
DRAFT STATUTORY INSTRUMENTS

2017 No.

The Renewable Heat Incentive Scheme Regulations 2017

PART 2

Eligibility and matters relating to eligibility

CHAPTER 1

Eligible installations

Eligible installations

- 4.—(1) A plant meets the criteria for being an eligible installation (“the eligibility criteria”) if—
- (a) regulation 5, 7, 8, 9, 10, 11, 12, 13, 14 or 15 applies; and
 - (b) the plant satisfies the requirements set out in—
 - (i) regulation 16(1);
 - (ii) regulation 17; and
 - (iii) Chapter 3.
- (2) But this regulation is subject to regulations 19 and 20.

CHAPTER 2

Eligibility criteria for technologies

Eligible installations generating heat from solid biomass

- 5.—(1) This regulation applies if the plant complies with all of the following requirements—
- (a) it generates heat from solid biomass, excluding solid biomass contained in waste;
 - (b) in the case of a plant with an installation capacity of 45kWth or less, the plant meets the requirements in regulation 18;
 - (c) in the case of a plant for which an application for accreditation is made on or after 24th September 2013—
 - (i) an environmental permit subsists in relation to that plant, or
 - (ii) an RHI emission certificate applies to that plant.
- (2) Paragraph (1)(c) does not apply to plants in respect of which preliminary accreditation has been granted before 24th September 2013 (and such preliminary accreditation has not been withdrawn).
- (3) For the purposes of this regulation, an RHI emission certificate applies to a plant (A) if the information in that certificate is based on testing—
- (a) A;
 - (b) a plant of the same make, model and installation capacity as A; or

- (c) any other plant in the same type-testing range as A.

RHI emission certificates

- 6. An RHI emission certificate is a document that meets the following requirements—
 - (a) the document must be issued by a testing laboratory;
 - (b) where the information contained in the document is based on testing carried out on or after 24th September 2013, the testing laboratory that issued the document must be accredited to BS EN ISO/IEC 17025:2005(1) at the time of testing; and
 - (c) the document must contain the information set out in Schedule 1.

Eligible installations generating heat from solid biomass contained in waste

- 7. This regulation applies if the plant generates heat from solid biomass contained in waste.

Eligible installations generating heat using solar collectors

- 8. This regulation applies if the plant complies with all of the following requirements—
 - (a) it generates heat using a solar collector;
 - (b) it has an installation capacity of less than 200kWth;
 - (c) in the case of a plant with an installation capacity of 45kWth or less, the plant meets the requirements in regulation 18.

Eligible installations generating heat using ground source heat pumps

- 9.—(1) This regulation applies if the plant complies with all of the following requirements—
 - (a) it is a ground source heat pump;
 - (b) where the tariff start date of the plant is on or after the date on which these Regulations come into force, it does not form part of a shared ground loop system;
 - (c) it generates heat using naturally occurring energy;
 - (d) in the case of a plant with an installation capacity of 45kWth or less, the plant meets the requirements in regulation 18;
 - (e) it has a coefficient of performance of at least 2.9; and
 - (f) in the case of a plant in respect of which an application for accreditation is made on or after 28th May 2014—
 - (i) the plant is designed and installed to operate with a seasonal performance factor of at least 2.5; and
 - (ii) where the plant is capable of heating and cooling, a design heat load for the plant has been calculated in accordance with BS EN 12831:2003(2).
- (2) Paragraph (3) applies where—
 - (a) an application for accreditation in respect of the plant is made on or after 28th May 2014; and
 - (b) the plant was first commissioned on or after 4th December 2013.

(1) The ISBN for the English language version of this standard is ISBN 0 580 46330 3. This standard was published by the British Standards Institution on 29 June 2005 and copies can be obtained at www.bsigroup.com.

(2) The ISBN for the English language version of this standard is ISBN 978 0 580 84107 1. This standard was published by the British Standards Institution on 22 August 2003 and copies can be obtained at www.bsigroup.com.

(3) Where this paragraph applies, the requirement in paragraph (1)(c) is deemed to be satisfied where, in addition to using naturally occurring energy in the form of heat, the plant uses—

- (a) solar energy which has been gathered by any means (other than by a solar collector which is an accredited RHI installation) and is stored in the ground in the form of heat;
- (b) heat from space cooling or process cooling; or
- (c) heat from processes other than the generation of heat.

