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DRAFT STATUTORY INSTRUMENTS

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**2017 No.**

**The Renewable Heat Incentive Scheme Regulations 2017**

**PART 10**

**Administrative functions of the Authority**

**Right of review**

**86.**—(1) Any prospective, current or former participant affected by a decision made by the Authority in 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;
- (c) specify the grounds upon which the application is made; and
- (d) be signed by or on behalf of the person making the application.

(3) A person who has made an application in accordance with paragraph (2) must provide the Authority with such information and such declarations as the Authority may reasonably request in order to discharge its functions under this regulation, provided any information requested is in that person's possession.

(4) On review the Authority may—

- (a) revoke or vary its decision;
- (b) confirm its decision;
- (c) vary any sanction or condition it has imposed; or
- (d) replace any sanction or condition it has imposed with one or more alternative sanctions or conditions.

(5) Within 21 days of the Authority's decision on a review, it must send the applicant and any other person who is in the Authority's opinion affected by its decision a notice setting out its decision with reasons.

**Publication of guidance and tariffs**

**87.** The Authority must publish procedural guidance to participants and prospective participants in connection with the administration of the scheme.

**Provision of information to the Authority etc**

**88.**—(1) Where under these Regulations the Authority requests information or a declaration from an applicant or a participant, or an applicant or participant is required to provide information or a declaration to the Authority—

- (a) that information or declaration must be provided within such time and 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.

(2) When exercising any functions under these Regulations the Authority may treat any declaration given by an applicant in support of an application under these Regulations or by a participant as conclusive evidence of the matters to which that declaration relates, unless the Authority has reason to believe that any such declaration is not accurate.

**Reporting obligations**

**89.**—(1) The Authority must provide to the Secretary of State monthly reports in such manner and form as the Secretary of State may request containing the following information, as applicable—

- (a) in respect of each accredited RHI installation accredited during the period covered by the report—
  - (i) such of the information specified in Schedule 2 as the Authority may hold and the Secretary of State may require regarding the accredited RHI installation,
  - (ii) details of the plant it has replaced, if any,
  - (iii) the total amount of periodic support payments made in respect of the accredited RHI installation during the period covered by the report,
  - (iv) the total amount of heat in kWh<sub>t</sub> for which periodic support payments were made and the eligible purposes and the industry sector for which it was used,
  - (v) sustainability information provided in accordance with Schedule 5;
- (b) in respect of each participant registered as a producer of biomethane for injection during the period covered by the report—
  - (i) the total amount of periodic support payments made to each participant,
  - (ii) the volume of biomethane produced for injection by each participant, and
  - (iii) sustainability information provided in accordance with Schedule 5;
- (c) such other information as the Authority may hold in relation to its functions under these Regulations as the Secretary of State may require.

(2) Each monthly report must cover a calendar month and must be sent to the Secretary of State within 7 working days of the end of that month.

(3) 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 date of commencement of the scheme.

(4) The annual report must be published by 31st July in respect of the 12 month period ending with 31st March of that year.

(5) Each quarterly report must cover each 3 month period commencing on 1st April, 1st July, 1st October and 1st January and must be published within one month of the end of the relevant 3 month period.

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

- (a) the quarterly and annual reports provided in accordance with this regulation;
- (b) current information in aggregate form as to—
  - (i) the number of accredited RHI installations,
  - (ii) their source of energy and technology and installation capacity,
  - (iii) the amount of heat they have generated,
  - (iv) the total amount of periodic support payments made under each tariff; and
- (c) current information in aggregate form as to—
  - (i) the number of participants who are producers of biomethane,
  - (ii) the volume of biomethane produced for injection by those participants, and
  - (iii) the total amount of periodic support payments made in respect of that biomethane.

(7) For the purposes of this regulation “quarterly period” means the first, second, third or fourth quarter of any year commencing on 1st January.

(8) For the purposes of this regulation “current information” means information which is no more than five days out of date.

#### **Additional information**

**90.** 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 in relation to the performance of its functions under these Regulations.

#### **Notices**

- 91.** A notice under these Regulations—
- (a) must be in writing; and
  - (b) may be transmitted by electronic means.