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

2013 No. 0000

ENERGY

The Renewable Heat Incentive Scheme (Amendment) (No. 2) Regulations 2013

Made - - - - ***

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 and 104 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) (No. 2) Regulations 2013 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. The Renewable Heat Incentive Scheme Regulations 2011(**2**) are amended as follows.

Amendments to regulation 2 (interpretation)

3. In regulation 2 insert the following definitions in the appropriate places—

> ""environmental permit" means a permit issued in accordance with the provisions of the Environmental Permitting (England and Wales) Regulations 2010(**3**) or the Pollution Prevention and Control (Scotland) Regulations 2012(**4**);"

(**1**) 2008 c.32. Section 100 is amended by S.I. 2011/2195.
(**2**) S.I. 2011/2860 amended by S.I. 2012/1999 and S.I 2013/1033.
(**3**) S.I. 2010/675 amended by S.I. 2010/2933, 2011/881, 988 and 2043 and S.I. 2012/630 in England and S.I. 2011/2377 in Wales.
(**4**) S.S.I 2012/360.

""heat loss calculation" means a calculation of heat lost which is carried out in accordance with the guidance issued by the Chartered Institute of Building Services Engineers and contained in CIBSE Guide C- reference data (2007 edition)(**5**);"

""net heat input" means the means the rate of heat (expressed as the amount of heat over time) which is supplied to the plant by the fuel used, based on the net calorific value of that fuel;"

""NO_x" means oxides of nitrogen;"

""PM" means particulate matter;"

""properly insulated" means insulated so that the relevant maximum permissible heat losses set in BS 5422: 2009(**6**) are not exceeded, where—

(a) heat losses are calculated in accordance with the equations listed in and following the principles described in BS EN ISO 12241:2008(**7**), and

(b) pursuant to that standard such calculations include, in respect of underground piping, the insulating effect of the soil in which the pipe is buried;"

""RHI emission certificate" means a document which meets the requirements in regulation 5A;"

""second relevant date" means the date of coming into force of the Renewable Heat Incentive Scheme (Amendment) (No. 2) Regulations 2013;"

""testing laboratory" means an organisation which carries out the testing of emissions from a plant either at permanent laboratory premises or away from those premises;"

""type-testing range" means a range of plants which have the same construction and design so that the testing of one or more plants in that range gives results capable of applying to all plants in the range, provided that—

(a) where the installation capacity of the smallest of the plants in the range is less than or equal to 500 kWth, the ratio of the installation capacity of the smallest plant to that of the largest plant in the type-testing range for which tests are carried out is no more than 1: 2, or

(b) where the installation capacity of the smallest of the plants is greater than 500 kWth, then the difference in installation capacity between the smallest and largest of the plants within the type-testing range for which tests are carried out is no more than 500 kWth.".

Amendments to regulation 3 (renewable heat incentive scheme)

4. In regulation 3, for paragraph (2) substitute—

"(2) Subject to Part 7 and regulations 24 and 24A, the Authority must make, to participants who are owners of accredited RHI installations, payments (referred to in these Regulations as "periodic support payments") for generating heat that is—

(a) used in a building for any of the following purposes—

(i) heating a space,

(ii) heating water,

(iii) carrying out a process; or

(**5**) ISBN 978 1 903287 80 4. Copies can be obtained from the British Standards Institution at www.bsigroup.com.
(**6**) ISBN 978 0 580 69184 3. Copies can be obtained from the British Standards Institution at www.bsigroup.com.
(**7**) ISBN 978 0 580 56728 5. Copies can be obtained from the British Standards Institution at www.bsigroup.com.

(b) used otherwise than in a building for either of the following purposes carried out on a commercial basis—

(i) cleaning,

(ii) drying.".

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

5. For regulation 5 substitute—

"**Eligible installations generating heat from solid biomass**

5.—(1) This regulation applies if the plant complies with all of the following requirements—

(a) it generates heat from solid biomass;

(b) the heat from the solid biomass is generated using equipment specifically designed and installed to use solid biomass as its only primary fuel source;

(c) in the case of a plant with an installation capacity of 45 kWth or less, regulation 13 applies;

(d) in the case of a plant for which an application for accreditation is made on or after the second relevant date—

(i) an environmental permit subsists in relation to that plant, or

(ii) an RHI emission certificate which complies with the requirements in regulation 5A applies to that plant.

(2) Paragraph (1)(d) does not apply to plants in respect of which preliminary accreditation has been granted before the second relevant date (and such preliminary accreditation has not been withdrawn).

