
DRAFT STATUTORY INSTRUMENTS

2018 No.

The Renewable Heat Incentive Scheme Regulations 2018

PART 4

Ongoing obligations for participants

CHAPTER 3

Ongoing obligations relating to other matters

Ongoing obligations: general

- 43.** Participants must comply with the following ongoing obligations, as applicable—
- (a) they must keep and provide upon request by the Authority records of type of fuel used and fuel purchased for the duration of their participation in the Scheme;
 - (b) where they have used solid biomass which was an approved sustainable fuel at the time when it was received by the participant or in respect of which the Secretary of State had made a declaration under regulation 51(5), they must keep and provide upon request by the Authority the authorisation number or other means of identification allocated to that fuel by the scheme under which that fuel is listed;
 - (c) they must keep and provide upon request by the Authority written records of fossil fuel used for the permitted ancillary purposes specified in Chapters 1 and 2;
 - (d) they must submit an annual declaration as requested by the Authority confirming, as appropriate, that they are using their accredited RHI installations in accordance with the eligibility criteria and are complying with the relevant ongoing obligations;
 - (e) they must notify the Authority if any of the information provided in support of their application for accreditation or registration was incorrect;
 - (f) they must ensure that their accredited RHI installation continues to meet the eligibility criteria;
 - (g) they must comply with any condition attached to their accreditation or registration;
 - (h) they must keep their accredited RHI installation maintained to the Authority's satisfaction and keep evidence of this including service and maintenance documents;
 - (i) participants combusting biogas must not deliver heat by air from their accredited RHI installation to the biogas production plant producing the biogas used for combustion;
 - (j) they must allow the Authority or its authorised agent reasonable access in accordance with regulation 85;
 - (k) participants generating heat from solid biomass or solid biomass contained in waste must comply with the regulation specified by the Authority in accordance with regulation 30(9)(e);
 - (l) they must notify the Authority within 28 days where they have ceased to comply with an ongoing obligation or have become aware that they will not be able so to comply, or where

- there has been any change in circumstances which may affect their eligibility to receive periodic support payments;
- (m) they must notify the Authority within 28 days of the addition or removal of a plant supplying heat to a heating system of which their accredited RHI installation forms part;
 - (n) they must notify the Authority within 28 days of a change in ownership of all or part of their accredited RHI installation;
 - (o) they must repay any overpayment in accordance with any notice served under regulation 83;
 - (p) they must, if requested—
 - (i) provide evidence that the heat for which periodic support payments are made is used for an eligible purpose, or
 - (ii) where there is heat delivered to a biogas combustion plant, provide evidence to enable the Authority to determine whether the proportion of heat delivered has been correctly calculated;
 - (q) they must not generate heat for the purpose of increasing their periodic support payments;
 - (r) where a heat loss calculation is used, they must notify the Authority within 28 days where there are any changes in circumstances which may affect the basis of that calculation;
 - (s) they must notify the Authority within 28 days where the accredited RHI installation is moved to a new location;
 - (t) they must comply with such other administrative requirements that the Authority may specify in relation to the effective administration of the Scheme;
 - (u) participants generating heat and power in a CHP system to which regulation 13 applies, must notify the Authority within 28 days where CHPQA certification ceases to apply;
 - (v) where heat is generated in a combustion unit which forms part of a CHP system and in respect of which periodic support payments are made, participants must—
 - (i) except for solid biomass contaminated with fossil fuel, use only one source of energy in that combustion unit; and
 - (ii) keep and provide upon request to the Authority records of the fuel used in every combustion unit which forms part of that CHP system;
 - (w) participants generating heat using a ground source heat pump for which an application for accreditation is made on or after 28th May 2014 and which is capable of heating and cooling, must keep and provide upon request to the Authority, details of the calculation of the design heat load;
 - (x) participants to whom regulation 32(12) applies, must ensure that any necessary planning permission continues to be complied with in respect of the processes by which the biogas which is used to produce the biomethane is produced, the biogas is converted into biomethane, and the biomethane is injected;
 - (y) where regulation 74 applies, the participant must comply with the following obligations in relation to each payment year (within the meaning of regulation 74)—
 - (i) the participant must provide a declaration to the Authority following the end of each payment year stating the proportion of the total biogas yield for that payment year which is not derived from waste or residue; and
 - (ii) in the case of a producer of biomethane for injection or an accredited RHI installation with an installation capacity of 1MWth or above which generates heat from biogas, the annual report submitted by the participant in accordance with regulation 50 must

confirm whether the figure provided by the participant under sub-paragraph (i) is correct, together with supporting evidence to show how it is calculated.

Ongoing obligations: emissions from biomass

44. Participants generating heat from solid biomass in an accredited RHI installation in respect of which an RHI emission certificate is required must—

- (a) use fuel of a type specified in the RHI emission certificate;
- (b) use fuel with a moisture content which is no greater than the maximum moisture content specified in the RHI emission certificate; and
- (c) operate the accredited RHI installation in accordance with the manufacturer's instructions for that plant in relation to the control of emissions of PM and NO_x.

Ongoing obligations in relation to metering

45.—(1) Participants must keep all meters and steam measuring equipment required to be used in accordance with these Regulations—

- (a) continuously operating;
- (b) properly maintained and periodically checked for errors;
- (c) re-calibrated every 10 years or within such period of time as may be specified in accordance with manufacturers' instructions where available, whichever is the sooner; and
- (d) located in accordance with any conditions attached to the accreditation of the plant,

and must retain evidence of this, including service and maintenance invoices, receipts or certificates for the duration of their participation in the Scheme.

(2) The Authority may, by the date (if any) specified by it, or at such regular intervals as it may require to enable it to carry out its functions under these Regulations or to gather data to assess the performance of technologies in the Scheme, require participants to provide the following information—

- (a) meter readings and other data collected in accordance with these Regulations from all steam measuring equipment, class 2 heat meters, and any other meters used in accordance with these Regulations in such format as the Authority may reasonably require;
- (b) in relation to participants using steam measuring equipment, a kWhth figure of both the heat generated and the heat used for eligible purposes together with supporting data and calculations; and
- (c) the evidence and service and maintenance documentation specified in paragraph (1).

(3) Participants using heat pumps to provide both heating and cooling must ensure that their meters for those pumps enable them to—

- (a) measure heat used for eligible purposes only; and
- (b) where appropriate, measure (in order to discount) any cooling generated by the reverse operation of the heat pump,

and must provide upon request an explanation of how their metering arrangements have enabled the cooling in sub-paragraph (b) to be discounted.

(4) The data referred to in paragraph (2)(a) and (b) may be estimated in exceptional circumstances if the Authority has agreed in writing to an estimate being provided and to the way in which those estimates are to be calculated.

(5) Nothing in this regulation prevents the Authority from accepting further data from a participant, if the Authority considers it appropriate to do so.

Ongoing obligations in relation to the provision of information

46.—(1) A participant must provide to the Authority on request any information which the participant holds and which the Authority requires in order to discharge its functions under these Regulations.

(2) A participant must retain a copy of—

- (a) any information relied on when making any application for accreditation or registration or, if the participant did not make that application, given to the participant by the person who made the application; and
- (b) any other evidence which verifies that the accreditation or registration meets the eligibility criteria and that the participant is continuing to comply with the ongoing obligations.

(3) Information requested under paragraph (1) must be provided within 7 days of the request or such later date as the Authority may specify.

(4) Information provided to the Authority under these Regulations must be—

- (a) accurate to the best of the participant’s knowledge and belief; and
- (b) provided in such manner and form as the Authority may reasonably request.

(5) The costs of providing information under these Regulations are to be borne by the participant.