STATUTORY RULES OF NORTHERN IRELAND

2014 No. 301

ENERGY

The Domestic Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2014

Made - - - - 8th December 2014

Coming into operation in accordance with regulation 1

The Department of Enterprise, Trade and Investment makes the following Regulations in exercise of the powers conferred on it by section 113 of the Energy Act 2011 [F1].

F1 2011 c. 16

PART 1

INTRODUCTORY

Citation and commencement

1. These Regulations may be cited as the Domestic Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2014 and shall come into operation on the day after the day on which they are made.

Interpretation

2. In these Regulations—

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"accreditation application" means an application for accreditation of a plant under regulation 17 which has not been withdrawn by the applicant;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

"accredited RHI installation" has the meaning given by regulation 2 of the Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2012 [F2];

"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;

"agricultural land" means any land used as arable, meadow or pasture ground only (including pastoral land), land used for a plantation or a wood or for the growth of saleable underwood, or land exceeding 0.1012 hectare used for the purposes of poultry farming, market gardens, nursery grounds, orchards or allotments, but does not include land occupied together with a house as a park, gardens or pleasure grounds, or land kept or preserved mainly or exclusively for purposes of sport or recreation or land used as a racecourse;

"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;

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

"authorisation application" means an application for authorisation under regulation 23;

"biomass" means material, other than fossil fuel or peat, which is, or is derived directly or indirectly from, plant matter, animal matter, fungi or algae;

"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 solid biomass 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 Department under regulation 58;

"certified installer" means a person who is certified by the Microgeneration Certification Scheme [F3] or an equivalent scheme accredited under EN 45011 [F4] or EN ISO/IEC 17065:2012 [F5];

"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;

"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 27;

"the Department" means the Department of Enterprise, Trade and Investment for Northern Ireland;

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

"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;

"dwelling" has the meaning given by regulation 2(1) of the Energy Performance of Buildings (Certificates and Inspections) Regulations (Northern Ireland) 2008 [F6] and includes a dwelling occupied in connection with agricultural land or a fish farm;

"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", in relation to an accredited domestic plant, is the figure calculated in accordance with regulation 30;

"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 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 2;

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

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

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

"Energy Performance Certificate" or "EPC" has the meaning given by regulation 2(1) of the Energy Performance of Buildings (Certificates and Inspections) Regulations (Northern Ireland) 2008 [F7];

"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;

"fish farm" means an undertaking for the culture of fish in respect of which a fish culture licence is in force under section 11 of the Fisheries Act (Northern Ireland) 1966 [F8] other than fish—

(a) which are purely ornamental; or

(b) which are for exhibition;

"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 other than a RHPP grant;

"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 [F9];

"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;

"initial tariff" means the tariff for an accredited domestic plant for its initial tariff period, calculated in accordance with regulation 33;

"initial tariff period" means the period commencing on a plant's tariff start date and ending on the date which is 12 months thereafter;

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

"kWh" means kilowatt hour;

"kWth" means kilowatt thermal;

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

"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;

"MCS Certificate" in relation to any plant means the certificate issued in respect of that plant under the Microgeneration Certification Scheme;

"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;

"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 Department which contains the information specified in regulation 21(1)(f);

"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 Department under regulation 17(2)(g) or regulation 44(2) or (9) evidence that they have the authority to act on behalf of all owners;

"registered housing association" means a housing association registered in a register maintained under Part II of the Housing (Northern Ireland) Order 1992;

"relevant date" means the date on which these Regulations come into force;

"relevant installation standard" has the meaning given by regulation 8(3);

"replacement plant" means a plant which is installed in place of an original plant and uses the same sources of energy as the original plant;

"retail prices index" means—

(a) the general index of retail prices (for all items) published by the Office for National Statistics; or

(b) where the index is not published for a calendar year, any substituted index or figures published by that Office;

"RHI date" means, where an accreditation application is made in respect of a plant which is—

(a) not a replacement plant, the date of accreditation; or

(b) a replacement plant, the date of accreditation that is specified in the statement of eligibility for the original plant.

"RHI Emissions Certificate" means a document that meets the requirements set out in Schedule 5;

"RHI payments" has the meaning given by regulation 26(1);

"RHI property", means an eligible property to which an accredited domestic plant provides heat;

"RHPP" means Renewable Heat Premium Payment scheme;

"RHPP grant" means a grant—

(a) for the costs of purchasing or installing a renewable heating plant;

(b) which is administered by the Department; and

(c) which is applicable to Northern Ireland;

"seasonal performance factor" means a ratio of the heat generated by a heat pump to its energy consumption **[**[F10]and will be determined by the Department from the certification certificate for the installation but fixed at a minimum of 2.5**]**

"solar thermal plant" means a plant which generates heat using a liquid filled flat plate or evacuated tube solar collector;

"solid biomass" includes wood pellets;

"statement of eligibility" has the meaning given by regulation 21(1)(e);

"subsequent tariff" means a tariff for an accredited domestic plant for any financial year commencing after the end of its initial tariff period, calculated in accordance with regulation 34;

"tariff" means the payment rate for each kWh of heat generated by an accredited domestic plant;

"tariff category" means a category of plant as listed in Schedule 4;

"tariff end date" means the last day of the tariff lifetime;

"tariff lifetime" means the period for which RHI payments are payable for an accredited domestic plant;