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DRAFT STATUTORY INSTRUMENTS

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**2014 No.**

**The Domestic Renewable Heat  
Incentive Scheme Regulations 2014**

**PART 1**

Introductory provisions

**Citation and commencement**

1. These Regulations may be cited as the Domestic Renewable Heat Incentive Scheme Regulations 2014 and come into force on the day after the day on which they are made.

**Interpretation**

2. In these Regulations—

“accreditation” means a determination by the Authority 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“accreditation application” means an application for accreditation of a plant under regulation 17 which has not been withdrawn by the applicant;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 2011(1);

“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;

“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;

“applicant” means a person who makes an accreditation application, an authorisation application or a registration application;

“assessment date” means 31st January, 30th April, 31st July or 31st October in any calendar year;

“associated infrastructure” includes equipment installed under a metering and monitoring agreement;

“authorisation”, in relation to a metering arrangement, means approval by the Authority of that metering arrangement under regulation 25;

“authorisation application” means an application for authorisation of a metering arrangement under regulation 23;

“authorised metering arrangement” means a metering arrangement which has been given authorisation;

“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 wood pellets 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 Authority under regulation 67;

“certified installer” means a person who is certified by the Microgeneration Certification Scheme<sup>(2)</sup> or an equivalent scheme accredited under EN 45011<sup>(3)</sup> or EN ISO/IEC 17065:2012<sup>(4)</sup>;

“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 29;

“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;

“domestic RHI scheme” means the scheme established by these Regulations;

“dwelling” has the meaning given by—

- (a) in relation to a property in England or Wales, regulation 2(1) of the Energy Performance of Buildings (England and Wales) Regulations 2012<sup>(5)</sup>;
- (b) in relation to a property in Scotland, regulation 2(1) of the Energy Performance of Buildings (Scotland) Regulations 2008<sup>(6)</sup>;

“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;

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(2) Details of which are available at [www.microgenerationcertification.org](http://www.microgenerationcertification.org).

(3) The ISBN for the English language version of this standard is ISBN 0580294153. Copies can be obtained from the British Standards Institution at [www.bsigroup.com](http://www.bsigroup.com).

(4) The ISBN for the English language version of this standard is ISBN 978 0 580 78472 9. Copies can be obtained from the British Standards Institution at [www.bsigroup.com](http://www.bsigroup.com).

(5) S.I. 2012/3118, amended by S.I. 2013/181; there are other amending instruments but none is relevant.

(6) S.S.I. 2008/309, relevant amending instruments are S.S.I. 2012/190, 2012/208, 2013/12.

“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” means, in relation to an accredited domestic plant which is—

- (a) a biomass plant, the figure calculated in accordance with regulation 30; or
- (b) a heat pump, the figure calculated in accordance with regulation 31;

“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 3;

“eligible purpose” means, in relation to heat generated by—

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

“Energy Performance Certificate” has the meaning given by—

- (a) in relation to a property in England and Wales, regulation 2(1) of the Energy Performance of Buildings (England and Wales) Regulations 2012;
- (b) in relation to a property in Scotland, regulation 2(1) of the Energy Performance of Buildings (Scotland) Regulations 2008;

“expenditure forecast statement” has the meaning given by regulation 38(1);

“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;

“forecast for expenditure” has the meaning given by regulation 38(7);

“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;

“grant funding deduction” means the figure calculated in accordance with regulation 32;

“Green Deal Assessment” means a qualifying assessment under regulation 7 of the Green Deal Framework (Disclosure, Acknowledgment, Redress etc) Regulations 2012(7);

“Green Deal Plan” has the meaning given by section 1 of the Energy Act 2011(8);

“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(9);

“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;

“increase in expenditure forecast” has the meaning given by regulation 38(7);

“initial tariff” means the tariff for an accredited domestic plant for its initial tariff period, calculated in accordance with regulation 34;

“initial tariff period” means the period commencing on a plant’s tariff start date and ending on the following 31st March;

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

“kWh” means kilowatt hour;

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

“local authority” means a local authority within the meaning given in section 106 of the Localism Act 2011(10) or a council constituted under section 2 of the Local Government etc (Scotland) Act 1994(11);

“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;

“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(12);

“metering and monitoring agreement” means an agreement which meets the requirements set out in Schedule 7;

“metering and monitoring biomass boiler” means a biomass boiler which is an accredited domestic plant and is designed and installed to burn only wood pellets;

“metering and monitoring installer” means a certified installer who has entered into a metering and monitoring agreement with a participant;

“metering and monitoring payment” means one or more payments totalling—

- (a) £200 during a 12 month period for a metering and monitoring biomass boiler; or
- (b) £230 during a 12 month period for a heat pump which is an accredited domestic plant;

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(7) S.I. 2012/2079; to which there are amendments not relevant to these Regulations.

(8) 2011 c.16.

(9) Details of which are available at [www.microgenerationcertification.org](http://www.microgenerationcertification.org).

(10) 2011 c.20.

(11) 1973 c.65. There have been amendments to section 2 but none is relevant to these Regulations.

(12) OJ L 135, 30.4.2004, p.1, amended by Commission Directive 2009/137/EC (OJ L 294, 11.11.2009, p.7).

“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 Authority which contains the information specified in regulation 21(1)(f);

“NOx” means oxides of nitrogen;

“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 Authority under regulation 17(2)(g) or regulation 48(2) or (9) evidence that they have the authority to act on behalf of all owners;

“PM” means particulate matter;

“quarterly period” means the first, second, third or fourth quarter of—

- (a) the period of 12 months which commences on a tariff start date; and
- (b) each subsequent period of 12 months;

“recommendation report” has the meaning given by—

- (a) in relation to a property in England or Wales, regulation 4(1) of the Energy Performance of Buildings (England and Wales) Regulations 2012(13);
- (b) in relation to a property in Scotland, the definition of a “recommendations report” in regulation 2(1) of the Energy Performance of Buildings (Scotland) Regulations 2008;

“registered metering and monitoring agreement” means a metering and monitoring agreement which has been given registration under regulation 52;

“registration” means the entry of a metering and monitoring agreement on the central register under regulation 52;

“registration application” means an application for registration under regulation 50;

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

“relevant EPC” means, on the date on which an accredited domestic plant providing heat to an RHI property is given accreditation, the most recent Energy Performance Certificate for that property for which details have been provided to the Authority;

“relevant installation standard” has the meaning given by regulation 8(2);

“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 of 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 on which that application is made or the date when all of the information set out in Part 1 of Schedule 4 that is relevant to, and submitted as part of, that application is given to the Authority, whichever is the earlier; or

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(13) Regulation 4(1) has been amended by [S.I. 2013/181](#).

(b) a replacement plant, the RHI date 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 2;

“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 grant” means a grant—

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

(b) which is administered by the Energy Saving Trust; and

(c) which is applicable to the whole of Great Britain;

“seasonal performance factor” means a ratio of the heat generated by a heat pump to its energy consumption and where the plant’s first commissioning date is—

(a) on or after the relevant date, the ratio is calculated in accordance with the heat emitter guide;

(b) earlier than the relevant date and the person making the accreditation application requested in that application that the Authority calculates the plant’s seasonal performance factor, the ratio is calculated in accordance with the heat emitter guide; or

(c) earlier than the relevant date and the person making the accreditation application has not requested that the Authority calculates the plant’s seasonal performance factor, the ratio is 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 37;

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

“tariff category” means a category of plant which is listed in the first column of the table in Schedule 5;

“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;

“tariff period” is a three month period commencing on 1st January, 1st April, 1st July or 1st October in any calendar year;

“tariff start date” means the RHI date for an accredited domestic plant;

“temperature sensor” means a device that measures temperature by employing an electrical signal;

“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 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;

“Wh” means watt hour; and

“working day” means any day other than—

- (a) a Saturday, Sunday, Good Friday, or Christmas Day; or
- (b) a day which is a bank holiday in England, Wales or Scotland under section 1 of the Banking and Financial Dealings Act 1971(14).

## PART 2

### Eligibility criteria

#### Eligibility criteria

3. A plant which is a biomass plant, heat pump or solar thermal plant is eligible for accreditation where it meets the requirements (“the eligibility criteria”) set out in—

- (a) regulation 4, 5, or 6 (whichever is applicable to the plant);
- (b) regulations 7 to 11;
- (c) if the plant is not the first and only plant to provide heat to a property, regulation 12; and
- (d) if regulation 13 requires that the heat generated by the plant must be metered, regulation 14.

#### Requirements for biomass plants

4.—(1) Where the plant is a biomass plant, the applicable requirements referred to in regulation 3(a) are that—

- (a) where—
  - (i) the plant is designed and installed to use both a permitted source of energy and another source of energy; and
  - (ii) that other source of energy is not used solely for ignition, paragraph (2) is satisfied in respect of any part of the plant which uses that other source of energy (“the non-biomass part”);
- (b) it provides heating—
  - (i) solely to a single eligible property;
  - (ii) for an eligible purpose; and
  - (iii) if the plant is a biomass stove, it provides heating for that eligible purpose using a liquid-filled heat exchanger enclosed within it;
- (c) it is a condensing plant or meets the requirements set out in—
  - (i) at least one of the standards specified in paragraph 1(2) of Schedule 1 which is relevant to the plant and which is applicable on the plant’s first commissioning date, if the plant is a biomass boiler; or
  - (ii) the standard specified in paragraph 1(3) of Schedule 1, if the plant is a biomass stove; and
- (d) it has a first commissioning date which is—

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(14) 1971 c.80.

- (i) earlier than the relevant date; or
  - (ii) on or after the relevant date and an RHI emissions certificate has been issued for the plant, a plant of the same make, model and installation capacity as the plant, or any other plant in the same type-testing range as the plant.
- (2) For the purposes of paragraph (1)(a), this paragraph is satisfied where the non-biomass part—
- (a) comprises an immersion heater for a domestic hot water cylinder or otherwise solely generates heat for the purpose of heating domestic hot water; or
  - (b) comprises a supplementary electric heater and a single control system governs the whole plant.
- (3) In paragraph (1), “permitted source of energy” means, if the source of energy is used by—
- (a) a biomass boiler, solid biomass; and
  - (b) a biomass stove, wood pellets.
- (4) Schedules 2 and 3 have effect.

### **Requirements for heat pumps**

5. Where the plant is a heat pump, the applicable requirements referred to in regulation 3(a) are that—

- (a) it provides heating—
  - (i) solely to a single eligible property; and
  - (ii) for an eligible purpose using liquid as a medium for delivering that heat;
- (b) it meets the requirements set out in the standards for heat pumps specified in paragraph 1(4)(a), (b), (c) or (d) of Schedule 1 which are applicable on the plant’s first commissioning date;
- (c) it has a seasonal performance factor of 2.5 or above;
- (d) it uses a compressor which is driven by electricity; and
- (e) if it is an air source heat pump, it is not designed to use heat in air which has been expelled from an appliance or building.

### **Requirements for solar thermal plants**

6. Where the plant is a solar thermal plant, the applicable requirements referred to in regulation 3(a) are that it—

- (a) is designed and installed to provide heating solely to a single eligible property and solely for an eligible purpose using liquid as a medium for delivering that heat;
- (b) meets the requirements set out in whichever of the standards for solar thermal plants specified in paragraph 1(5)(a) and (b) of Schedule 1 are relevant to the plant and are applicable on the plant’s first commissioning date;
- (c) cannot also be used to generate electricity.

