there is more than one owner, the owner who has provided to the Authority under regulation 17(2)(g) or regulation 48(2) or (9) evidence that they have the authority to act on behalf of all owners;

"PM" means particulate matter;

"quarterly period" means the first, second, third or fourth quarter of—

(a) the period of 12 months which commences on a tariff start date; and

(b) each subsequent period of 12 months;

"recommendation report" has the meaning given by—

(a) in relation to a property in England or Wales, regulation 4(1) of the Energy Performance of Buildings (England and Wales) Regulations 2012(**14**);

(**11**) 2011 c.20.
(**12**) 1973 c.65. There have been amendments to section 2 but none is relevant to these Regulations.
(**13**) OJ L 135, 30.4.2004, p.1, amended by Commission Directive 2009/137/EC (OJ L 294, 11.11.2009, p.7).
(**14**) Regulation 4(1) has been amended by S.I. 2013/181.