(3) For the purposes of this regulation, an RHI emission certificate applies to a plant (A) if the information in that certificate is based on testing—

(a) A;

(b) a plant of the same make, model and installation capacity as A; or

(c) any other plant in the same type-testing range as A.".

RHI emission certificates

6. After regulation 5 insert—

"**RHI emission certificates**

5A.—(1) An RHI emission certificate must be issued by a testing laboratory.

(2) Where the information contained in an RHI emission certificate is based on testing carried out on or after the second relevant date, the testing laboratory must be accredited to BS EN ISO/IEC 17025:2005(**8**) at the time of testing.

(3) An RHI emission certificate must contain the information set out in Schedule A1.".

Amendment to regulation 8 (eligible installations generating heat using heat pumps)

7. In regulation 8(a)(i), after "the ground" insert ", including water in the ground,".

(**8**) ISBN 0 580 46330 3. Copies can be obtained from the British Standards Institute at www.bsigroup.com.

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

8. In regulation 9(1)(a), for "regulation 5(b)" substitute "regulation 5(1)(b) and (d) and (3)".

Amendment to regulation 12 (other eligibility requirements for technologies)

9. In regulation 12(1)(c), after "process" insert "or to any of the purposes in regulation 3(2)(b)".

Amendment to regulation 13 (MCS certification for microgeneration heating equipment)

10. In regulation 13, for "its installer was certified under the MCS at the time of installation" substitute "the commissioning certificate was issued by an installer who was certified under the MCS".

Amendments to regulation 16 (metering of plants in simple systems)

11. In regulation 16—

(a) in paragraph (1), for "This regulation applies" substitute "Subject to paragraph (3), this regulation applies";

(b) after paragraph (2) insert—

"(3) This regulation does not apply to any plant in respect of which an application for accreditation is made on or after the second relevant date.".

Amendments to regulation 17 (metering of plants in complex systems)

12. In regulation 17—

(a) in paragraph (1) for "This regulation applies" substitute "Subject to paragraph (4), this regulation applies";

(b) after paragraph (3) insert—

"(4) This regulation does not apply to any plant in respect of which an application for accreditation is made on or after the second relevant date.".

Metering in respect of new applications for accreditation

13. After regulation 17 insert—

"**Metering in respect of new applications for accreditation**

17A.—(1) This regulation applies to any plant in respect of which an application for accreditation is made on or after the second relevant date.

(2) Subject to paragraph (3) and regulation 19—

(a) where heat generated by the plant is delivered by liquid—

(i) one class 2 heat meter, and

(ii) such other class 2 heat meters as may be necessary,

must be installed so as to enable the kWhth of heat generated by that plant which is used for eligible purposes to be determined;

(b) where heat generated by the plant is delivered by steam—

(i) such steam measuring equipment as may be necessary, and

(ii) such class 2 heat meters to measure any condensate returning to the plant as may be necessary,

must be installed so as to enable the kWhth of heat generated by that plant which is used for eligible purposes to be determined.

(3) For the purposes of determining the heat generated by a plant which is used for eligible purposes it is not necessary to measure heat loss—

(a) which may be disregarded in accordance with regulation 42A(2), or

(b) for which a heat loss calculation may be provided in accordance with regulation 42A(4) or (5).".

Amendment to regulation 20 (matters relating to all heat meters and steam measuring equipment)

14.—(1) In regulation 20(1)—

(a) after sub-paragraph (b), omit "and";

(b) after sub-paragraph (c) insert—

"; and

(d) be positioned to provide accurate measurements.".

(2) In regulation 20(2)—

(a) after sub-paragraph (c), omit "and";

(b) after sub-paragraph (d) insert—

"; and

(e) positioned to provide accurate measurements.".

Changes in location of accredited RHI installations

15. After regulation 24 insert—

"**Changes in location of accredited RHI installations**

24A.—(1) This regulation applies where an accredited RHI installation is moved to a new location during its tariff lifetime.

(2) No periodic support payment may be made in respect of the accredited RHI installation after the date on which it is moved to a new location until—

(a) the owner has notified the Authority of the change in location; and

(b) the Authority has concluded that the accredited RHI installation should continue to be accredited.

(3) On receipt of a notification under paragraph (2) the Authority—

(a) may require the owner to provide such of the information specified in Schedule 1 as the Authority considers necessary for the proper administration of the scheme; and

(b) must review the accreditation of the accredited RHI installation to determine whether it continues to meet the eligibility criteria in the new location (except the requirement in regulation 12(1)(b)) and accordingly whether it should continue to be accredited.

(4) Where the Authority concludes that the accredited RHI installation should continue to be accredited it must update the central register referred to in regulation 22(6)(c) if appropriate.