### **Installation requirements**

7. The requirements referred to in regulation 3(b) are that, on the RHI date for the plant, all parts of the plant have the same first commissioning date and that date is on or after 15th July 2009.



## Certification requirements

- 8.—(1) The requirements referred to in regulation 3(b) are that the plant is certified under—
- (a) the Microgeneration Certification Scheme(15) as installed in accordance with the relevant installation standard in that scheme; or
  - (b) a scheme accredited under EN 45011(16) or EN ISO/IEC 17065:2012(17) as installed in accordance with the installation requirements applicable to the plant which apply under that scheme where—
    - (i) that scheme is equivalent to the Microgeneration Certification Scheme; and
    - (ii) the requirements are those which apply on the plant’s first commissioning date and which are equivalent to the relevant installation standard.
- (2) In paragraph (1), “relevant installation standard” means, if the first commissioning date for the plant is—
- (a) on or after the relevant date—
    - (i) where the plant is a biomass plant, version 4.0 of the document entitled “Microgeneration Installation Standard: MIS 3004 requirements for contractors undertaking the supply, design, installation, set to work, commissioning and handover of solid biofuel heating systems” published on 16th December 2013(18);
    - (ii) where the plant is a heat pump, version 4.0 of the document entitled “Microgeneration Installation Standard: MIS 3005 requirements for contractors undertaking the supply, design, installation, set to work, commissioning and handover of microgeneration heat pump systems” published on 16th December 2013(19); or
    - (iii) where the plant is a solar thermal plant, version 4.0 of the document entitled “Microgeneration Installation Standard: MIS 3001 requirements for contractors undertaking the supply, design, installation, set to work, commissioning and handover of solar heating microgeneration systems” published on 16th December 2013(20); or
  - (b) earlier than the relevant date, any installation requirements applicable to the plant under the Microgeneration Certification Scheme on the first commissioning date.

## Plants used to generate heat before the first commissioning date

- 9.—(1) The requirements referred to in regulation 3(b) are that no part of the plant which generates heat, other than any of the components listed in paragraph (2), was used before the plant’s first commissioning date.
- (2) The components referred to in paragraph (1) are—
- (a) immersion heaters and other components which solely generate heat for the purpose of heating domestic hot water;
  - (b) supplementary electric heaters; and
  - (c) circulation pumps.

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(15) Details of which are available at [www.microgenerationcertification.org](http://www.microgenerationcertification.org).

(16) The ISBN for the English language version of this standard is ISBN 0580294153. Copies can be obtained from the British Standards Institution at [www.bsigroup.com](http://www.bsigroup.com).

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(18) Published on [www.microgenerationcertification.org](http://www.microgenerationcertification.org).

(19) Published on [www.microgenerationcertification.org](http://www.microgenerationcertification.org).

(20) Published on [www.microgenerationcertification.org](http://www.microgenerationcertification.org).

### Requirements regarding funding of plants

10. The requirements referred to in regulation 3(b) are that—
- (a) some or all of the costs of the purchase or installation of the plant are met by any owner or former owner of the plant using that person's own funds (including a loan which that person was liable to repay or a Green Deal Plan for which that person is liable to make, or has made, payments); or
  - (b) the plant is owned by a local authority.

### Requirement that plant is not an accredited RHI installation

11. The requirements referred to in regulation 3(b) are that the plant is not, and has not been at any time, an accredited RHI installation.

### Requirements where more than one plant provides heat to a property

12.—(1) The requirements referred to in regulation 3(c) are that where the plant ("plant A") provides heat to a property to which any other plant provides heat or has previously provided heat, in relation to that other plant, or if there is more than one in relation to each such plant, ("plant B"),—

- (a) paragraph (2) or (3) applies; and
  - (b) paragraph (4) applies.
- (2) This paragraph applies if plant B—
- (a) is not, and has not at any time been, an accredited domestic plant; and
  - (b) is not a plant for which an accreditation application has been made and has not been rejected.
- (3) This paragraph applies if plant B is, or has previously been, an accredited domestic plant and—
- (a) either plant A or plant B (but not both) is a solar thermal plant; or
  - (b) plant B is an original plant and plant A is a replacement plant.
- (4) This paragraph applies if plant B—
- (a) is not, and has not at any time been, an accredited RHI installation; and
  - (b) is not a plant for which an application for accreditation has been made and not withdrawn by the applicant (and accreditation has not been refused) under the Renewable Heat Incentive Scheme Regulations 2011(21).

### Plants where heat generation must be metered

- 13.—(1) The heat generated by the plant ("plant A") must be metered if—
- (a) plant A is not a solar thermal plant; and
  - (b) plant A falls within paragraph (2), (3), (4) or (5).
- (2) Plant A falls within this paragraph where it provides heat to the same property as another plant ("plant B"), except where plant B—
- (a) is a solar thermal plant;
  - (b) is designed and installed to heat only one room;
  - (c) captures heat from air which is expelled from a property and transfers that heat into fresh air entering that property without generating additional heat;

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(21) S.I. 2011/2860, amended by S.I. 2012/1999, S.I. 2013/1033, S.I. 2013/2410 and S.I. 2013/3179.

- (d) is an immersion heater for a domestic hot water cylinder or is any other plant which solely generates heat for the purpose of heating domestic hot water; or
- (e) is a supplementary electric heater which is controlled by the same control system as the control system governing plant A.

(3) Plant A falls within this paragraph where it is a biomass plant with an installation capacity which is not sufficient to provide space heating for all parts of the property to which it provides heat and its first commissioning date is on or after the relevant date.

(4) Plant A falls within this paragraph where the property to which it provides heat was occupied for less than 183 days in the 12 month period ending on its RHI date.

(5) Plant A falls within this paragraph where it is a heat pump and is capable of using a fuel when generating heat for an eligible purpose.

### **Metering requirements**

**14.**—(1) The requirements referred to in regulation 3(d) are that, in relation to all eligible meters used in relation to the plant—

- (a) the requirements set out in paragraph (2) are met (“the metering requirements”); or
- (b) the metering requirements in paragraph (2)(a) are met and the Authority is satisfied that, were the plant given accreditation, no participant would, as a consequence of the failure to meet the other metering requirements, be entitled to receive RHI payments which are materially greater than would be the case were all the metering requirements met.

(2) The requirements referred to in paragraph (1)(a) are that—

- (a) a certified installer was responsible—
  - (i) for the installation of any eligible meter installed before, on or after the relevant date; or
  - (ii) in the case of any eligible meter installed before the relevant date, for checking that it was properly installed;
- (b) each eligible meter—
  - (i) is positioned in accordance with the requirements specified in regulation 15 if the plant is a biomass plant or regulation 16 if the plant is a heat pump;
  - (ii) is properly calibrated;
  - (iii) is properly installed and in good working order; and
  - (iv) bears a label which identifies the meter using a unique reference number which enables the meter to be consistently identified when the information recorded by the meter is submitted to the Authority.

### **Positioning of meters when recording heat generated by biomass plants**

**15.**—(1) For the purposes of regulation 14(2)(b), where the plant (“plant A”) is a biomass plant, meters must be positioned in accordance with paragraph (2), (3) or (4).

(2) Meters are positioned in accordance with this paragraph if one or more eligible heat meters are installed to record the heat output delivered by a liquid from plant A.

(3) Meters are positioned in accordance with this paragraph if one or more eligible heat meters are installed to record separately—

- (a) the combined heat output of plant A and any other plant (“plant B”); and
- (b) the heat output of plant B.

(4) Meters are positioned in accordance with this paragraph if one or more eligible meters are installed to record separately—

- (a) the combined heat output of plant A and plant B; and
- (b) any energy consumption by plant B.

**Positioning of meters when recording heat generated by heat pumps**

16.—(1) For the purposes of regulation 14(2)(b), where the plant (“plant A”) is a heat pump, meters must be positioned in accordance with paragraph (2), (3), (4), or (5).

(2) Meters are positioned in accordance with this paragraph if one or more eligible meters are installed to record separately—

- (a) the heat output from any component of plant A which is a compressor, and any other components of plant A which the owner of plant A will be seeking to be included in the calculation of eligible metered heat (“the metered components”); and
- (b) any relevant energy consumption by the components of plant A that are metered under this paragraph.

(3) Meters are positioned in accordance with this paragraph if one or more eligible meters are installed to record separately—

- (a) the combined heat output of the metered components and any other plant (“plant B”);
- (b) the heat output of plant B; and
- (c) any relevant energy consumption by the metered components.

(4) Meters are positioned in accordance with this paragraph if one or more eligible meters are installed to record separately—

- (a) the combined heat output of the metered components and plant B;
- (b) any energy consumption by plant B; and
- (c) any relevant energy consumption by the metered components.

(5) Meters are positioned in accordance with this paragraph if plant A is capable of providing heating as well as cooling and one or more eligible meters are installed to record sufficient information about plant A to enable the eligible metered heat generated by plant A to be determined.

(6) In this regulation, “relevant energy consumption” means consumption of energy which is not energy from—

- (a) a liquid filled flat plate or evacuated tube solar collector; or
- (b) a source other than heat from the air, water or the ground.

## PART 3

### Accreditation of plants

**Accreditation applications**

17.—(1) An owner of a plant which meets the eligibility criteria may apply to the Authority for that plant to be given accreditation if that person owns or occupies the property to which the plant provides heat.

(2) Accreditation applications must include—

- (a) all of the information specified in Part 1 of Schedule 4;

- (b) such of the information specified in Part 2 of Schedule 4 as the Authority may require;
  - (c) any declarations by the applicant which the Authority may require;
  - (d) if regulation 13 requires that the heat generated by the plant for which accreditation is sought must be metered—
    - (i) confirmation from a certified installer who was responsible for, or checked, the installation of the meters, that eligible meters are installed in accordance with the metering requirements; and
    - (ii) a statement from that installer as to whether eligible meters are installed in accordance with paragraph (2), (3) or (4) of regulation 15, or paragraph (2), (3), (4) or (5) of regulation 16;
  - (e) if eligible meters are positioned in accordance with paragraph (3) or (4) of regulation 15 or paragraph (3), (4) or (5) of regulation 16, an authorisation application;
  - (f) if the plant is a heat pump and regulation 13 requires that the heat it generates must be metered, a statement as to which components of the heat pump the applicant is seeking to be included in the calculation of eligible metered heat; and
  - (g) if the plant is owned by more than one person, such evidence as the Authority may require that the accreditation application is made by only one of those owners and that the owner who is making the accreditation application has the authority from all other owners to be the participant.
- (3) Where the plant is a heat pump for which the first commissioning date is earlier than the relevant date and the applicant does not want the seasonal performance factor for the plant to be deemed to be 2.5, the applicant must provide a request that the plant's seasonal performance factor be calculated in accordance with the heat emitter guide.
- (4) An accreditation application must be received by the Authority within 12 months of—
- (a) the first commissioning date for the plant if that date is on or after the relevant date; or
  - (b) the relevant date if the first commissioning date for the plant is earlier than the relevant date.
- (5) Where an RHPP grant has been paid for the plant, an accreditation application for that plant cannot be made earlier than the date—
- (a) three months after the relevant date if the application for the RHPP grant was made earlier than 20 May 2013; or
  - (b) six months after the relevant date if the application for the RHPP grant was made on or after 20 May 2013.