Eligible installations generating heat using air source heat pumps

10. This regulation applies if the plant complies with all of the following requirements—

- (a) it is an air source heat pump;
- (b) in the case of a plant with an installation capacity of 45kWth or less, the plant meets the requirements in regulation 18;
- (c) it has a coefficient of performance of at least 2.9;
- (d) it has been designed and installed to operate with a seasonal performance factor of at least 2.5;
- (e) it is not designed to provide cooling; and
- (f) it is not designed to use heat in air which has been expelled—
 - (i) from a building; or
 - (ii) directly from a process which generates heat.

Eligible installations which are shared ground loop systems

11.—(1) This regulation applies if the plant is a shared ground loop system which complies with the requirements in paragraphs (2) and (4).

(2) Each ground source heat pump which forms part of the shared ground loop system must comply with the following requirements—

- (a) it was first commissioned as part of the shared ground loop system on or after 14th December 2016;
- (b) it generates heat using naturally occurring energy;
- (c) in the case of a ground source heat pump with an installed peak heat output capacity of 45kWth or less, it meets the requirements in regulation 18;
- (d) it has a coefficient of performance of at least 2.9;
- (e) it is designed and installed to operate with a seasonal performance factor of at least 2.5;
- (f) where it is capable of heating and cooling and is not installed in domestic premises, a design heat load for the ground source heat pump has been calculated in accordance with BS EN 12831:2003;
- (g) where it is installed in domestic premises, an EPC must have been issued for that premises and one of the following requirements must be met—
 - (i) the property is a new-build property; or
 - (ii) the period commencing with the date on which the EPC was issued and ending on the date of application under regulation 30 is less than 24 months and the requirements in paragraph (5) are met.

(3) The requirement in paragraph (2)(b) is deemed to be satisfied where, in addition to using naturally occurring energy in the form of heat, the ground source heat pump uses—

- (a) solar energy which has been gathered by any means (other than by a solar collector which is an accredited RHI installation) and is stored in the ground in the form of heat;
 - (b) heat from space cooling or process cooling; or
 - (c) heat from processes other than the generation of heat.
- (4) The shared ground loop system must be designed and installed to operate with a seasonal performance factor of at least 2.5.
- (5) For the purposes of paragraph (2)(g), the requirements in this paragraph are met if the EPC—
- (a) does not include a recommendation report;
 - (b) includes a recommendation report which does not recommend that loft insulation or cavity wall insulation is installed; or
 - (c) includes a recommendation report which recommends that loft insulation or cavity wall insulation is installed, but that insulation cannot be installed as its installation—
 - (i) is prevented by restrictions on the building as a consequence of its status as a listed building, its location in a conservation area or the material impact that such installation would have on a protected species;
 - (ii) would otherwise be unlawful; or
 - (iii) is not feasible due to local environmental conditions or the structure of the property.

Eligible installations which are CHP systems

12.—(1) This regulation applies if the plant is a CHP system which complies with the requirements in paragraphs (2) and (3).

- (2) The requirements in this paragraph are that the CHP system generates heat and power from—
- (a) one of the sources of energy set out in paragraph (5) alone, or
 - (b) solid biomass, solid biomass contained in waste or biogas, alone or in any combination or with any other source of energy provided that—
 - (i) the combustion unit in which that solid biomass, solid biomass contained in waste or biogas is burned was first commissioned as part of a CHP system on or after 4th December 2013;
 - (ii) the combustion unit was new at the time of installation;
 - (iii) (except in relation to the use of solid biomass contaminated with fossil fuel) the combustion unit in which that solid biomass, solid biomass contained in waste or biogas is burned is a separate combustion unit from that in which any other fuel is burned.

(3) Where energy is supplied to the CHP system from a combustion unit in which solid biomass (excluding solid biomass contained in waste) is burned, the requirements in this paragraph are that where an application for accreditation relating to the combustion unit is made on or after 24th September 2013, that combustion unit complies with the requirements in regulation 5(1)(c)(i) or (ii).

