
DRAFT STATUTORY INSTRUMENTS

2011 No.

The Renewable Heat Incentive Scheme Regulations 2011

PART 2

Eligibility and matters relating to eligibility

CHAPTER 2

Eligibility criteria for technologies

Eligible installations generating heat from solid biomass

5. 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 45kWth or less, regulation 13 applies.

Eligible installations generating heat from solid biomass contained in municipal waste

6. This regulation applies if the plant generates heat from solid biomass contained in municipal waste.

Eligible installations generating heat using solar collectors

7. This regulation applies if the plant complies with all of the following requirements—
- (a) it generates heat using a solar collector;
 - (b) it has an installation capacity of less than 200kWth;
 - (c) in the case of a plant with an installation capacity of 45kWth or less, regulation 13 applies.

Eligible installations generating heat using heat pumps

8. This regulation applies if the plant is a heat pump and complies with all of the following requirements—
- (a) it generates heat using naturally occurring energy stored in the form of heat from one of the following sources of energy—
 - (i) the ground other than naturally occurring energy located and extracted from at least 500 metres below the surface of solid earth;
 - (ii) surface water;
 - (b) in the case of a heat pump with an installation capacity of 45kWth or less, regulation 13 applies;
 - (c) it has a coefficient of performance of at least 2.9.

Eligible installations which are CHP systems

9.—(1) Subject to paragraph (2), this regulation applies if the plant is a CHP system which complies with one of the following requirements—

- (a) it generates heat and electricity from solid biomass and either regulation 6 applies or the plant complies with the requirement in regulation 5(b);
- (b) it generates heat and electricity from biogas and complies with regulation 11(b) and (c);
- (c) it generates heat and electricity utilising naturally occurring energy located and extracted from at least 500 metres beneath the surface of solid earth.

(2) This regulation does not apply if the plant—

- (a) uses solid biomass to generate heat and electricity;
- (b) is accredited under the Renewables Obligation Order 2009(1) or the Renewables Obligation (Scotland) Order 2009(2); and
- (c) is, or at any time since it was accredited in accordance with sub-paragraph (b), has been a qualifying CHP generating station within the meaning of article 2 of either of those Orders.

Eligible installations generating heat using geothermal sources

10. This regulation applies if the plant generates heat using naturally occurring energy located and extracted from at least 500 metres beneath the surface of solid earth.

Eligible installations generating heat using biogas

11. This regulation applies if the plant complies with all of the following requirements—

- (a) it generates heat from biogas;
- (b) it has an installation capacity of less than 200kWth;
- (c) it does not generate heat from solid biomass.

Other eligibility requirements for technologies

12.—(1) The requirements referred to in regulation 4(b) are—

- (a) installation of the plant was completed and the plant was first commissioned on or after 15th July 2009;
- (b) the plant was new at the time of installation;
- (c) the plant uses liquid or steam as a medium for delivering heat to the space, water or process;
- (d) heat generated by the plant is used for an eligible purpose.

(2) The requirements of paragraph (1)(a) and (b) are deemed to be satisfied where the plant was previously generating electricity only, using solid biomass or biogas, and was first commissioned as a CHP system on or after 15th July 2009.

(3) But the requirements of paragraph (1)(a) and (b) are not satisfied where the plant was previously generating heat only and was first commissioned as a CHP system on or after 15th July 2009.

(1) S.I. 2009/785, amended by S.I. 2010/1107 and S.I. 2011/984.

(2) S.S.I. 2009/140, amended by S.S.I. 2010/147 and S.S.I. 2011/225.

MCS certification for microgeneration heating equipment

13. This regulation applies where the plant for which accreditation is being sought is certified under the MCS and its installer was certified under the MCS at the time of installation.

Plants comprised of more than one plant

14.—(1) Subject to paragraph (2), and without prejudice to regulation 43(5)(b), the eligibility criteria are not met if the plant is comprised of more than one plant.

- (2) Where two or more plants—
- (a) use the same source of energy and technology,
 - (b) form part of the same heating system, and
 - (c) are not accredited RHI installations,

those plants (the “component plants”) are to be regarded as a single plant for the purposes of paragraph (1) provided that paragraph (3) applies.

(3) This paragraph applies where each component plant meets the eligibility criteria; and for that purpose a component plant can be taken to meet the eligibility criteria notwithstanding that regulation 13 does not apply.

Excluded plants

- 15.—(1) This regulation applies where the plant—
- (a) is generating heat solely for the use of one domestic premises;
 - (b) is, in the Authority’s opinion, generating heat solely for an ineligible purpose; or
 - (c) is a plant which—
 - (i) is additional RHI capacity within the meaning of regulation 43(2) and was first commissioned more than 12 months after the original installation was first commissioned;
 - (ii) generates heat from biogas or using a solar collector; and
 - (iii) has an installation capacity which, together with the installation capacities of all related plants, is 200kWth or above.

- (2) For the purposes of this regulation—

“domestic premises” means single, self contained premises used wholly or mainly as a private residential dwelling where the fabric of the building has not been significantly adapted for non-residential use;

“related plant” means any plant for which an application for accreditation has been made (whether or not it has been accredited) which uses the same source of energy and technology and forms part of the same heating system as the plant referred to in paragraph (1)(c).