### **Powers of the Authority when considering an accreditation application**

- 18.**—(1) The Authority may by notice request—
- (a) that information about the plant or any eligible meters installed in relation to it be provided—
    - (i) by the certified installer who was responsible for the installation of the plant;
    - (ii) by the certified installer who was responsible for, or checked, the installation of the meters; or
    - (iii) by the applicant and verified by the relevant certified installer referred to in paragraph (i) or (ii) as applicable;
  - (b) that the applicant provide details of a further Energy Performance Certificate for the eligible property if the Authority has reason to believe that the applicant has not provided details of the most recent Energy Performance Certificate;

- (c) that the applicant provide details of a further Energy Performance Certificate for the eligible property if—
    - (i) the applicant declares that loft insulation or cavity wall insulation cannot be installed in the property because of a reason set out in paragraph 1(4) of Schedule 3; and
    - (ii) the Authority is not satisfied that the loft insulation or cavity wall insulation recommended in the recommendation report cannot be installed and has requested a new Energy Performance Certificate in which that insulation is no longer recommended in the recommendation report; and
  - (d) that the applicant provide such other information specified in Part 2 of Schedule 4 as the Authority may require.
- (2) The Authority may arrange for a site inspection to be carried out in order to satisfy itself that the plant should be given accreditation.

#### **Time limits for provision of information**

19. Where the Authority gives a notice under regulation 18(1), the applicant must comply with that request within—

- (a) three months of the date of the notice if the information is a new Energy Performance Certificate and regulation 18(1)(c) applies;
- (b) three months of the date of the notice if the heat generated by the plant for which accreditation is being sought must be metered under regulation 13 and the information is evidence that the metering requirements are met;
- (c) 28 days of the date of the notice in any other case.

#### **Conditions of accreditation**

20. The Authority may make an accreditation subject to any conditions it considers to be appropriate.

#### **Accreditation**

21.—(1) Where paragraph (2) applies, subject to regulation 22, the Authority must—

- (a) give accreditation for the plant;
- (b) notify the participant that the accreditation application has been successful;
- (c) enter on the central register the participant's name and such other information as the Authority considers necessary for the proper administration of the domestic RHI scheme;
- (d) notify the participant of any conditions attached to the accreditation;
- (e) provide the participant with a written statement (a “statement of eligibility”) including the following information—
  - (i) the RHI date for the plant;
  - (ii) the applicable initial tariff and details of how subsequent tariffs will be calculated;
  - (iii) details of the frequency and timetable for payments;
  - (iv) the tariff lifetime and tariff end date;
  - (v) if the plant is a heat pump, the seasonal performance factor for the heat pump; and
  - (vi) the deemed annual heat generation for the plant; and

- (f) where regulation 13 requires that the heat generated by the plant must be metered, provide the participant with a statement containing the following information (a “metering statement”)—
  - (i) confirmation that the heat generated by the plant must be metered;
  - (ii) notification as to whether eligible meters must be positioned in accordance with paragraph (2), (3) or (4) of regulation 15 or paragraph (2), (3), (4) or (5) of regulation 16;
  - (iii) if eligible meters are positioned in accordance with paragraph (3) or (4) of regulation 15 or paragraph (3), (4) or (5) of regulation 16, confirmation as to the details of the metering arrangement for which the Authority has given authorisation;
  - (iv) if the plant is a heat pump, confirmation as to which components of the heat pump will be included in the calculation of eligible metered heat; and
  - (v) the process and timing for providing meter readings in accordance with regulation 43(4).

(2) This paragraph applies where—

- (a) an accreditation application has, in the Authority’s opinion, been properly made in accordance with regulation 17;
- (b) the Authority is satisfied that the plant meets the eligibility criteria; and
- (c) the Authority has given authorisation where regulation 13 requires that the heat generated by the plant must be metered and the accreditation application includes a statement that meters are positioned in accordance with paragraph (3) or (4) of regulation 15 or paragraph (3), (4) or (5) of regulation 16.

(3) Where, at the time the Authority is giving accreditation for a plant which does not meet the metering requirements but the requirements in regulation 14(1)(b) are met, the Authority considers that the RHI payments for that plant are likely to be materially less than would be the case if the metering requirements were met, it must notify the participant of this.

### **Rejection of accreditation applications**

**22.**—(1) The Authority may reject an accreditation application if—

- (a) the Authority is not satisfied that the accreditation application has been properly made in accordance with regulation 17;
- (b) the Authority is not satisfied that the plant meets the eligibility criteria;
- (c) the Authority has reason to believe that one or more of the applicable ongoing obligations will not be complied with; or
- (d) subject to paragraph (2), information requested by the Authority is not provided within the time limit specified in regulation 19.

(2) The Authority must not reject an accreditation application on the basis that information has not been provided in accordance with regulation 19(c) if—

- (a) the applicant contacted the Authority before the 28 day period expired—
  - (i) stating that the information sought is not yet available;
  - (ii) stating that the information cannot be provided; or
  - (iii) providing alternative information; and
- (b) fewer than three months have passed since the date of the first notice in which the Authority requested the information.

(3) Where the Authority decides to reject an accreditation application it must notify the applicant that the application has been rejected, giving reasons.

## PART 4

### Authorisation of metering arrangements

#### Authorisation applications

**23.**—(1) Where the owner of a plant (“plant A”) is required by regulation 17(2)(e) or 46(4) to make an authorisation application, that application must be made in accordance with this regulation.

(2) An authorisation application in respect of plant A must not be made before an accreditation application is made for plant A.

(3) A person who makes an authorisation application must provide to the Authority—

- (a) details of the metering arrangement;
- (b) if eligible meters are positioned in accordance with paragraph (3) or (4) of regulation 15 or paragraph (3) or (4) of regulation 16, evidence from the certified installer who was responsible for, or checked, the installation of the meters explaining why the heat output from plant A cannot be metered separately from the heat output from another plant (“plant B”);
- (c) if eligible meters are positioned in accordance with paragraph (4) of regulation 15 or paragraph (4) of regulation 16, evidence from the certified installer who was responsible for, or checked, the installation of the meters explaining why the heat output from plant B cannot be metered separately from the heat output from plant A;
- (d) if eligible meters are positioned in accordance with paragraph (5) of regulation 16, evidence that plant A is a heat pump which is capable of providing heating as well as cooling; and
- (e) any other information which the Authority may request in order to enable it to consider the authorisation application.

#### Powers of the Authority when considering an authorisation application

**24.** The Authority may—

- (a) arrange for a site inspection to be carried out by the Authority or its authorised agent;
- (b) request that information about the meters be provided from a certified installer who was responsible for, or checked, the installation of the meters;
- (c) if information is provided by the person making the authorisation application, request evidence that the accuracy of the information is verified by the certified installer who was responsible for, or checked, the installation of the meters.

#### Authorisation

**25.**—(1) Where paragraph (2) applies, the Authority must—

- (a) give authorisation for the metering arrangement; and
- (b) notify the applicant that the authorisation application has been successful.

(2) This paragraph applies if the Authority is satisfied that—

- (a) all eligible meters located in accordance with the metering arrangement are positioned in accordance with the relevant paragraph of regulation 15 or 16;



- (b) the requirements set out in paragraph (3) are met; and
- (c) the requirements set out in paragraphs (4) to (6) are met as applicable.

(3) The requirements set out in this paragraph are that the location and type of eligible meters identified in the metering arrangement will or would if the plant (“plant A”) were given accreditation, enable sufficient information to be gathered for the Authority to calculate plant A’s eligible metered heat in a way that will not result in RHI payments which are materially greater than if eligible meters were installed in accordance with regulation 15(2) (for biomass plants) or 16(2) (for heat pumps).

(4) The requirements set out in this paragraph are that, if eligible meters are positioned in accordance with paragraph (3) or (4) of regulation 15 or paragraph (3) or (4) of regulation 16, the heat output from plant A cannot be metered separately from the heat output from another plant (“plant B”).

(5) The requirements set out in this paragraph are that, if eligible meters are installed in accordance with paragraph (4) of regulation 15 or paragraph (4) of regulation 16—

- (a) eligible meters cannot be installed to record separately the heat output from plant B; and
- (b) other measurements recorded by eligible meters can be used to calculate the heat output from plant A.

(6) The requirements set out in this paragraph are that, if eligible meters are installed in accordance with paragraph (5) of regulation 16, plant A is a heat pump which is capable of providing heating as well as cooling.

## PART 5

### RHI payments

#### Duty to make RHI payments

**26.**—(1) Subject to Parts 8 and 10, the Authority must make payments, referred to in these Regulations as “RHI payments”, to a participant (“P”) in respect of the heat generated by P’s accredited domestic plant.

- (2) RHI payments accrue for seven years from the tariff start date.
- (3) The Authority—
  - (a) must calculate the amount of RHI payments in accordance with regulation 27 or 28 and make RHI payments in arrears;
  - (b) may decide on the frequency of any RHI payments.
- (4) Where—
  - (a) the Authority does not have all of the data it requires to calculate an RHI payment; and
  - (b) is unable to obtain any missing data under regulation 43(4), the Authority may estimate that data in order to make that calculation.

#### Calculation of RHI payments where metering is not required

**27.** Subject to regulation 48(6)(b), where the Authority has not provided a metering statement for an accredited domestic plant, the RHI payment for that plant for any quarterly period is calculated in accordance with the following formula—

$$\left( A \times \frac{B}{4} \right) - C$$

where—

- (a) A is the applicable initial tariff or subsequent tariff for the accredited domestic plant;
- (b) B is the deemed annual heat generation for the plant; and
- (c) C is the grant funding deduction for the accredited domestic plant for the quarterly period.

**Calculation of RHI payments where heat generated by a plant must be metered**

**28.**—(1) Where the Authority has provided a metering statement for an accredited domestic plant, the RHI payment for that plant for any quarterly period is calculated in accordance with this regulation.

(2) Subject to paragraph (3), the RHI payment for a quarterly period is R, where R is calculated in accordance with the following formula—

$$(A \times B) - C + D$$

where—

- (a) A is the applicable initial tariff or subsequent tariff for the accredited domestic plant;
- (b) B is—
  - (i) subject to paragraph (ii), the eligible metered heat for the plant for the quarterly period; or
  - (ii) 0 if the eligible metered heat is less than 0;
- (c) C is the grant funding deduction for the plant for the quarterly period; and
- (d) D is—
  - (i) 0 if the quarterly period commences on the tariff start date;
  - (ii) 0 if the quarterly period commences on any subsequent date and PR is 0 or greater; or
  - (iii) PR if the quarterly period commences on any subsequent date and PR is less than 0.

(3) Where R is a figure which is less than 0, the RHI payment for the quarterly period is 0.