(4) The requirements in paragraph (2)(b)(i) and (ii) are deemed to be satisfied where the combustion unit was previously supplying energy for the generation of power only and the plant to which it supplies energy is first commissioned as a CHP system on or after 4th December 2013.

- (5) The sources of energy referred to in paragraph (2)(a) are—
- (a) solid biomass (excluding solid biomass contained in waste);
 - (b) solid biomass contained in waste;
 - (c) biogas, provided that the combustion unit in which the biogas is burned does not generate heat from solid biomass;

(d) deep geothermal energy.

(6) In the case of CHP systems which generate heat and power from biogas, references in this regulation to “combustion unit” include the biogas production plant which produces the biogas which is used in the combustion unit.

Eligible installations which are new solid biomass CHP systems

13.—(1) This regulation applies if the plant is a CHP system which complies with the requirements in paragraphs (2) and (3).

(2) The requirement in this paragraph is that the CHP system is certified under CHPQA.

(3) The requirements in this paragraph are that the CHP system generates heat and power from solid biomass (excluding solid biomass contained in waste) alone or in combination with any other source of energy provided that the combustion unit in which that solid biomass is burned—

- (a) was first commissioned as part of a CHP system on or after 4th December 2013;
- (b) was new at the time of installation;
- (c) except in relation to the use of solid biomass contaminated with fossil fuel, is a separate combustion unit from that in which any other fuel is burned; and
- (d) complies with the requirements in regulation 5(1)(c)(i) and (ii).

(4) The requirements in paragraph (3)(a) and (b) are deemed to be satisfied where the combustion unit was previously supplying energy for the generation of power only and the plant to which it supplies energy is first commissioned as a CHP system on or after 4th December 2013.

Eligible installations generating heat using geothermal sources

14. This regulation applies if the plant generates heat using naturally occurring energy located and extracted from at least 500 metres beneath the surface of solid earth.

Eligible installations generating heat using biogas

15. This regulation applies if the plant generates heat from biogas alone.

Other eligibility requirements for technologies

16.—(1) The requirements referred to in regulation 4(b)(i) are—

- (a) except where regulation 12(2)(b) or 13 applies—
 - (i) in the case of a plant generating heat using biogas combustion with an installation capacity of 200kWth or above or an air source heat pump, the plant was first commissioned on or after 4th December 2013;
 - (ii) in all other cases, installation of the plant was completed and the plant was first commissioned on or after 15th July 2009;
- (b) except where regulation 12(2)(b) or 13 applies, the plant was new at the time of installation;
- (c) the plant uses liquid or steam as a medium for delivering heat to the space, water or process or to any of the purposes in regulation 3(2)(b); and
- (d) the heat generated by the plant is used for an eligible purpose.

(2) In the case of a CHP system—

- (a) the requirements of paragraphs (1)(a)(i) and (b) are deemed to be satisfied where a plant was previously generating electricity only, using biogas, and was first commissioned as a CHP system on or after 4th December 2013; and

- (b) the requirements of paragraphs (1)(a)(ii) and (b) are deemed to be satisfied where the plant was previously generating electricity only, using solid biomass, solid biomass contained in waste, or biogas, and was first commissioned as a CHP system on or after 15th July 2009.
- (3) But the requirements of paragraph (1)(a) and (b) are not satisfied where the plant was previously generating heat only and was first commissioned as a CHP system on or after 15th July 2009.

Planning permission

17. The requirement referred to in regulation 4(b)(ii) is that, where an application for accreditation is made on or after the date on which these Regulations come into force, any necessary planning permission has been granted in relation to the plant.

