
DRAFT STATUTORY INSTRUMENTS

2017 No.

The Renewable Heat Incentive Scheme Regulations 2017

PART 5

Sustainable solid biomass etc

Ongoing obligation to use sustainable solid biomass or biogas or to produce sustainable biomethane

48.—(1) A participant who generates heat or heat and power from solid biomass or biogas in an accredited RHI installation on or after 5th October 2015 must use only sustainable solid biomass or sustainable biogas.

(2) A participant who produces biomethane for injection on or after 5th October 2015 must produce for injection only sustainable biomethane.

(3) Paragraph (1) is deemed to be complied with in respect of—

(a) any biogas or solid biomass used in an accredited RHI installation—

(i) which is a generating station which is accredited under the Renewables Obligation Order 2009⁽¹⁾, the Renewables Obligation Order 2015⁽²⁾ or the Renewables Obligation (Scotland) Order 2009⁽³⁾;

(ii) where the capacity of that generating station is 1MW or above; and

(iii) where—

(aa) in the case of solid biomass used before 24th March 2016, information about that solid biomass is provided to the Authority in accordance with article 54 of either the Renewables Obligation Order 2009⁽⁴⁾ or the Renewables Obligation (Scotland) Order 2009⁽⁵⁾;

(bb) in the case of biogas or solid biomass used on or after 24th March 2016 in a generating station in Scotland, the biogas or solid biomass meets the greenhouse gas emission criteria in paragraph 2 of Part 1 of Schedule A1A to the Renewables Obligation (Scotland) Order 2009⁽⁶⁾ and the relevant land criteria in Schedule A2 to that Order⁽⁷⁾; or

(cc) in the case of biogas or solid biomass used on or after 24th March 2016 in a generating station in England or Wales, the biogas or solid biomass meets the greenhouse gas criteria in paragraph 2 of Part 1 of Schedule 2

(1) [S.I. 2009/785](#); relevant amending instruments are [S.I. 2010/1107](#), [S.I. 2011/984](#), [S.I. 2013/768](#), and [S.I. 2014/ 893](#).

(2) [S.I. 2015/1947](#).

(3) [S.S.I. 2009/140](#); relevant amending instruments are [S.S.I. 2010/147](#), [S.S.I. 2011/225](#), [S.S.I. 2013/116](#), [S.S.I. 2014/94](#), and [S.S.I. 2015/384](#).

(4) [S.I. 2009/785](#); relevant amending instruments are [S.I. 2010/1107](#), [S.I. 2011/984](#), [S.I. 2013/768](#), and [S.I. 2014/ 893](#).

(5) [S.S.I. 2009/140](#); relevant amending instruments are [S.S.I. 2010/147](#), [S.S.I. 2011/225](#), [S.S.I. 2013/116](#), and [S.S.I. 2014/94](#).

(6) Schedule A1A was inserted by [S.S.I. 2015/384](#).

(7) Schedule A2 was substituted by [S.S.I. 2015/384](#).

to the Renewables Obligation Order 2015 and the relevant land criteria in Schedule 3 to that Order; or

- (b) any solid biomass used in an accredited RHI installation to generate heat (but not heat and power) which—
 - (i) at the time when it is received by the participant, is an approved sustainable fuel; or
 - (ii) is a fuel in respect of which the Secretary of State has made a declaration under regulation 51(5).