(4) Where in any quarterly period, R is a figure which is 0 or higher and the sum of that figure and AP is greater than MaxP, the RHI payment for the quarterly period is calculated in accordance with the following formula—

$$MaxP - AP$$

(5) In this regulation—

“AP” is the sum of all RHI payments payable for heat generated by the accredited domestic plant for the applicable period other than the RHI payment for that quarterly period;

“applicable period” means—

- (a) the 12 month period commencing on the tariff start date or the anniversary of the tariff start date and which includes the quarterly period; or
- (b) the period commencing on the tariff start date or the anniversary of the tariff start date for which the Authority has received four quarterly meter readings and which includes the quarterly period; and

“MaxP” means the figure calculated in accordance with the following formula—

$$(E \times F) - G$$

where—

- (a) E is the applicable initial tariff or subsequent tariff for the accredited domestic plant;
- (b) F is the deemed annual heat generation for the plant for the applicable period; and
- (c) G is the grant funding deduction for the plant for the quarterly period, multiplied by 4; and

“PR” is the value of R for the accredited domestic plant for the quarterly period immediately preceding the period for which RHI payments are being calculated.

### Calculation of deemed annual heat generation

29.—(1) The amount of heat in kWh which an accredited domestic plant is deemed to generate every 12 months (the “deemed annual heat generation”) is calculated in accordance with this regulation.

(2) If the accredited domestic plant is a biomass plant which provides space heating (but not heating for domestic hot water) to the RHI property, the deemed annual heat generation is the heat demand for space heating specified in the relevant EPC for that property.

(3) If the accredited domestic plant is a biomass plant which provides both space heating and domestic hot water heating to the RHI property, the deemed annual heat generation is the heat demand for space heating and water heating specified in the relevant EPC for that property.

(4) If the accredited domestic plant is a heat pump which provides space heating (but not heating for domestic hot water) to the RHI property, the deemed annual heat generation is calculated in accordance with the following formula—

$$A \times \left( 1 - \frac{1}{B} \right)$$

where—

- (a) A is the heat demand for space heating specified in the relevant EPC for that property;
- (b) B is the seasonal performance factor for the heat pump.

(5) If the accredited domestic plant is a heat pump which provides both space heating and domestic hot water heating to the RHI property, the deemed annual heat generation is calculated in accordance with the following formula—

$$A \times \left( 1 - \frac{1}{B} \right)$$

where—

- (a) A is the heat demand for space heating and water heating specified in the relevant EPC for that property;
- (b) B is the seasonal performance factor for the heat pump.

(6) If the accredited domestic plant is a solar thermal plant and its first commissioning date is on or after the relevant date, its deemed annual heat generation is the total heat generated by that plant on an annual basis calculated in accordance with version 1.0 of the document entitled “Microgeneration Installation Standard: MCS 024 Solar Domestic Hot Water Energy Calculation” published on 1st October 2013(22).

(7) If the accredited domestic plant is a solar thermal plant and its first commissioning date is earlier than the relevant date, the deemed annual heat generation is the total heat which the Authority estimates, at the time it gives accreditation, that the accredited domestic plant will generate on an annual basis, having regard to any relevant information about the accredited domestic plant on the MCS register.

### Calculation of eligible metered heat generated by biomass plants

30.—(1) The eligible metered heat in kWh for an accredited domestic plant which is a biomass plant for any quarterly period is calculated in accordance with the following formula—

$$A \times (B - C - D - E)$$

where—

- (a) A is calculated in accordance with paragraph (2);
- (b) B is calculated in accordance with paragraph (3);
- (c) C is calculated in accordance with paragraph (5);
- (d) D is calculated in accordance with paragraph (7); and
- (e) E is calculated in accordance with paragraph (8).

(2) A is—

- (a) 1 if the accredited domestic plant is a biomass boiler; or
- (b) 1.2 if the accredited domestic plant is a biomass stove.

(3) Subject to paragraph (4), B is the heat in kWh recorded by eligible meters positioned in accordance with regulation 15 generated by—

- (a) the accredited domestic plant; or
- (b) the accredited domestic plant and any additional plants if the heat generated by the accredited domestic plant is recorded together with the heat generated by such additional plants.

(4) Where any heat referred to in paragraph (3) is recorded at the point where it leaves a domestic hot water cylinder, the heat recorded at that point is multiplied by 1.43 before being included (with the heat recorded at any other point) in B.

(5) C is—

- (a) subject to paragraph (6), the heat in kWh generated by any additional plants included in B if the relevant metering statement specifies that eligible meters must be positioned in accordance with regulation 15(3); or
- (b) 0 in any other case.

(6) Where any heat generated by any additional plants included in B is generated by an air source heat pump for the purposes of defrosting, all heat generated by that air source heat pump is multiplied by 0.97 before being included in C.

(7) D is—

- (a) the electricity consumption in kWh by any additional plants if the relevant metering statement specifies that eligible meters must be positioned in accordance with regulation 15(4); or
- (b) 0 in any other case.

(8) E is—

- (a) if B includes heat generated by any additional plants which use a fuel when generating heat, the energy content of that fuel in kWh if the relevant metering statement specifies that eligible meters must be positioned in accordance with regulation 15(4); or
- (b) 0 in any other case.

(9) In this regulation, “relevant metering statement” means the metering statement for the accredited domestic plant.

### Calculation of eligible metered heat generated by heat pumps

31.—(1) Subject to paragraph (10), the eligible metered heat in kWh for an accredited domestic plant which is a heat pump for any quarterly period is calculated in accordance with the following formula—

$$A \times (B - C - D) - E$$

where—

- (a) A is calculated in accordance with paragraph (2);
- (b) B is calculated in accordance with paragraph (3);
- (c) C is calculated in accordance with paragraph (5);
- (d) D is calculated in accordance with paragraph (7); and
- (e) E is calculated in accordance with paragraph (8).

(2) A is—

- (a) 0.97 if any of the heat referred to in paragraph (3) is generated by an accredited domestic plant which is an air source heat pump for the purposes of defrosting; or
- (b) 1 in any other case.

(3) Subject to paragraph (4), B is the heat in kWh recorded by eligible meters positioned in accordance with regulation 16 generated by—

- (a) the components of the accredited domestic plant specified in the metering statement as being included in this calculation; or
- (b) the components referred to in sub-paragraph (a) and any additional plants if the heat generated by the accredited domestic plant is recorded together with the heat generated by such additional plants.

(4) Where any of the heat referred to in paragraph (3) is recorded at the point where it leaves a domestic hot water cylinder, the heat recorded at that point is multiplied by 1.43 before being included (with the heat recorded at any other point) in B.

(5) C is—

- (a) subject to paragraph (6), the heat in kWh generated by any additional plants included in B if the relevant metering statement specifies that eligible meters must be installed in accordance with regulation 16(3), or if it specifies that eligible meters must be installed in accordance with regulation 16(5) and the authorised metering arrangement provides for eligible meters to be located to record such heat; or
- (b) 0 in any other case.

(6) Where any heat generated by any additional plants included in B is generated by an air source heat pump for the purposes of defrosting, all heat generated by that air source heat pump is multiplied by 0.97 before being included in C.

(7) D is—

- (a) the energy content in kWh of any fuel which is used by the accredited domestic plant or any additional plants when generating the heat included in B if the relevant metering statement specifies that eligible meters must be installed in accordance with—
  - (i) regulation 16(4); or
  - (ii) regulation 16(5) and the authorised metering arrangement provides for eligible meters to be located to record such relevant energy consumption; or
- (b) 0 in any other case.

(8) E is—

- (a) subject to paragraph (9), the electricity consumption in kWh by the accredited domestic plant and any additional plants used to generate the heat referred to in paragraph (3) if the relevant metering statement specifies that eligible meters must be installed in accordance with—
    - (i) regulation 16(2), (3) or (4); or
    - (ii) regulation 16(5) and the authorised metering arrangement provides for eligible meters to be located to record such relevant energy consumption; or
  - (b) 0 in any other case.
- (9) Any electricity consumed when providing cooling is excluded from the electricity consumption referred to in paragraph (8)(a) before that consumption is included in E if—
- (a) the relevant metering statement states that eligible meters must be installed in accordance with regulation 16(5); and
  - (b) the authorised metering arrangement provides for eligible meters to be located to record—
    - (i) electricity consumption by the accredited domestic plant while the plant is providing cooling to the RHI property separately from any other electricity consumption; or
    - (ii) sufficient information about the accredited domestic plant to enable the electricity consumption when providing cooling to be determined.
- (10) Where the plant is a ground source heat pump, its eligible metered heat is the heat extracted from the ground (including water in the ground), surface water or both if—
- (a) the relevant metering statement states that eligible meters must be installed in accordance with regulation 16(5); and
  - (b) the authorised metering arrangement provides for eligible meters to be located to record such heat.
- (11) In this regulation—
- “relevant energy consumption” has the same meaning as in regulation 16; and
  - “relevant metering statement” means the metering statement for the accredited domestic plant.

### Calculation of grant funding deduction

**32.**—(1) The grant funding deduction for an accredited domestic plant for any quarterly period is—

- (a) if none of the plant’s purchase or installation costs are funded by a grant from public funds, 0;
- (b) if some or all of the plant’s purchase or installation costs are funded by a grant from public funds, calculated in accordance with the following formula—

$$\frac{A}{28}$$

where A is calculated in accordance with paragraph (2).

- (2) For the purposes of paragraph (1)(b), A is—
  - (a) for the quarterly period commencing on the tariff start date, the figure that the Authority believes represents the total value of any grants from public funds which were received by the participant or any other owner, or former owner, of the accredited domestic plant for the costs of the purchase or installation of the accredited domestic plant;
  - (b) for any subsequent quarterly period that—

- (i) does not include 1st April of any calendar year, the value of A in the previous quarterly period; or
- (ii) includes 1st April of any calendar year, the value of A in the previous quarterly period adjusted by the percentage increase or decrease in the retail prices index for the calendar year ending on 31st December immediately preceding that 1st April (the resulting figure being stated to two decimal places and rounded to the nearest hundredth of a penny with any two hundredth of a penny being rounded upwards).

## PART 6

### Calculation of tariffs and cost control

#### Duty to calculate and publish tariffs

**33.**—(1) The Authority must calculate in accordance with this Part and publish on its website, by the dates specified in paragraphs (2) and (3), tables specifying in relation to each tariff category—

- (a) the initial tariffs for accredited domestic plants with a tariff start date in the tariff period immediately following the date on which the table is published; and
- (b) the subsequent tariffs for accredited domestic plants for the financial year which commences on or after the date on which the table is published.

(2) The tables of initial tariffs must be published by 15th September 2014 and 15th December 2014, and in each subsequent calendar year by 15th March, 15th June, 15th September and 15th December.

(3) The tables of subsequent tariffs must be published by—

- (a) 1st April 2014, but only where the relevant date is earlier than that date; and
- (b) 1st January 2015 and 1st January of each subsequent calendar year.

#### Calculation of initial tariffs

**34.**—(1) The initial tariff for an accredited domestic plant is calculated in accordance with this regulation.

(2) Where the first commissioning date for the accredited domestic plant is earlier than the relevant date or its tariff start date is earlier than 1st October 2014, the initial tariff is the tariff for the plant's tariff category set out in Schedule 5.

(3) In any other case, the initial tariff is calculated in accordance with the following formula—

$$A \times B$$

where—

- (a) A is calculated in accordance with regulation 35; and
- (b) B is calculated in accordance with regulation 36.