Certification for installation of microgeneration heating equipment

- 18.—(1) A plant meets the requirements set out in this regulation if it is certified under—
- (a) the Microgeneration Certification Scheme⁽³⁾ as installed in accordance with a relevant installation standard in that scheme; or
 - (b) a scheme where—
 - (i) installers are certified to that scheme’s standards by a certification body or organisation accredited to EN 45011⁽⁴⁾ or EN ISO/IEC 17065:2012⁽⁵⁾;
 - (ii) the plant is installed in accordance with the installation requirements applicable to the plant under that scheme on the plant’s first commissioning date and which are equivalent to a relevant installation standard; and
 - (iii) that scheme is equivalent to the Microgeneration Certification Scheme.
- (2) In paragraph (1), if the first commissioning date for the plant is on or after the date on which these Regulations come into force, “relevant installation standard” means—
- (a) where the plant generates heat from solid biomass or solid biomass contained in waste, version 4.2 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 6th May 2015⁽⁶⁾;
 - (b) where the plant is a ground source heat pump or air source heat pump, version 5.0 of the document entitled “Microgeneration Installation Standard: MIS 3005 requirements for MCS contractors undertaking the supply, design, installation, set to work, commissioning and handover of microgeneration heat pump systems” published on 28th April 2017⁽⁷⁾; or
 - (c) where the plant generates heat using a solar collector, version 4.2 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 1st May 2015⁽⁸⁾.
- (3) In paragraph (1), if the first commissioning date for the plant is earlier than the date on which these Regulations come into force, “relevant installation standard” means any installation

(3) Details of which are available at www.microgenerationcertification.org

(4) The ISBN for the English language version of this standard is ISBN 0 580 29415 3. This standard was published by the British Standards Institution on 15 July 1998 and copies can be obtained at www.bsigroup.com.

(5) The ISBN for the English language version of this standard is ISBN 978 0 580 78472 9. This standard was published by the British Standards Institution on 31 October 2012 and copies can be obtained at www.bsigroup.com.

(6) Published on www.microgenerationcertification.org

(7) Published on www.microgenerationcertification.org

(8) Published on www.microgenerationcertification.org

requirements applicable to the plant under the Microgeneration Certification Scheme on the plant's first commissioning date.

Plants comprised of more than one plant

19.—(1) Subject to paragraphs (2) and (3), the eligibility criteria are not met if the plant in respect of which eligibility is being determined is comprised of more than one plant.

(2) A plant does not comprise more than one plant for the purposes of paragraph (1) where it comprises two or more plants (“component plants”) which—

- (a) use the same source of energy and technology,
- (b) form part of the same heating system,
- (c) are not accredited RHI installations, and
- (d) meet the eligibility criteria, but the requirements in regulation 18 do not need to be met where the combined installation capacity of the component plants is over 45kWth.

(3) Additional RHI capacity is not to be regarded as a separate plant for the purpose of this regulation.

Excluded plants

20.—(1) The eligibility criteria are not met if the plant—

- (a) is generating heat solely for the use of one domestic premises;
- (b) is, in the Authority's opinion, generating heat solely for a purpose which is not an eligible purpose; or
- (c) is a plant which—
 - (i) is additional RHI capacity and was first commissioned more than 12 months after the original installation (within the meaning of regulation 76) was first commissioned;
 - (ii) generates heat using a solar collector or in the case of additional RHI capacity commissioned before 4th December 2013, using biogas;
 - (iii) has an installation capacity which, together with the installation capacities of all related plants, is 200kWth or above.

(2) For the purposes of this regulation, “related plant” means any plant for which an application for accreditation has been made (whether or not it has been accredited) which uses the same source of energy and technology and forms part of the same heating system as the plant referred to in paragraph (1)(c).

CHAPTER 3

Eligibility criteria in relation to metering and steam measuring

Metering of plants in simple systems where application for accreditation of the plant is made before 24th September 2013

21. A class 2 heat meter must be installed to measure the heat in kWhth generated by a plant where—

- (a) the plant is generating and supplying heat solely for one or more eligible purposes within one building;
- (b) no heat generated by the plant is delivered by steam;
- (c) the plant is not a CHP system; and
- (d) the application for accreditation of the plant is made before 24th September 2013.

Metering of plants in complex systems where application for accreditation of the plant is made before 24th September 2013

22.—(1) This regulation applies to a plant where regulation 21 does not apply and the application for accreditation of the plant is made before 24th September 2013.

(2) Subject to regulation 27—

- (a) where heat generated by the plant is delivered by liquid, class 2 heat meters must be installed to measure both the kWhth of heat generated by that plant and the kWhth of heat used for eligible purposes by the heating system of which that plant forms part; and
- (b) where heat generated by the plant is delivered by steam, the following must be installed—
 - (i) steam measuring equipment to measure both the heat generated in the form of steam by the plant and the heat in the form of steam used for eligible purposes; and
 - (ii) a class 2 heat meter or steam measuring equipment to measure any condensate or steam which returns to the plant.

