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. 3) 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. 3) 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 37C

3. In regulation 37C (calculation of B)—

(a) after paragraph (3) insert—

"(3A) B is 0 if—

(a) the application for accreditation was made in the period—

(i) commencing with 24th September 2013, and

(**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 and S.I. 2013/2410.

(ii) ending with the day before the date on which the Renewable Heat Incentive Scheme (Amendment) (No. 3) Regulations 2013 come into force or 1st January 2014, whichever is the earlier;

(b) compliance with regulation 5(1)(d)(ii) is one of the eligibility criteria in relation to that installation;

(c) except in relation to compliance with regulation 5(1)(d)(ii), before 1st January 2014—

(i) the application was properly made, and

(ii) the eligibility criteria were met;

(d) the plant has an installation capacity of 500 kWth or less;

(e) the plant is commissioned before 1st January 2014; and

(f) the tariff start date falls on or after 1st January 2014."

(b) in paragraph (4), before "B is" insert "Except where paragraph (3A) applies,".

Amendments to regulation 37D

4. In regulation 37D (calculation of C)—

(a) in paragraph (2), for sub-paragraphs (c) to (e) substitute—

"(c) the third test is met in relation to an assessment date if, as at that assessment date, the increase in expenditure forecast applicable to the installation or participant is less than 50% of the figure specified in relation to that date in the fourth column of the table in the relevant Part of Schedule 5 ("the anticipated increase figure");

(d) the fourth test is met in relation to an assessment date if, as at that assessment date, the increase in expenditure forecast applicable to the installation or participant is at least 50% of, but less than 150% of, the anticipated increase figure;

(e) the fifth test is met in relation to an assessment date if, as at that assessment date, the increase in expenditure forecast applicable to the installation or participant is at least 150% of the anticipated increase figure."

(b) after paragraph (3) insert—

"(3A) C is 0 if—

(a) the application for accreditation was made in the period—

(i) commencing with 24th September 2013, and

(ii) ending with the day before the date on which the Renewable Heat Incentive Scheme (Amendment) (No. 3) Regulations 2013 come into force or 1st January 2014, whichever is the earlier;

(b) compliance with regulation 5(1)(d)(ii) is one of the eligibility criteria in relation to that installation;

(c) except in relation to compliance with regulation 5(1)(d)(ii), before 1st January 2014—

(i) the application was properly made, and

(ii) the eligibility criteria were met;

(d) the plant has an installation capacity of 500 kWth or less;

(e) the plant is commissioned before 1st January 2014; and