#### Calculation of initial tariffs: calculation of A

**35.**—(1) This regulation provides for the calculation of A for the purposes of regulation 34(3)(a).

(2) If the accredited domestic plant's tariff start date is in a tariff period commencing on—

- (a) 1st October 2014, A is the tariff for the tariff category for the accredited domestic plant ("the relevant tariff category") set out in Schedule 5;

- (b) any date other than 1st October 2014 or 1st April of any year, A is the initial tariff for plants in the relevant tariff category with a tariff start date in the immediately preceding tariff period, published by the Authority under regulation 33(1)(a) (“C”); or
- (c) 1st April (other than 1st April 2014), A is C multiplied by the percentage increase or decrease in the retail prices index for the immediately preceding calendar year (the resulting figure being stated to two decimal places and rounded to the nearest hundredth of a penny with any two hundredth of a penny being rounded upwards).

### Calculation of initial tariffs: calculation of B

- 36.**—(1) This regulation provides for the calculation of B for the purposes of regulation 34(3)(b).
- (2) B is 1 if—
- (a) the expenditure threshold is not exceeded on the relevant assessment date;
  - (b) the previous value of B is 0.9 and neither the super expenditure threshold nor the growth threshold is exceeded on the relevant assessment date; or
  - (c) the previous value of B is 0.8 and the super growth threshold is not exceeded on the relevant assessment date.
- (3) B is 0.9 if—
- (a) the previous value of B is 1 and the expenditure threshold is exceeded on the relevant assessment date but the super expenditure threshold is not exceeded on that date;
  - (b) the previous value of B is 0.9 and on the relevant assessment date—
    - (i) the expenditure threshold is exceeded but the super expenditure threshold is not exceeded; and
    - (ii) the growth threshold is exceeded but the super growth threshold is not exceeded; or
  - (c) the previous value of B is 0.8 and on the relevant assessment date—
    - (i) the expenditure threshold is exceeded; and
    - (ii) the growth threshold is exceeded but the super growth threshold is not exceeded.
- (4) B is 0.8 if—
- (a) the previous value of B is 1 or 0.9 and the super expenditure threshold is exceeded on the relevant assessment date; or
  - (b) the previous value of B is 0.8 and both the super expenditure threshold and the super growth threshold are exceeded on the relevant assessment date.
- (5) In this regulation—
- (a) the expenditure threshold is exceeded on an assessment date if the forecast for expenditure for the relevant tariff category in relation to that date exceeds the figure specified for that tariff category and assessment date in the second column of the table in the relevant Part of Schedule 6;
  - (b) the growth threshold is exceeded on an assessment date if the increase in expenditure forecast for the relevant tariff category in relation to that date exceeds the figure specified in relation to that tariff category and date in the third column of the table in the relevant Part of Schedule 6;
  - (c) the super expenditure threshold is exceeded on an assessment date if the forecast for expenditure for the relevant tariff category in relation to that date exceeds the figure specified in relation to that date in the fourth column of the table in the relevant Part of Schedule 6;



- (d) the super growth threshold is exceeded on an assessment date if the increase in expenditure forecast for the relevant tariff category in relation to that date exceeds the figure specified in relation to that tariff category and date in the fifth column of the table in the relevant Part of Schedule 6;
  - (e) the previous value of B is, if the accredited domestic plant's tariff start date is in the tariff period commencing—
    - (i) on 1st October 2014, 1; or
    - (ii) after 1st October 2014, the value of B when the Authority calculated the initial tariffs for plants in the relevant tariff category with a tariff start date in the immediately preceding tariff period.
- (6) For the purposes of this regulation—
- “relevant assessment date” means the assessment date immediately preceding the commencement of the relevant tariff period;
- “relevant tariff category” means the tariff category for the accredited domestic plant; and
- “relevant tariff period” means the tariff period that the tariff start date for the accredited domestic plant is in.

### Calculation of subsequent tariffs

**37.**—(1) The subsequent tariff for an accredited domestic plant is calculated in accordance with this regulation.

(2) For the financial year (“FY1”) commencing immediately following the end of the initial tariff period, the subsequent tariff is, if FY1—

- (a) commences on 1st April 2014, the tariff set out in Schedule 5;
- (b) does not commence on 1st April 2014, calculated in accordance with the following formula—

$$A \times C$$

the resulting figure being stated to two decimal places and rounded to the nearest hundredth of a penny with any two hundredth of a penny being rounded upwards.

(3) For each financial year after FY1, the subsequent tariff is calculated in accordance with the following formula—

$$B \times C$$

the resulting figure being stated to two decimal places and rounded to the nearest hundredth of a penny with any two hundredth of a penny being rounded upwards.

- (4) In paragraphs (2) and (3)—
  - (a) A is the initial tariff for the accredited domestic plant;
  - (b) B is the subsequent tariff for the accredited domestic plant in the immediately preceding financial year; and
  - (c) C is the percentage increase or decrease in the retail prices index for the calendar year ending on 31st December immediately preceding the commencement of the financial year for which the subsequent tariff is being calculated.

### Expenditure forecast statement and tariff change notice

**38.**—(1) The Secretary of State must publish on the GOV.UK website a statement (an “expenditure forecast statement”) in accordance with this regulation.

(2) For that purpose, the Secretary of State must determine as at the latest assessment date—

- (a) for each tariff category, the forecast for expenditure in relation to the relevant plants that are in that tariff category; and
  - (b) the increase in expenditure forecast in relation to each tariff category.
- (3) An expenditure forecast statement must set out, as at the latest assessment date—
- (a) each of the forecasts for expenditure referred to in paragraph (2)(a); and
  - (b) each of the increase in expenditure forecasts referred to in paragraph (2)(b).
- (4) Paragraph (5) applies to a tariff where—
- (a) the tariff is the initial tariff for accredited domestic plants with a tariff start date in the tariff period immediately following the publication of the expenditure forecast statement (“tariff period A”);
  - (b) the tariff differs from the initial tariff for plants in the same tariff category with a tariff start date in the tariff period immediately preceding tariff period A; and
  - (c) the reason for that difference is not solely due to an increase or decrease in the retail prices index.
- (5) Where this paragraph applies, the Secretary of State must also publish with the expenditure forecast statement a notice (“the tariff change notice”) setting out that tariff and identifying the tariff period and tariff category to which it relates.
- (6) The expenditure forecast statement, and if applicable the tariff change notice, must be published by 1st September 2014 and 1st December 2014 and subsequently by 1st March, 1st June, 1st September and 1st December in each calendar year.
- (7) In this regulation—
- “estimated spend”, in relation to a relevant plant and an assessment date, means—
- $$(A \times B \times C) - D$$
- where—
- (a) A is—
    - (i) if the relevant plant is an accredited domestic plant, the deemed annual heat generation; or
    - (ii) in any other case, the amount of heat in kWh that will be the deemed annual heat generation for the plant if accreditation is given;
  - (b) B is—
    - (i) if the property to which the relevant plant provides heat was occupied for less than 183 days in the 12 month period ending on the RHI date for the plant, or the participant has notified the Authority that the property is occupied for less than 183 days in a 12 month period, the number of days the Secretary of State estimates that the property will be occupied in the 12 month period commencing on the assessment date divided by 365; or
    - (ii) in any other case, 1;
  - (c) C is—
    - (i) if the relevant plant is an accredited domestic plant, the tariff applicable to that plant on the assessment date; or
    - (ii) in any other case, the tariff that will be the initial tariff for the relevant plant if accreditation is given; and
  - (d) D is—

- (i) if the relevant plant is an accredited domestic plant, the grant funding deduction for the relevant plant for the quarterly period that includes the assessment date, multiplied by 4; or
- (ii) if the relevant plant is not an accredited domestic plant, the total value of any grants from public funds for the costs of the purchase or installation of the relevant plant which were disclosed by the person making the accreditation application at the time the application was made divided by 7, or 0 if no such grant was disclosed;

“forecast for expenditure” means the sum of the estimated spend at an assessment date for each relevant plant which is in a tariff category;

“increase in expenditure forecast” means the difference between the forecast for expenditure for a tariff category—

- (a) as at that assessment date; and
- (b) as at the assessment date immediately preceding that assessment date; and

“relevant plant” means a plant for which the first commissioning date is on or after the relevant date and where the plant is—

- (a) an accredited domestic plant; or
- (b) a plant for which an accreditation application has been made and has not been rejected by the Authority.

## PART 7

### Ongoing obligations for participants

#### Ongoing obligations: general

39. A participant (“P”) must comply with the following ongoing obligations, as applicable—
- (a) if the accredited domestic plant is a biomass plant, upon a request by the Authority P must provide to the Authority evidence as to the type of fuel purchased and used in that plant for any period specified in the request during which P was a participant;
  - (b) P must not receive any grant from public funds for any of the costs of the purchase or installation of the accredited domestic plant other than any grant which was notified to the Authority when the accreditation application was made;
  - (c) P must ensure that the accredited domestic plant continues to meet the eligibility criteria;
  - (d) P must comply with any condition attached to P’s accreditation;
  - (e) P must keep the accredited domestic plant in good working order;
  - (f) if P is not the owner of the RHI property, P must provide a copy of any notification under regulation 40(1)(i) or 40(1)(j) to the owner or owners of that property;
  - (g) P must repay any overpayment in accordance with any notice served under regulation 60;
  - (h) P must not move the accredited domestic plant to a new location;
  - (i) P must comply with such other administrative requirements that the Authority may specify in relation to the effective administration of the domestic RHI scheme;
  - (j) on receipt of a request for access under regulation 56 or regulation 63(3)(b), P must—
    - (i) allow the Secretary of State, the Authority or the Authority’s authorised agent, as applicable, access to the RHI property to carry out any of the activities described in those regulations; and

- (ii) offer reasonable cooperation to that person;
- (k) P must comply with any other requests by the Secretary of State under regulation 63(3)(c);
- (l) if P does not live in the RHI property P must have, at all times, agreement from all occupants of the property that those occupants will allow the Secretary of State, the Authority or the Authority’s authorised agent reasonable access in the event of a request under regulation 56 or regulation 63(3)(b) and will co-operate with such a request; and
- (m) P must not seek accreditation under the Renewable Heat Incentive Scheme Regulations 2011(23) for an accredited domestic plant, or any other plant which provides heat to the same RHI property as an accredited domestic plant.

#### **Ongoing obligations: changes affecting accredited domestic plants**

- 40.**—(1) A participant (“P”) must notify the Authority if, at any time in the tariff lifetime—
- (a) P becomes aware that any of the information provided in support of the accreditation application for P’s accredited domestic plant is incorrect;
  - (b) the accredited domestic plant no longer generates heat for the RHI property;
  - (c) a replacement plant is installed which generates heat for the RHI property;
  - (d) any other plant is installed which generates heat for the RHI property;
  - (e) the RHI property is occupied for less than 183 days in any 12 month period after the RHI date for the plant, unless the Authority has provided a metering statement for the plant;
  - (f) the accredited domestic plant no longer provides heat for an eligible purpose;
  - (g) P becomes aware that P will not be able to comply with an ongoing obligation;
  - (h) P ceases to comply with an ongoing obligation;
  - (i) P, or another owner of the accredited domestic plant, intends to transfer ownership of all or part of the accredited domestic plant within 28 days;
  - (j) any change in ownership of all or part of the accredited domestic plant has taken effect;
  - (k) there is any other change in circumstances which may affect P’s eligibility to receive RHI payments; or
  - (l) any meter which is required under a metering statement for the accredited domestic plant is moved, is replaced, is reset or ceases to operate, be in good working order or be an eligible meter, or any eligible meters are added or removed.