(3) Where this regulation applies, and more than one plant is supplying heat to the heating system supplied by the plant, steam measuring equipment or class 2 heat meters must be installed, as appropriate, to measure the heat generated in kWhth by all plants supplying heat to that heating system.

Metering in respect of applications for accreditation made on or after 24th September 2013

23.—(1) Subject to regulation 24, this regulation applies to any plant in respect of which an application for accreditation is made on or after 24th September 2013.

(2) Subject to paragraph (3) and regulation 27—

- (a) where heat generated by the plant is delivered by liquid—
 - (i) one class 2 heat meter, and
 - (ii) such other class 2 heat meters as may be necessary,
 must be installed so as to enable the kWhth of heat generated by that plant which is used for eligible purposes to be determined;
- (b) where heat generated by the plant is delivered by steam—
 - (i) such steam measuring equipment as may be necessary, and
 - (ii) such class 2 heat meters to measure any condensate returning to the plant as may be necessary,
 must be installed so as to enable the kWhth of heat generated by that plant which is used for eligible purposes to be determined.

(3) For the purposes of determining the heat generated by a plant which is used for eligible purposes it is not necessary to measure heat loss—

- (a) which may be disregarded in accordance with regulation 75(2), or
- (b) for which a heat loss calculation may be provided in accordance with regulation 75(4) or (5).

Metering in respect of shared ground loop systems

24.—(1) Subject to paragraph (2), regulation 23 applies in respect of each ground source heat pump which forms part of a shared ground loop system.

(2) But where a ground source heat pump which forms part of a shared ground loop system is installed in domestic premises, regulation 23 only applies if one or more of the following conditions is met—

- (a) the ground source heat pump provides heat to the same property as another plant (“plant B”), unless plant B—
 - (i) is a solar thermal plant;
 - (ii) is designed and installed to heat only one room;
 - (iii) captures heat from air which is expelled from the property and transfers that heat into fresh air entering that property without generating additional heat;
 - (iv) 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
 - (v) is a supplementary electric heater which is controlled by the same control system as the control system governing the ground source heat pump;
- (b) the property to which the ground source heat pump provides heat was occupied for less than 183 days in the 12 month period ending with the tariff start date for the shared ground loop system and is not a new-build property; or
- (c) the ground source heat pump is capable of using a fuel when generating heat for an eligible purpose.

(3) Where a ground source heat pump which forms part of a shared ground loop system is installed in domestic premises and one or more of the conditions in paragraph (2) is met, a certified installer must have been responsible for the installation of any heat meter required by these Regulations.

Electricity metering in respect of ground source and air source heat pumps in respect of which the application for accreditation is made on or after 28th May 2014 and shared ground loop systems

25.—(1) This regulation applies to any ground source heat pump or air source heat pump in respect of which an application for accreditation is made on or after 28th May 2014 and to shared ground loop systems.

(2) Where this regulation applies to a ground source heat pump or air source heat pump, the following meters must be installed—

- (a) such electricity meters as will enable the seasonal performance factor of the heat pump to be determined to the satisfaction of the Authority;
- (b) in the case of a ground source heat pump, where that heat pump is capable of simultaneous heating and cooling, such metering as will enable the heat drawn from the ground, including water in the ground, or from surface water, to be measured.

(3) Where this regulation applies to a shared ground loop system—

- (a) paragraph (2)(a) applies in respect of each ground source heat pump which forms part of the shared ground loop system for which heat is required to be metered under regulation 24;
- (b) where heat generated by a ground source heat pump which forms part of the shared ground loop system is not required to be metered under regulation 24, such electricity meters must be installed as will enable the electrical input into each of those ground source heat pumps to be metered;
- (c) paragraph (2)(b) applies in respect of the ground loop where any of the ground source heat pumps which form part of the shared ground loop system is capable of simultaneous heating and cooling;
- (d) where a ground source heat pump is installed in domestic premises—

