
DRAFT STATUTORY INSTRUMENTS

2014 No.

**The Renewable Heat Incentive Scheme
(Amendment) Regulations 2014**

Substitution of regulation 37

29. For regulation 37 substitute—

“Payment of periodic support payments to participants

37.—(1) Subject to regulation 43 and 43A, periodic support payments shall accrue from the tariff start date and shall be payable for 20 years.

(2) Periodic support payments shall be calculated and paid by the Authority.

(3) Subject to paragraphs (7), (15), (16) and (19) of this regulation and regulation 43(4) to (6), the tariff for an accredited RHI installation shall be fixed when that installation is accredited.

(4) Subject to paragraph (7), the tariff for a participant who is a producer of biomethane is the tariff relevant to biomethane set out in Schedule 3.

(5) Subject to paragraphs (6), (7), (15), (16) and (19), the tariff for an accredited RHI installation is the tariff set out in Schedule 3 in relation to its source of energy or technology and installation capacity.

(6) Subject to regulation 43, for the purposes of paragraphs (5) and (10), where the accredited RHI installation is one of a number of plants forming part of the same heating system, its installation capacity is to be taken to be the sum of the installation capacities of that accredited RHI installation and all plants for which an application for accreditation has been made (whether or not they have been accredited) which—

- (a) use the same source of energy and technology as that accredited RHI installation, and
- (b) form part of the same heating system as that accredited RHI installation.

(7) The tariff for an accredited RHI installation or a participant who is a producer of biomethane—

- (a) for the period commencing with the tariff start date and ending with the following 31st March (“the initial period”) is the tariff specified in paragraph (8), (9) or (10) (“the initial tariff”);
- (b) for each year following the initial period commencing with 1st April and ending with the following 31st March (“a subsequent year”) is the tariff specified in paragraph (11) or (12) for the relevant subsequent year (“the subsequent tariff”).

(8) For the purposes of paragraph (7)(a), the initial tariff is—

- (a) if the tariff start date is later than 27th November 2011 but earlier than 1st April 2012, the tariff set out in Schedule 3;
- (b) if the tariff start date is later than 31st March 2012 but earlier than 1st April 2013, the tariff set out in Schedule 3 adjusted by the percentage increase or decrease in

- the retail prices index for the calendar year ending on 31st December 2011 (the resulting figure being rounded to the nearest tenth of a penny, with any twentieth of a penny being rounded upwards);
- (c) if the tariff start date is later than 31st March 2013 but earlier than 30th April 2013, the tariff set out in Schedule 3—
- (i) adjusted by the percentage increase or decrease in the retail prices index for the calendar year ending on 31st December 2011 (the resulting figure being rounded to the nearest tenth of a penny, with any twentieth of a penny being rounded upwards); and
 - (ii) further adjusted by the percentage increase or decrease in the retail prices index for the calendar year ending on 31st December 2012 (the resulting figure being rounded to the nearest tenth of a penny, with any twentieth of a penny being rounded upwards);
- (d) subject to paragraphs (9) and (10), if the tariff start date is on or after 30th April 2013, the tariff calculated in accordance with regulations 37A to 37D.
- (9) The initial tariff for an accredited RHI installation which has a tariff start date on or after 1st April 2014 but earlier than 1st October 2014 and which uses a solar collector, is a ground source heat pump or is a large biomass plant is—
- (a) for any part of the initial period which is earlier than the third relevant date, the tariff calculated in accordance with regulations 37A to 37D; and
 - (b) for the period commencing with the third relevant date and ending with 31st March 2015, the tariff set out in Schedule 3A in relation to its source of energy or technology.
- (10) Subject to paragraph (19), the initial tariff for an accredited RHI installation which has a tariff start date on or after the third relevant date but earlier than 1st October 2014 and is—
- (a) a new solid biomass CHP system;
 - (b) an air source heat pump;
 - (c) a plant which generates heat from biogas (but not from solid biomass) with a capacity of at least 200 kWth; or
 - (d) a deep geothermal plant which is first commissioned on or after 4th December 2013,
- is the tariff set out in Schedule 3B in relation to its source of energy or technology and installation capacity.
- (11) Subject to paragraph (12), for the purposes of paragraph (7)(b), the subsequent tariff for a particular subsequent year is the tariff applicable to the installation or participant on the 31st March immediately preceding the commencement of the subsequent year, adjusted by the percentage increase or decrease in the retail prices index for the calendar year ending on the 31st December immediately preceding the commencement of that subsequent year, the resulting figure being stated to—
- (a) one decimal place and rounded to the nearest tenth of a penny, with any twentieth of a penny being rounded upwards, if the subsequent year commences on a date which is earlier than 1st April 2015; or
 - (b) two decimal places and rounded to the nearest hundredth of a penny, with any two hundredth of a penny being rounded upwards, if the subsequent year commences on or after 1st April 2015.

(12) The subsequent tariff for the subsequent year commencing with 1st April 2014 for an accredited RHI installation with a tariff start date on or after 21st January 2013 and which uses a solar collector, is a ground source heat pump or is a large biomass plant is—

- (a) for the period commencing with 1st April 2014 and ending with the date immediately preceding the third relevant date, the tariff applicable to the installation on 31st March 2014, adjusted by the percentage increase or decrease in the retail prices index for the calendar year ending on 31st December 2013, the resulting figure being stated to one decimal place and rounded to the nearest tenth of a penny, with any twentieth of a penny being rounded upwards;
- (b) for the period commencing with the third relevant date and ending with 31st March 2015, the tariff set out in Schedule 3A in relation to its source of energy or technology.

(13) The Authority must calculate the subsequent tariffs each year in accordance with paragraphs (7), (11) and (12) and publish on or before 1st April each year a table of tariffs for the period commencing 1st April of that year and ending with 31st March of the following year.

(14) The Authority must by 15th March, 15th June, 15th September and 15th December in each year (“the tariff publication date”) publish in a table on its website the initial tariffs applicable where a tariff start date falls within the tariff period immediately following the tariff publication date.

(15) For the purposes of paragraphs (5) and (8), and regulation 37B, where an accredited RHI installation fits within the tariff category “small biomass” or “medium biomass” a reference to the tariff set out in Schedule 3 is—

- (a) in relation to the initial heat generated by the installation in any 12 month period commencing with, or with the anniversary of, the date of accreditation, a reference to the relevant tier 1 tariff specified in Schedule 3; and
- (b) in relation to all further heat generated in that same 12 month period, a reference to the relevant tier 2 tariff so specified.

(16) For the purposes of paragraphs (9)(b) and (12)(b), where an accredited RHI installation is a ground source heat pump, a reference to the tariff set out in Schedule 3A is—

- (a) in relation to the initial heat generated by the installation in any 12 month period commencing with, or with the anniversary of, the date of accreditation, a reference to the relevant tier 1 tariff specified in Schedule 3A;
- (b) in relation to all further heat generated in that same 12 month period, a reference to the relevant tier 2 tariff so specified.

(17) For the purposes of paragraphs (15) and (16), “the initial heat” means the heat in kWh generated by an accredited RHI installation running at its installation capacity for 1,314 hours.

(18) In the case of ground source heat pumps which are capable of both heating and cooling, and in respect of which an application for accreditation is made on or after the third relevant date, “installation capacity” for the purposes of paragraph (17) means the design heat load.

(19) Where an accredited RHI installation which is a new solid biomass CHP system ceases to be certified under CHPQA, the tariff during any period in which it is not so certified shall be the tariff that would have been applicable if the plant had never been so certified.”.