(2) A notification under this regulation must be made within 28 days of P becoming aware of the circumstances to which the notification relates.

#### **Ongoing obligations: annual declarations**

**41.** A participant (“P”) must submit a declaration each year to the Authority, at such time and in such form as the Authority may request, confirming—

- (a) that P continues to own the accredited domestic plant;
- (b) that, to the best of P’s knowledge and belief, no owner or previous owner of the accredited domestic plant has received—
  - (i) any grant from public funds for the cost of the purchase or installation of the accredited domestic plant other than any grant which was notified to the Authority before the accreditation application was determined; or

- (ii) funding from any other source (other than under a loan or a Green Deal Plan for which an owner is liable to make, or has made, payments) which reimbursed all of the costs incurred by P, any other owner or any previous owner for the cost of the purchase or installation of the accredited domestic plant;
- (c) that the accredited domestic plant is in good working order and has not been replaced with another plant, unless P has notified the Authority of the installation of that plant under regulation 40(1);
- (d) the number of days on which the RHI property was occupied in the 12 month period ending on the date the declaration is given and the number of days on which P expects the property to be occupied in the next 12 months;
- (e) if P does not live in the RHI property, that all occupants of the property have agreed to permit access to the property by the Authority, the Secretary of State or the Authority's authorised agent for the purposes of carrying out any function under these Regulations; and
- (f) where the Authority has provided a metering statement for the accredited domestic plant, that each eligible meter which is required under that statement is in good working order.

#### **Ongoing obligations: emissions from biomass**

**42.** Where an accredited domestic plant is a biomass plant to which an RHI emission certificate applies, a participant must—

- (a) use fuel of a type specified in the RHI emission certificate;
- (b) use fuel with a moisture content which is no greater than the maximum moisture content specified in the RHI emission certificate; and
- (c) operate the plant in accordance with the manufacturer's instructions for that plant in relation to the control of emissions of PM and NO<sub>x</sub>.

#### **Ongoing obligations: metering**

**43.—(1)** This regulation applies to a participant ("P") where the Authority has provided a metering statement for an accredited domestic plant.

- (2) P must ensure that—
  - (a) the heat generated by the plant is metered from the date on which the Authority provides the metering statement until the tariff end date;
  - (b) eligible meters are positioned in accordance with the paragraph of regulation 15 or 16 specified in the metering statement; and
  - (c) if the Authority has authorised a metering arrangement, each eligible meter identified in that arrangement is located as identified in that arrangement.
- (3) P must keep each eligible meter which is required under a metering statement for the accredited domestic plant—
  - (a) in good working order; and
  - (b) positioned in accordance with the paragraph of regulation 15 or 16 specified in the metering statement.
- (4) The Authority may request that P provide meter readings and other data from all eligible meters required by these Regulations.
- (5) Any meter readings or other data requested under paragraph (4) must be provided by P—
  - (a) in such form as the Authority may request; and

(b) by the date (if any) specified by the Authority or at such regular intervals as the Authority may request to enable it to discharge its functions under these Regulations.

(6) 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: provision of information**

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

(2) P must retain a copy of—

(a) any information relied on when making any accreditation application or, if P did not make that application, given to P by the person who made the application; and

(b) any other evidence which verifies that the accredited domestic plant meets the eligibility criteria and that P is continuing to comply with the ongoing obligations,

whether or not copies of that documentation have been supplied to the Authority.

(3) P must comply with any request for information under paragraph (1) within 28 days of the request or such later date as the Authority may specify.

## **PART 8**

### **Changes affecting accredited domestic plants**

#### **Review of accreditation following notification of a change in circumstances**

**45.**—(1) This regulation applies where the Authority receives a notification under regulation 40 and regulations 47 and 48 do not apply.

(2) Where this regulation applies, subject to regulation 46(2)(b), no RHI payment may be made for the accredited domestic plant until the requirements set out in paragraph (4) are met.

(3) On receipt of the notification, the Authority may—

(a) require the participant to provide such of the information specified in Schedule 4 and any declarations the Authority considers necessary for the proper administration of the domestic RHI scheme; and

(b) review the accreditation of the accredited domestic plant to ensure that it continues to meet the eligibility criteria.

(4) The requirements referred to in paragraph (2) are that the Authority has notified the participant that—

(a) it is satisfied that the matters to which the notification relates are such that it is unnecessary to review the accreditation of the plant; or

(b) it has carried out a review and is satisfied that the plant may continue to be an accredited domestic plant.

(5) Following a notification under paragraph (4) the Authority must resume payment of RHI payments in accordance with these Regulations.

#### **Changes affecting whether accredited domestic plants must be metered**

**46.**—(1) This regulation applies where—

(a) a metering statement has not been provided for an accredited domestic plant;

- (b) the Authority has reviewed the accreditation of an accredited domestic plant under regulation 45 or has carried out an investigation under Part 10; and
  - (c) the Authority considers that, were an accreditation application made in respect of the accredited domestic plant on the date on which the Authority concluded its review or investigation, regulation 13 would require the heat generated by the plant to be metered.
- (2) Where this regulation applies—
- (a) the heat generated by the plant must be metered; and
  - (b) no RHI payment may be made for the accredited domestic plant until the Authority has provided the participant with a metering statement under paragraph (5).
- (3) The Authority may require the participant to provide a statement from a certified installer who was responsible for, or checked, the installation of any meters installed in respect of the plant—
- (a) confirming that each eligible meter is installed in accordance with the metering requirements; and
  - (b) stating whether the eligible meters are installed in accordance with paragraph (2), (3) or (4) of regulation 15, or paragraph (2), (3), (4) or (5) of regulation 16.
- (4) If eligible meters are positioned in accordance with paragraph (3) or (4) of regulation 15 or paragraph (3), (4) or (5) of regulation 16, the participant must make an authorisation application.
- (5) The Authority must provide the participant with a metering statement if it—
- (a) is satisfied that the requirements in regulation 14 are met; and
  - (b) has given authorisation, if applicable.
- (6) RHI payments for the accredited domestic plant are calculated in accordance with—
- (a) regulation 27 for the period commencing on the tariff start date and ending on the date on which the Authority received the notification under regulation 40 or commenced its investigation under Part 10;
  - (b) regulation 28 for the period commencing on the date on which the Authority provides the participant with a metering statement and ending on the tariff end date.
- (7) No RHI payments are payable for the period commencing on the day after the date on which the Authority received the notification under regulation 40 which led to the review under that regulation, or commenced its investigation under Part 10, and ending on the day before the date on which the Authority provides the participant with a metering statement.

### **Replacement plants**

47. Where a replacement plant is installed—
- (a) an accreditation application for that plant may be made by the owner of the replacement plant if that person is a participant in relation to the original plant; and
  - (b) no RHI payments are payable for the period commencing on the date on which the original plant ceased to provide heat to the property and ending on the day before the date on which the Authority received the accreditation application for the replacement plant.

### **Changes in ownership of accredited domestic plants**

- 48.—(1) This regulation applies where a participant transfers ownership of all or part of an accredited domestic plant to another person (“the new owner”).
- (2) Once the Authority becomes aware of the transfer of ownership, no RHI payment may be made until—

- (a) the new owner has notified the Authority of the change in ownership and has confirmed, if the plant is owned by more than one person, that they have the authority from all owners to be the new participant; and
  - (b) the Authority has taken the steps set out in paragraph (5).
- (3) On receipt of a notification under paragraph (2), the Authority may—
- (a) require the new owner to provide such of the information specified in Schedule 4 and any declarations as the Authority considers necessary for the proper administration of the domestic RHI scheme; and
  - (b) review the accreditation of the accredited domestic plant to ensure that it continues to meet the eligibility criteria.
- (4) In carrying out the review referred to in paragraph (3)(b) the Authority may, in order to satisfy itself that the accredited domestic plant continues to meet the eligibility criteria, take any of the steps set out in regulation 18.
- (5) Where the Authority is satisfied that the accredited domestic plant continues to meet the eligibility criteria or has decided not to carry out a review it must—
- (a) update the central register; and
  - (b) send the new owner a statement of eligibility setting out the information specified in regulation 21(1)(e).
- (6) If the Authority becomes aware of the transfer of ownership and, within a period of 12 months from the transfer of ownership of the accredited domestic plant taking effect,—
- (a) no notification is made by the new owner in accordance with paragraph (2)(a); or
  - (b) any information required under paragraph (3)(a) is not provided to the Authority,
- the plant shall on the expiry of that period cease to be an accredited domestic plant and accordingly no further RHI payments are to be paid for the plant.
- (7) The period specified in paragraph (6) may be extended by the Authority where the Authority considers it is just and equitable to do so.
- (8) Subject to paragraph (9) and Part 10, RHI payments are calculated from the date of completion of the steps set out in paragraph (5) for the remainder of the tariff lifetime of that accredited domestic plant.
- (9) Where—
- (a) a transfer of ownership of all or part of an accredited domestic plant takes place; and
  - (b) that accredited domestic plant is then owned by more than one person,
- the Authority may require any person claiming to have the authority from all owners to be the new participant to provide to the Authority, in such manner and form as the Authority may request, evidence of this authority.

## PART 9

### Metering and monitoring agreements

#### **Additional payments where a registered metering and monitoring agreement relates to an accredited domestic plant**

- 49.—(1) The Authority must determine registration applications in accordance with this Part.



(2) Subject to regulations 53 and 55, where the Authority has given registration for a metering and monitoring agreement, the Authority must make metering and monitoring payments to the participant who is a party to that agreement.

(3) Metering and monitoring payments accrue from the date on which registration is given and continue to accrue until the earliest of the following dates—

- (a) the tariff end date for the accredited domestic plant to which the metering and monitoring agreement relates;
- (b) the date on which the metering and monitoring agreement comes to an end or is terminated; or
- (c) the date on which registration is withdrawn under regulation 55.

(4) The Authority may—

- (a) decide on the frequency of any metering and monitoring payments; and
- (b) make metering and monitoring payments in advance, in arrears, or partly in advance and partly in arrears.

(5) Schedule 7 has effect.

### **Registration applications**

**50.**—(1) A registration application for a metering and monitoring agreement may be made by—

- (a) a participant, if the agreement relates to that participant's accredited domestic plant; or
- (b) an owner of a plant which is the subject of an accreditation application, if the agreement relates to that plant.

(2) A registration application must be made to the Authority and be supported by—

- (a) a copy of the agreement;
- (b) confirmation by the metering and monitoring installer that—
  - (i) measuring instruments have been installed under the agreement in accordance with the requirements of the agreement set out in paragraph 3 or 4 of Schedule 7;
  - (ii) any eligible meters and temperature sensors installed under the agreement meet the requirements of the agreement in relation to accuracy set out in paragraph 5 of Schedule 7;
- (c) a declaration that all information provided in support of the registration application is accurate to the best of the applicant's knowledge and belief;
- (d) if the applicant is a landlord, a declaration confirming that all occupiers of the RHI property have consented—
  - (i) to the installation of any measuring instruments under the metering and monitoring agreement;
  - (ii) to the collection of information relating to the use of the plant under that agreement; and
  - (iii) on receipt of a request for access under regulation 56 or regulation 63, to allow the Secretary of State, the Authority or the Authority's authorised agent, as applicable, access to the RHI property to carry out any of the activities described in that regulation and to co-operate with such a request; and
- (e) such other declarations or information about the metering and monitoring agreement or the plant as the Authority may require, which may include evidence to support any declarations.