- (i) such electricity meters must be installed as will enable the separate measurement of the electrical input into—
 - (aa) any supplementary electric heater that is controlled by the same control system which governs the ground source heat pump; or
 - (bb) any immersion heater for a domestic hot water cylinder where the heater is controlled by the same control system which governs the ground source heat pump; and
- (ii) any electricity meter installed in accordance with paragraph (i) which is not an on-board meter, must—
 - (aa) be properly calibrated,
 - (bb) be properly installed by, or under the responsibility of, a certified installer,
 - (cc) be in good working order, and
 - (dd) bear a label which identifies the ground source heat pump, supplementary electric heater or immersion heater being metered; and
- (e) such electricity meters must be installed as will enable the electrical input into any ground loop circulation pump to be measured, and those which are not on-board meters must—
 - (i) be properly calibrated,
 - (ii) be properly installed,
 - (iii) be in good working order, and
 - (iv) bear a label which identifies the circulation pump being metered.

(4) An electricity meter installed in accordance with paragraph (3) in domestic premises must, except in the case of an on-board meter, meet the relevant requirements set out in Annex 1 to the Measuring Instruments Directive, the specific requirements listed in Annex V (Active electrical energy meters (MI-003)) to that Directive and the requirements for accuracy class A as defined in Annex V to that Directive.

(5) In this regulation, “on-board meter” means an electricity meter which is integrated into a ground source heat pump and is able to display the electricity consumption, in kWh, of the ground source heat pump, including where applicable, the electricity consumption of a ground loop circulation pump contained within it.

Shared meters

- 26.**—(1) The heat generated by a plant must be individually metered.
- (2) But the heat generated by two or more plants may be metered using one meter provided that—
- (a) the plants use the same source of energy and technology;
 - (b) the plants will, once given accreditation, be eligible to receive the same tariff;
 - (c) the plants will then share the same tariff start date and tariff end date; and
 - (d) it is the Authority’s opinion that a single meter is capable of metering the heat generated by all of those plants.

Metering of CHP systems generating electricity only before commissioning as a CHP system

27.—(1) This regulation applies where the plant is a CHP system and the requirements of regulation 16(1)(a) and (b) are deemed to be satisfied in accordance with regulation 16(2).

(2) Where this regulation applies, any existing heat meter or steam measuring equipment installed before 28th November 2011 may continue to be used by a participant to measure the heat generated

by the CHP system and used for eligible purposes, provided that the CHP system was registered under the CHPQA before that date.

(3) For the purpose of this regulation, “the CHPQA” means the Combined Heat and Power Quality Assurance Standard, Issue 3, January 2009, as published by the Department of Energy and Climate Change⁽⁹⁾.

Matters relating to all heat meters and steam measuring equipment

28.—(1) All heat meters installed or used in accordance with these Regulations must, where applicable—

- (a) be calibrated prior to use;
- (b) be calibrated correctly for any water/ethylene glycol mixture;
- (c) be (or have been) properly installed in accordance with the manufacturer’s instructions; and
- (d) be positioned to provide accurate measurements.

(2) All steam measuring equipment installed or used in accordance with these Regulations must be—

- (a) calibrated prior to use;
- (b) capable of displaying measured steam pressure and temperature;
- (c) capable of displaying the current steam mass flow rate and the cumulative mass of steam which has passed through it since it was installed;
- (d) properly installed in accordance with the manufacturer’s instructions; and
- (e) positioned to provide accurate measurements.

(3) The requirements in paragraphs (1)(c) and (2)(d) are deemed to be met where the Authority is satisfied that, were the plant to be accredited, the participant would not as a consequence of the failure to install in accordance with the manufacturer’s instructions, be entitled to receive periodic support payments which were materially different from those which would have been payable had the manufacturer’s instructions been complied with.

Additional metering requirements for plants generating heat from biogas

29. Where a plant is generating heat from biogas, the following additional metering requirements apply—

- (a) a class 2 heat meter must be installed to meter any heat directed from the plant combusting the biogas to the biogas production plant; and
- (b) a class 2 heat meter must be installed to meter any heat supplied to the biogas production plant from any source other than—
 - (i) the plant combusting the biogas; and
 - (ii) where the biogas has been produced by anaerobic digestion, the feedstock from which it was produced.

(9) A copy is available on www.gov.uk