
DRAFT STATUTORY INSTRUMENTS

2014 No.

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

Substitution of regulation 43 (treatment of additional RHI capacity)

42. For regulation 43 substitute—

“Additional RHI capacity

43.—(1) Paragraphs (4) to (7) apply where the Authority accredits additional RHI capacity which is first commissioned less than 12 months after the date on which the original installation was first commissioned.

(2) Paragraph (8) applies where the Authority accredits additional RHI capacity which is first commissioned 12 months or more after the date on which the original installation was first commissioned.

(3) In this regulation “additional RHI capacity” means a plant which is—

- (a) first commissioned after the date on which an accredited RHI installation (“the original installation”) was first commissioned;
- (b) uses the same source of energy and technology as the original installation; and
- (c) supplies heat to the same heating system as that of which the original installation forms part.

(4) Subject to paragraphs (5) and (6), from the date of accreditation of additional RHI capacity to which this paragraph applies, the tariff for both the original installation and the additional RHI capacity is the applicable tariff for the source of energy and technology based on the sum of the installation capacity of the original installation and the additional RHI capacity, and—

- (a) in respect of heat generated by the original installation, calculated in accordance with regulations 37 to 37D as at the tariff start date of that original installation; and
- (b) in respect of heat generated by the additional RHI capacity, calculated in accordance with regulations 37 to 37D as at the tariff start date of that additional capacity.

(5) Where the original installation generates heat using solid biomass and—

- (a) the tariff start date of the original installation is before 21st January 2013;
- (b) the additional RHI capacity is accredited on or after 21st January 2013,
- (c) the installation capacity of the original installation is below 1MWth; and
- (d) the sum of the installation capacity of the original installation and the additional RHI capacity is 1MWth or above,

from the third relevant date, the tariff for both the original installation and that additional RHI capacity shall be the tariff applicable to large biomass plants in Schedule 3A, calculated in accordance with regulations 37 to 37D.

(6) Where the accreditation is in respect of an installation which generates heat from biogas combustion and—

- (a) the tariff start date of the original installation is before 4th December 2013;
- (b) the additional RHI capacity is first commissioned on or after 4th December 2013; and
- (c) the sum of the installation capacity of the original installation and the additional RHI capacity is 200kWth or above,

from the third relevant date, the tariff for both the original installation and that additional RHI capacity shall be the applicable tariff in Schedule 3B based on the sum of the installation capacity of the original installation and the additional RHI capacity, calculated in accordance with regulation 37 to 37D.

(7) Where the date of accreditation of the original installation is before the relevant date, periodic support payments in respect of both the original installation and the additional RHI capacity shall terminate with the tariff end date of the original installation.

(8) Where this paragraph applies—

- (a) the tariff for the original installation shall continue to be the applicable tariff for the source of energy or technology and installation capacity of that original installation;
- (b) that tariff shall be calculated in accordance with regulation 37 to 37D as at the tariff start date of that original installation;
- (c) the tariff for the additional RHI capacity shall be the applicable tariff for the source of energy or technology based on the sum of the installation capacity of the original installation and the additional RHI capacity; and
- (d) that tariff shall be calculated in accordance with regulation 37 to 37D as at the tariff start date of that additional RHI capacity.

(9) All additional RHI capacity must be metered so as to enable the heat generated by such additional capacity and used for eligible purposes to be distinguished from the heat so generated by the original installation.

(10) Where an application for accreditation of additional RHI capacity is made on or after the second relevant date, the eligibility requirements in regulations 5(1)(d) and 17A will apply to that additional RHI capacity.”.