(3) In order to determine whether to give registration, the Authority may—

- (a) arrange for a site inspection to be carried out; and
- (b) verify any information provided by the applicant against any other information available to it, including any information provided by the metering and monitoring installer or available to it on the MCS register.

### Conditions of registration

51.—(1) When giving registration, the Authority must make that registration subject to the following conditions—

- (a) the participant must, on receipt of a request for access under regulation 56 or 63 allow the Secretary of State, the Authority or the Authority’s authorised agent, as applicable, access to the RHI property to carry out any of the activities described in that regulation and co-operate with such a request;
- (b) the participant must submit a declaration each year to the Authority, at such time and in such form as the Authority may request, confirming that—
  - (i) the metering and monitoring agreement is still in force and its terms are being adhered to;
  - (ii) there has been no change to the agreement which could affect whether the requirements specified in Schedule 7 continue to be met;
  - (iii) if the participant is a landlord, the participant has ensured that all occupiers of the RHI property have consented to the collection of information relating to the use of the accredited domestic plant under the metering and monitoring agreement;
- (c) the participant must notify the Authority if any change is made to the metering and monitoring agreement, including if the agreement is assigned by the metering and monitoring installer or the participant, or if the metering and monitoring agreement comes to an end or is terminated; and
- (d) the participant must give the Authority access to the information collected under the metering and monitoring agreement on receipt of a request from the Authority.

(2) The Authority may make registration subject to any additional conditions it considers to be appropriate.

### Registration

52.—(1) Where paragraph (2) applies, subject to regulation 53, the Authority must—

- (a) give registration;
  - (b) notify the applicant that the registration application has been successful;
  - (c) enter on the central register the details of the metering and monitoring agreement, the applicant’s name and such other information as the Authority considers necessary for the proper administration of the domestic RHI scheme; and
  - (d) notify the applicant of any conditions attached to the registration.
- (2) This paragraph applies where—
- (a) a registration application has been properly made in accordance with regulation 50;
  - (b) the Authority has given accreditation for the plant under regulation 21 or will give accreditation at the same time as it gives registration;
  - (c) the Authority is satisfied that the metering and monitoring agreement meets the requirements specified in Schedule 7 (or, if the plant has not yet been given accreditation,

the agreement will meet the requirements when the plant is given accreditation and the owner becomes a participant); and

- (d) the Authority has no reason to believe that—
  - (i) the terms of the agreement are not being or will not be complied with;
  - (ii) measuring instruments have not been installed in accordance with the requirements in paragraph 3 or 4 of Schedule 7; or
  - (iii) any eligible meters or temperature sensors installed under the agreement do not meet the accuracy requirements in paragraph 5 of Schedule 7.

### **Exceptions to duty to give registration**

**53.**—(1) The Authority must not give registration if paragraph (2), (3) or (4) applies.

(2) This paragraph applies if the giving of registration would cause the total cost of all metering and monitoring payments payable for—

- (a) the period commencing on the relevant date and ending on 31st March 2015 to exceed £0.58 million; or
- (b) the period commencing on 1st April 2015 and ending on 31st March 2016, or any subsequent period commencing on 1st April and ending on the subsequent 31st March, to exceed £2.42 million.

(3) This paragraph applies if the agreement for which registration is sought relates to an accredited domestic plant for which another metering and monitoring agreement has been given registration which has not been withdrawn.

(4) This paragraph applies if the Authority has advised the applicant that further information is required before registration can be given and that information is not provided within 12 weeks of the date on which it was last requested.

(5) Where the Authority does not give registration it must notify the applicant that the registration application has been rejected, giving reasons.

### **Changes affecting registration**

**54.** Once the Authority becomes aware that a participant has transferred to another person (“a new owner”) ownership of all or part of the accredited domestic plant to which a registered metering and monitoring agreement relates, no metering and monitoring payment may be made until—

- (a) the new owner has notified the Authority under regulation 48(2)(a);
- (b) the Authority has taken the steps set out in regulation 48(5);
- (c) if the Authority requests that the new owner provide further information about the metering and monitoring agreement, that information has been provided;
- (d) if the Authority decides to review the registration, the Authority is satisfied that—
  - (i) the metering and monitoring agreement continues to meet the requirements specified in Schedule 7; and
  - (ii) the terms of the metering and monitoring agreement are being complied with; and
- (e) the Authority has updated the central register and notified the new owner of this.

### **Withdrawal of registration**

**55.**—(1) The Authority may withdraw registration if it—

- (a) is no longer satisfied that the metering and monitoring agreement meets the requirements specified in Schedule 7;
  - (b) considers that the metering and monitoring agreement is no longer in force or that its terms are not being complied with;
  - (c) is satisfied that a condition of registration is not being complied with or is likely to be breached; or
  - (d) is satisfied that registration was given wholly or partly as a result of the provision of information which is incorrect in a material particular and that, if the correct information had been provided, registration would not have been given.
- (2) Where the Authority decides to withdraw registration—
- (a) it must notify the participant and update the central register; and
  - (b) no metering and monitoring payments are payable in respect of any period on or after the date on which the Authority updates the central register.

## PART 10

### Inspection and enforcement

#### Inspection

**56.**—(1) The Authority or its authorised agent may request entry at any reasonable hour to inspect an accredited domestic plant and its associated infrastructure and to do one or more of the following—

- (a) verify that the participant is complying with all applicable ongoing obligations;
- (b) verify meter readings;
- (c) take samples and remove them from the premises for analysis;
- (d) take photographs, measurements or video or audio recordings of the accredited domestic plant and its associated infrastructure;
- (e) verify that a participant who is a party to a registered metering and monitoring agreement is complying with any conditions imposed under regulation 51 in relation to the agreement and that the terms of the agreement are being complied with.

(2) Where the Authority is satisfied that a request made under paragraph (1) has been unreasonably refused by the participant or an occupant of the RHI property, or that the participant or occupant has unreasonably failed to cooperate with the Authority or its authorised agent, the Authority must send a notice to the participant specifying—

- (a) details of—
  - (i) the request for entry and the reason why the refusal is considered unreasonable; or
  - (ii) the manner in which the participant or occupant has failed to cooperate and why that failure is considered unreasonable; and
- (b) the action the Authority proposes to take under this Part, if any.

#### Power to withhold RHI payments during investigation

**57.**—(1) Where the Authority has reasonable grounds to suspect—

- (a) that a participant has failed or is failing to comply with an ongoing obligation; or

(b) that an accredited domestic plant has been given accreditation wholly or partly as a result of the provision of information which is incorrect in a material particular, and the Authority requires time to investigate, it may withhold all or part of that participant's RHI payments pending the outcome of that investigation.

(2) Within 21 days of a decision to withhold RHI payments under paragraph (1), the Authority must send a notice to the participant which—

- (a) specifies—
  - (i) the respect in which the Authority suspects the participant has failed or is failing to comply with an ongoing obligation; or
  - (ii) a description of the information suspected to be incorrect and upon which the accreditation was based; and
- (b) sets out the date from which RHI payments will be withheld and the next steps in the investigation.

(3) The Authority's investigation must be commenced and completed as soon as is reasonably practicable.

(4) Immediately upon conclusion of its investigation under this regulation, the Authority must inform the participant of—

- (a) the outcome of the investigation;
- (b) the action the Authority proposes to take under this Part, if any; and
- (c) the participant's right of review.

(5) Subject to regulation 46, where the Authority concludes that there has been no material breach of an ongoing obligation or provision of incorrect information, it must resume payment of RHI payments in accordance with these Regulations and pay to the participant any RHI payments withheld during the course of its investigation.

(6) Within 6 months of sending of a notice under paragraph (2), the Authority must either resume payment of RHI payments or must send the participant a notice under regulation 58, 59 or 60.

### **Power to withhold RHI payments in the case of non-compliance**

**58.**—(1) Where the Authority is satisfied—

- (a) that a participant is failing to comply with an ongoing obligation; or
- (b) that an accredited domestic plant has been given accreditation wholly or partly as a result of the provision of information which is incorrect in a material particular,

it may withhold all or part of that participant's RHI payments.

(2) Within 21 days of a decision to withhold RHI payments the Authority must send a notice to the participant specifying—

- (a) where there is a failure to comply with an ongoing obligation, the respect in which the Authority is satisfied that the participant is failing to comply;
- (b) where the accredited domestic plant was given accreditation as a result of the provision of incorrect information, details of the respect in which the information is incorrect;
- (c) the amount of RHI payments that will be withheld, to the extent this is known to the Authority;
- (d) the date from which RHI payments will be withheld;
- (e) where applicable, the steps that the participant must take to satisfy the Authority that it is complying with the ongoing obligation;

- (f) where applicable, the steps that the participant must take to satisfy the Authority that, notwithstanding the provision of incorrect information, the accredited domestic plant should continue to be an accredited domestic plant;
- (g) the date by which the steps referred to in sub-paragraph (e) or (f) must be completed;
- (h) the consequences of the participant failing to take the steps required under sub-paragraph (e) or (f) by that date; and
- (i) details of the participant's right of review.

(3) Subject to regulation 46(2)(b) and (7), where the Authority is satisfied that the participant has taken the steps specified in paragraph (2)(e) or (f), as applicable, within the time specified, it must resume payment of RHI payments in accordance with these Regulations.

(4) The Authority may extend the time specified in paragraph (2)(g) where it is satisfied that it is reasonable to do so.

(5) If, within 3 months of receipt by the participant of a notice served under paragraph (2), the Authority is satisfied that the participant has taken the steps specified in that notice, the Authority may pay, within 28 days of being so satisfied, all RHI payments withheld under this regulation.

### **Revocation of accreditation**

**59.**—(1) Where the Authority is satisfied that—

- (a) there is or has been a serious or repeated failure by a participant to comply with an ongoing obligation;
- (b) there has been a failure to comply with a notice under regulation 58(2); or
- (c) an accredited domestic plant has been given accreditation wholly or partly as a result of the provision of information which was incorrect in a material particular,

the Authority may take one or more of the steps set out in paragraph (2).

(2) Where paragraph (1) applies the Authority may—

- (a) revoke the accreditation for the relevant accredited domestic plant; or
- (b) revoke the accreditation for any other accredited domestic plants owned by that participant.

(3) Before revoking accreditation the Authority must send the participant a notice specifying—

- (a) the reason for the intended revocation of accreditation including details of the respect in which the participant has failed to comply or details of the incorrect information;
- (b) an explanation of the effect of the revocation; and
- (c) details of the participant's right of review.

(4) Where accreditation of an accredited domestic plant has been revoked, the Authority—

- (a) may reject any further accreditation application for a plant owned by the same person; and
- (b) must, if the Authority has given registration relating to the accredited domestic plant, withdraw that registration.

