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DRAFT STATUTORY INSTRUMENTS

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**2018 No.**

**The Domestic Renewable Heat Incentive  
Scheme (Amendment) Regulations 2018**

**Insertion of Part 7A (ongoing obligations for RIs)**

17. After regulation 44 insert—

**“PART 7A**

**Ongoing obligations on RIs**

**Ongoing obligations on RIs: general**

**44A.—(1)** An RI—

- (a) must not receive any grant from public funds for any of the cost of the purchase or installation of the accredited domestic plant for which they are the NRI, other than any grant which was notified to the Authority when the accreditation application was made;
- (b) must maintain membership of a code of practice and comply with the terms of that code of practice;
- (c) must comply with any condition attached to their investor registration;
- (d) must comply with such other administrative requirements as the Authority may specify in relation to the effective administration of the domestic RHI scheme;
- (e) where RI is an NRI, must notify the Authority if they intend to amend any contract referred to in paragraph 1(g) of Schedule 4A, or to enter into a new form of such a contract;
- (f) if RI becomes aware that a plant in relation to which they are the NRI is not in good working order, must ensure that the Authority is notified accordingly;
- (g) if RI becomes aware that a plant in relation to which they are the NRI is going to be, or has been, replaced, must ensure that the Authority is notified accordingly;
- (h) if RI becomes aware that there is a material change in circumstances of a participant in relation to a plant for which RI is the NRI, and which may affect whether that plant should be metered under regulation 13, must ensure the authority is notified accordingly; and
- (i) must repay any overpayment in accordance with any notice served on them under regulation 60.

(2) A notification under any of sub-paragraphs (e) to (h) of paragraph (1) must be made within 28 days of the RI becoming aware of the circumstances to which the notification relates.

### **Ongoing obligations on RIs: changes affecting RI's registration**

**44B.**—(1) An RI must notify the Authority if, at any time—

- (a) RI becomes aware that any of the information provided by RI in support of RI's investor application is incorrect;
- (b) RI becomes aware that RI will not be able to comply with an ongoing obligation;
- (c) RI ceases to comply with an ongoing obligation; or
- (d) where there is an assignment, there is any other change in circumstances which may affect RI's eligibility to receive RHI payments.

(2) A notification under this regulation must be made within 28 days of the RI becoming aware of the circumstances to which the notification relates.

### **Ongoing obligations on RIs: annual declarations**

**44C.** RI must submit a declaration each year to the Authority, at such time and in such form as the Authority may request, confirming—

- (a) that, to the best of RI's knowledge and belief, no RI or previous RI in relation to an accredited domestic plant for which RI is the NRI has received—
  - (i) any grant from public funds for the cost of the purchase or installation of the accredited domestic plant other than any grant which was notified to the Authority before the accreditation application was determined;
  - (ii) funding from any other source (other than under a loan or a Green Deal Plan for which an owner is liable to make, or has made, payments) which reimbursed all of the costs incurred by RI, any owner or any previous owner for the cost of the purchase or installation of the accredited domestic plant;
- (b) that RI remains a member of a code of practice and is in compliance with the terms of that code of practice;
- (c) that RI does not own all or part of any accredited domestic plant or formerly accredited domestic plant for which RI is the NRI;
- (d) where RI is an NRI, that any contract referred to in paragraph 1(j) of Schedule 4 is still in force and its terms are being adhered to, or notification of any change to the terms of that contract; and
- (e) where RI is an NRI, that RI's NRI status in relation to any accredited domestic plant has not been transferred to or from RI, other than in accordance with regulation 22F.

### **Ongoing obligations on RI: provision of information**

**44D.**—(1) RI must provide the Authority on request any information which RI holds and which the Authority requires in order to discharge its functions under these Regulations.

(2) RI must retain a copy of—

- (a) any information relied on when making any investor application; and
- (b) any other evidence which verifies that RI is continuing to comply with the ongoing obligations to which RI is subject,

whether or not copies of that documentation have been supplied to the Authority.

(3) RI must comply with any request for information under paragraph (1) within 28 days of the request or such later date as the Authority may specify.”