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DRAFT STATUTORY INSTRUMENTS

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**2017 No.**

**The Renewable Heat Incentive Scheme Regulations 2017**

**PART 6**

Changes affecting accredited RHI installations

**Review of accreditation or registration following notification of a change in circumstances**

**52.**—(1) This regulation applies where—

- (a) the Authority receives a notification under regulation 43; and
- (b) regulations 54 and 55 do not apply.

(2) On receipt of the notification, the Authority may—

- (a) require the participant to provide such information as the Authority considers necessary to enable the Authority to consider whether a review should be carried out in accordance with this regulation and, if appropriate, to carry out such a review; and
- (b) either—
  - (i) review the accreditation of the accredited RHI installation to which the notification relates to ensure that it continues to meet the eligibility criteria; or
  - (ii) review the registration of the registered biomethane producer to which the notification relates to ensure that the producer continues to meet the requirements under these Regulations.

(3) No periodic support payment may be made from the date on which the Authority receives the notification until the Authority has notified the participant that—

- (a) it is satisfied that it is not necessary to review the accreditation of the installation or registration of the biomethane producer; or
- (b) it has carried out a review and is satisfied that the installation may continue to be an accredited RHI installation or the biomethane producer may continue to be registered.

(4) Following a notification by the Authority under paragraph (3) the Authority must resume payment of periodic support payments in accordance with these Regulations and pay to the participant any periodic support payments withheld in accordance with paragraph (3).

**Change in circumstances for shared ground loop systems**

**53.**—(1) Paragraph (2) applies if, following a review under regulation 52 or an investigation under Part 9 in respect of an accredited shared ground loop system, the Authority considers that—

- (a) one of the conditions set out in regulation 24(2) applies to a ground source heat pump which forms part of an accredited shared ground loop system and in respect of which the heat generated has not been metered in accordance with regulation 24; or

- (b) the property to which the ground source heat pump provides heat was occupied for less than 183 days in any 12 month period ending with the anniversary of the accredited RHI installation's tariff start date.

(2) Where this paragraph applies the heat generated by the ground source heat pump must be metered in accordance with regulation 24.

(3) No periodic support payment may be made in respect of that ground source heat pump from the date on which the Authority receives the notification under regulation 43, or commences its investigation under Part 9, until the day on which the Authority is provided with evidence that the metering requirements in paragraph (2) have been met.

(4) When payments are resumed in accordance with paragraph (3), such payments must be calculated in accordance with regulation 70(3).

### **Changes in ownership**

**54.**—(1) This regulation applies where ownership of all or part of an accredited RHI installation is transferred to another person.

(2) No periodic support payment may be made to a new owner until—

- (a) that owner has notified the Authority of the change in ownership; and
- (b) the steps set out in paragraph (3) have been completed.

(3) On receipt of a notification under paragraph (2), the Authority—

- (a) may require the new owner to provide such information as the Authority considers necessary for the proper administration of the scheme;
- (b) may review the accreditation of the accredited RHI installation to ensure that it continues to meet the eligibility criteria and should remain an accredited RHI installation.

(4) Where the Authority has received notification under paragraph (2)(a), such information as has been required under paragraph (3)(a), if any, and, where a review has been carried out, is satisfied as to the matters specified in paragraph (3)(b), it must, subject to paragraph (5)—

- (a) update the central register referred to in regulation 30(9)(c);
- (b) where the new owner is to become the participant, send the new owner a statement of eligibility setting out the information specified in regulation 30(9)(f); and
- (c) where applicable, send the new owner (if the new owner is to become the participant) a notice in accordance with regulation 30(9)(e).

(5) Except where there is a change in ownership of an accredited RHI installation which is a shared ground loop system, where the change in ownership relates to a ground source heat pump which forms part of a shared ground loop system, that ground source heat pump will cease to form part of that accredited RHI installation for the purposes of these Regulations and no further periodic support payments may be made for the heat generated by that ground source heat pump.

(6) If, within a period of 12 months commencing with the transfer of ownership of the accredited RHI installation, no notification is made in accordance with paragraph (2) or paragraph (4) does not apply, the installation will on the expiry of that period cease to be accredited and accordingly no further periodic support payments may be made in respect of the heat it generates.

(7) The period specified in paragraph (6) may be extended by the Authority where the Authority considers it is just and equitable to do so.

(8) Subject to paragraphs (5) and (9), if the steps required under paragraphs (3) and (4) are completed, the new owner of an accredited RHI installation must be paid periodic support payments calculated from the date of completion of those steps for the remainder of the tariff lifetime of that accredited RHI installation in accordance with these Regulations.

(9) Where a transfer of ownership of all or part of an accredited RHI installation takes place and results in that accredited RHI installation being owned by more than one person, the Authority may require that only one of those owners is the participant for the purposes of the scheme and require that owner to comply with sub-paragraphs (b) and (c) of regulation 30(3).

### **Changes in location of accredited RHI installations**

**55.**—(1) This regulation applies where an accredited RHI installation is moved to a new location.

(2) No periodic support payment may be made in respect of the accredited RHI installation after the date on which it is moved to a new location until—

- (a) the owner has notified the Authority of the change in location; and
- (b) the Authority has concluded that the accredited RHI installation should continue to be accredited.

(3) On receipt of a notification under paragraph (2) the Authority—

- (a) may require the owner to provide such information as the Authority considers necessary for the proper administration of the scheme; and
- (b) must review the accreditation of the accredited RHI installation to determine whether it continues to meet the eligibility criteria in the new location (except the requirement in regulation 16(1)(b)) and accordingly whether it should continue to be accredited.

(4) Where the Authority concludes that the accredited RHI installation should continue to be accredited it must update the central register referred to in regulation 30(9)(c) if appropriate.

(5) Where the Authority concludes that the accredited RHI installation should continue to be accredited, periodic support payments calculated from the date of that decision and for the remainder of the tariff lifetime of that accredited RHI installation shall be payable in accordance with these Regulations.