### **Overpayment notices and offsetting**

**60.**—(1) The Authority may take one of the steps set out in paragraph (2) where the Authority is satisfied that a participant or former participant has received RHI payments (“overpayments”) which—

- (a) exceed the amount to which that person was entitled under these Regulations;
- (b) were paid whilst there was a failure by that person to comply with an ongoing obligation or following such a failure; or

- (c) were paid for an accredited domestic plant which was given accreditation wholly or partly as a result of the provision of information which was incorrect in a material particular.
- (2) The steps set out in this paragraph are—
  - (a) requiring a participant or former participant who has received overpayments to repay a specified sum in relation to some or all of those overpayments; or
  - (b) offsetting a specified sum in relation to some or all of those overpayments against future RHI payments.
- (3) Within 21 days of a decision to take action under paragraph (1) the Authority must send the participant or former participant who has received any overpayments a notice specifying—
  - (a) the value of any RHI payments which the Authority believes are overpayments;
  - (b) the specified sum which the Authority is seeking to recover;
  - (c) whether the specified sum must be repaid or will be offset;
  - (d) where applicable, the date by which the specified sum must be repaid; and
  - (e) the participant's or former participant's right of review.
- (4) Where a participant or former participant who is required to repay a specified sum under this regulation fails to make payment in full by the date specified under paragraph (3)(d), the Authority may recover any outstanding sum as a civil debt.
- (5) The Authority must not require a participant or former participant to repay, or offset, a specified sum which exceeds any overpayments received by that person.

### **Revocation of sanctions**

- 61.**—(1) The Authority may at any time revoke a sanction imposed in accordance with this Part if it is satisfied that—
- (a) there was an error involved in the original imposition of the sanction; or
  - (b) it is just and equitable in the particular circumstances of the case to do so.
- (2) Where, as a result of the imposition of a sanction to which—
- (a) paragraph (1)(a) applies, a participant or former participant has been deprived of RHI payments to which the participant or former participant was entitled, the Authority must repay to the participant or former participant a sum equivalent to those payments;
  - (b) paragraph (1)(b) applies, a participant or former participant has been deprived of RHI payments which the participant or former participant would otherwise have received, the Authority may repay to the participant or former participant a sum equivalent to those payments if in the Authority's view it is just and equitable in the particular circumstances of the case to do so.
- (3) Within 21 days of a decision to revoke a sanction, the Authority must send a notice to the participant or former participant specifying—
- (a) the sanction which has been revoked;
  - (b) the reason for the revocation; and
  - (c) where paragraph (2) applies, the amount which will be repaid.
- (4) In this regulation, “sanction” means an action taken by the Authority under regulation 57(1), 58(1), 59(2), 59(4) or 60(2).

### **Right of review**

**62.**—(1) Any prospective, current or former participant aggrieved by a decision by the Authority in the exercise of its functions under these Regulations (other than a decision made in accordance with this regulation) may have that decision reviewed by the Authority.

(2) An application for review must be made by notice in such format as the Authority may require and must—

- (a) be received by the Authority within 28 days of the date of receipt of notification of the decision being reviewed;
- (b) specify the decision which that person wishes to be reviewed; and
- (c) specify the grounds on which the application is made.

(3) A person who has made an application in accordance with paragraph (2) must provide the Authority with such information which is in that person's possession as the Authority may reasonably request to allow it to discharge its functions under this regulation.

(4) A review under this regulation may not be carried out by any person who was involved in the decision which is being reviewed.

(5) On review the Authority may—

- (a) affirm its decision;
- (b) revoke or vary its decision.

(6) Within 21 days of completing a review under this regulation, the Authority must send the person who made the application a notice setting out its decision and giving reasons for that decision.

## **PART 11**

### **Powers and functions of the Secretary of State**

#### **Scheme review and evaluation**

**63.**—(1) The Secretary of State must keep the operation of the domestic RHI scheme under review.

(2) The Secretary of State may decide to select an accredited domestic plant for monitoring for the purpose of that review ("evaluation monitoring").

(3) Where the Secretary of State makes a decision to select an accredited domestic plant for evaluation monitoring—

- (a) the Secretary of State must write to the participant who owns the accredited domestic plant to advise that it has been selected for evaluation monitoring; and
- (b) the Secretary of State may request entry at any reasonable hour to—
  - (i) inspect the accredited domestic plant and its associated infrastructure;
  - (ii) install any measuring instruments and related equipment ("metering equipment") which the Secretary of State may consider necessary;
  - (iii) inspect any metering equipment installed under this regulation;
  - (iv) carry out meter readings or download any information recorded by the metering equipment;
  - (v) check, repair or replace any metering equipment;
- (c) the Secretary of State may request that the participant—



- (i) assist with the maintenance of the meters or the taking of readings;
- (ii) keep any records specified by the Secretary of State;
- (iii) provide any information held by the participant that is required by the Secretary of State, including any information prepared by the certified installer who was responsible for the installation of the accredited domestic plant.

### **Right of review of decisions by the Secretary of State**

**64.**—(1) Any participant aggrieved by a decision by the Secretary of State in the exercise of a function under regulation 63 may have that decision reviewed by the Secretary of State.

(2) An application for review must be made by notice in such format as the Secretary of State may require and must—

- (a) be received by the Secretary of State within 28 days of the date of receipt of notification of the decision being reviewed;
- (b) specify the decision which that person wishes to be reviewed; and
- (c) specify the grounds on which the application is made.

(3) A person who has made an application in accordance with paragraph (2) must provide the Secretary of State with such information which is in that person's possession as the Secretary of State may reasonably request to allow the discharge of the Secretary of State's functions under this regulation.

(4) On review the Secretary of State may—

- (a) affirm the decision;
- (b) revoke or vary the decision.

(5) Within 21 days of completing a review under this regulation, the Secretary of State must send the person who made the application a notice setting out its decision and giving reasons for that decision.

## **PART 12**

### **Additional powers and functions of the Authority**

#### **Provision of information to the Authority**

**65.** Where the Authority requests any information or declarations from an applicant or a participant under these Regulations, or an applicant or participant is otherwise required to provide any information or declarations—

- (a) that information and those declarations must be provided in such manner and form as the Authority may reasonably request and must be accurate to the best of the applicant's or participant's knowledge and belief; and
- (b) the costs of providing the information are to be borne by that applicant or participant.

#### **Reliance on declarations and other information available to the Authority**

**66.** When exercising any functions under these Regulations, the Authority may—

- (a) treat any declarations provided to it by an applicant in support of any application under these Regulations, or by a participant, as conclusive as to the matters to which they relate, unless the Authority has reason to believe that any such declaration is not accurate;

- (b) verify any information provided by an applicant or participant against any information on the MCS register and any other information available to the Authority;
- (c) treat inclusion of a plant on the MCS register as evidence that the plant has been certified on the basis that the plant is installed in accordance with a relevant installation standard or a standard which is equivalent to a relevant installation standard; and
- (d) treat any information about a plant on the MCS register as conclusive as to the matters to which it relates.

#### **Duty to maintain a central register**

67. The Authority must maintain a register of—
- (a) all accredited domestic plants;
  - (b) all registered metering and monitoring agreements.

#### **Duty to publish guidance**

68. The Authority must publish procedural guidance to participants in connection with the administration of the domestic RHI scheme.

#### **Duty to report to the Secretary of State**

69.—(1) The Authority must provide to the Secretary of State monthly reports containing the following information, as applicable—

- (a) for each accredited domestic plant given accreditation in the period covered by the report—
  - (i) such of the information specified in Schedule 4 as the Authority may hold and the Secretary of State may require regarding the accredited domestic plant;
  - (ii) details of the plant it has replaced, if any;
  - (iii) the total amount of RHI payments made for the accredited domestic plant for the period covered by the report;
  - (iv) the eligible metered heat in kWh generated by the accredited domestic plant in the period covered by the report if the Authority has provided a metering statement for the plant or the deemed annual heat generation for the accredited domestic plant if a metering statement has not been provided;
  - (v) the full address of the RHI property; and
- (b) such other information as the Authority may hold in relation to its functions under these Regulations as the Secretary of State may require.

(2) Monthly reports must be provided in such manner and form as the Secretary of State may request and must, in particular, be presented in a way that separately identifies the information specified in paragraph (1)(a) for each accredited domestic plant.

(3) The first monthly report must cover the period from the relevant date and ending on 30th April 2014 and each subsequent monthly report must cover each subsequent month and must be sent to the Secretary of State within 7 working days of the end of that month.

(4) The Authority must provide to the Secretary of State quarterly and annual reports in such manner and form as the Secretary of State may request containing the information specified in paragraph (1) in aggregate form both for the period covered by the report and since the relevant date.

(5) The first annual report must be published by 31st July 2015 and must cover the period from the relevant date and ending on 31st March 2015, and in each subsequent calendar year the annual report must be published by 31st July for the 12 month period ending on 31st March of that year.

(6) The first quarterly report must be published by 31st August 2014 and must cover the period from the relevant date and ending on 31st July 2014, and each subsequent quarterly report must cover each subsequent three month period commencing on 1st August, 1st November, 1st February or 1st May and must be published within one month of the end of the relevant period.

(7) The Authority must publish the following information on its website—

- (a) the quarterly and annual reports provided in accordance with this regulation;
- (b) information in aggregate form as to—
  - (i) the number of accredited domestic plants;
  - (ii) the number of those plants which are biomass plants, air source heat pumps, ground source heat pumps or solar thermal plants;
  - (iii) the amount of eligible metered heat in kWh generated by accredited domestic plants for which the Authority has provided a metering statement and deemed annual heat generation for other accredited domestic plants in the relevant period; and
  - (iv) the total amount of RHI payments made under each tariff.

### **Duty to provide additional information to the Secretary of State**

**70.**—(1) On request from the Secretary of State, the Authority must provide to the Secretary of State in such manner and form and by such date as the Secretary of State may request such additional information as the Authority may hold which relates to a function of the Authority under these Regulations.

(2) The information which the Secretary of State may request under paragraph (1) includes any information—

- (a) recorded by a meter installed under these Regulations; or
- (b) about a participant except for the participant's bank account details.

## **PART 13**

### **Miscellaneous provisions**

#### **Notices, notifications and applications**

**71.** All notices, notifications and applications under these Regulations—

- (a) must be in writing; and
- (b) may be transmitted by electronic means.

#### **Consequential amendments**

**72.**—(1) The Renewable Heat Incentive Scheme Regulations 2011(**24**) are amended as follows.

(2) In regulation 23 (exceptions to duty to accredit), after paragraph (5) insert—

“(6) The Authority must not accredit an eligible plant if—

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(24) S.I. 2011/2860, amended by S.I. 2012/1999, S.I. 2013/1033, S.I. 2013/2410 and S.I. 2013/3179.

- (a) it is, or at any time has been, an accredited domestic plant within the meaning given by regulation 2 of the Domestic Renewable Heat Incentive Scheme Regulations 2014;
- (b) an application for accreditation of the plant has been made under those Regulations and that application has not been withdrawn by the applicant or rejected by the Authority; or
- (c) it provides heat to the same property as an accredited domestic plant or a plant for which an application for accreditation under those Regulations has been made which has not been withdrawn or rejected.”.

Date

*Name*  
Minister of State  
Department of Energy and Climate Change