
DRAFT STATUTORY INSTRUMENTS

2014 No.

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

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- (c) the date on which registration is withdrawn under regulation 55.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.