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DRAFT STATUTORY INSTRUMENTS

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**2011 No.**

**The Renewable Heat Incentive Regulations 2011**

**PART 4**

Ongoing obligations for participants

**CHAPTER 3**

Ongoing obligations relating to other matters

**Ongoing obligations: general**

- 34.** Participants must comply with the following ongoing obligations, as applicable—
- (a) they must keep and provide upon request by the Authority records of type of fuel used and fuel purchased for the duration of their participation in the scheme;
  - (b) they must keep and provide upon request by the Authority written records of fossil fuel used for the permitted ancillary purposes specified in Chapters 1 and 2;
  - (c) they must submit an annual declaration as requested by the Authority confirming, as appropriate, that they are using their accredited RHI installations in accordance with the eligibility criteria and are complying with the relevant ongoing obligations;
  - (d) they must notify the Authority if any of the information provided in support of their application for accreditation or registration was incorrect;
  - (e) they must ensure that their accredited RHI installation continues to meet the eligibility criteria;
  - (f) they must comply with any condition attached to their accreditation or registration;
  - (g) they must keep their accredited RHI installation maintained to the Authority's satisfaction and keep evidence of this including service and maintenance documents;
  - (h) participants combusting biogas must not deliver heat by air from their accredited RHI installation to the biogas production plant producing the biogas used for combustion;
  - (i) they must allow the Authority or its authorised agent reasonable access in accordance with Part 9;
  - (j) participants generating heat from solid biomass must comply with the regulation specified by the Authority in accordance with regulation 22(6)(e);
  - (k) they must notify the Authority within 28 days where they have ceased to comply with an ongoing obligation or have become aware that they will not be able so to comply, or where there has been any change in circumstances which may affect their eligibility to receive periodic support payments;
  - (l) they must notify the Authority within 28 days of the addition or removal of a plant supplying heat to a heating system of which their accredited RHI installation forms part;
  - (m) they must notify the Authority within 28 days of a change in ownership of all or part of their accredited RHI installation;

- (n) they must repay any overpayment in accordance with any notice served under regulation 48;
- (o) they must, if requested, provide evidence that the heat for which periodic support payments are made is used for an eligible purpose;
- (p) they must not generate heat for the predominant purpose of increasing their periodic support payments;
- (q) they must comply with such other administrative requirements that the Authority may specify in relation to the effective administration of the scheme.

### **Ongoing obligations in relation to metering**

**35.**—(1) Participants must keep all meters and steam measuring equipment required to be used in accordance with these Regulations—

- (a) continuously operating,
- (b) properly maintained and periodically checked for errors, and
- (c) re-calibrated every 10 years or within such period of time as may be specified in accordance with manufacturers' instructions where available, whichever is the sooner,

and must retain evidence of this, including service and maintenance invoices, receipts or certificates for the duration of their participation in the scheme.

(2) The Authority may, by the date (if any) specified by it, or at such regular intervals as it may require to enable it to carry out its functions under these Regulations, require participants to provide the following information—

- (a) meter readings and other data collected in accordance with these Regulations from all steam measuring equipment, class 2 heat meters and other heat meters used in accordance with these Regulations in such format as the Authority may reasonably require;
- (b) in relation to participants using steam measuring equipment, a kWhth figure of both the heat generated and the heat used for eligible purposes together with supporting data and calculations; and
- (c) the evidence and service and maintenance documentation specified in paragraph (1).

(3) Participants using heat pumps to provide both heating and cooling must ensure that their meters for those pumps enable them to—

- (a) measure heat used for eligible purposes only, and
- (b) where appropriate, measure (in order to discount) any cooling generated by the reverse operation of the heat pump,

and must provide upon request an explanation of how their metering arrangements have enabled the cooling in sub-paragraph (b) to be discounted.

(4) The data referred to in paragraph (2)(a) and (b) may be estimated in exceptional circumstances if the Authority has agreed in writing to an estimate being provided and to the way in which those estimates are to be calculated.

(5) Nothing in this regulation prevents the Authority from accepting further data from a participant, if the Authority considers it appropriate to do so.

### **Ongoing obligations in relation to the provision of information**

**36.**—(1) A participant must provide to the Authority on request any information which the participant holds and which the Authority requires in order to discharge its functions under these Regulations.

(2) Participants must retain the information referred to in Schedule 1, including such information as may reasonably be required by the Authority under paragraph 1(2)(e), (f), (h), (k), (n), (v) or (w) and whether or not copies of that documentation have been supplied to the Authority, for the duration of their participation in the scheme.

(3) Information requested under paragraph (1) must be provided within 7 days of the request or such later date as the Authority may specify.

(4) Information provided to the Authority under these Regulations must be accurate to the best of the participant's knowledge and belief.

(5) Sub-paragraphs (3) and (4) of paragraph 1 of Schedule 1 have effect.