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STATUTORY INSTRUMENTS

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**2016 No. 1108**

**ENERGY**

**The Combined Heat and Power  
Quality Assurance Regulations 2016**

*Made* - - - - *16th November 2016*  
*Laid before Parliament* *18th November 2016*  
*Coming into force* - - *1st January 2017*

These Regulations are made by the Secretary of State, being a Minister designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to energy and energy sources, in exercise of the powers conferred by section 2(2) of that Act.

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Combined Heat and Power Quality Assurance Regulations 2016 and come into force on 1st January 2017.

(2) The amendments made by these Regulations have the same extent as the provisions which they amend.

**Amendment to the Renewables Obligation Order 2015**

2. In the Renewables Obligation Order 2015<sup>(3)</sup>, in article 2(1), for the definition of “CHPQA” substitute—

““CHPQA” means the Combined Heat and Power Quality Assurance Standard, Issue 6, October 2016 and Guidance Note 44 (Use of CHPQA in respect of the Renewables Obligation and Contracts for Difference), Issue 6, October 2016<sup>(4)</sup>”.

**Amendments to the Renewables Obligation Closure Order 2014**

3. In the Renewables Obligation Closure Order 2014<sup>(5)</sup>—

(a) in article 2(1) (interpretation) after the definition of “CHPQA 5” insert—

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(1) Article 6 of the European Communities (Designation) Order 2010 (S.I. 2010/761).  
(2) 1972 c.68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7).  
(3) S.I. 2015/1947.  
(4) Available at [www.gov.uk/guidance/combined-heat-power-quality-assurance-programme](http://www.gov.uk/guidance/combined-heat-power-quality-assurance-programme).  
(5) S.I. 2014/2388.

““CHPQA 6” means the Combined Heat and Power Quality Assurance Standard, Issue 6, October 2016(6);”;

- (b) in article 8(3)(b) (circumstances relating to certain generating stations that have been allocated a place within the dedicated biomass cap) for “CHPQA 3 or CHPQA 5” substitute “CHPQA 3, CHPQA 5 or CHPQA 6”.

#### **Amendments to the Renewables Obligation (Scotland) Order 2009**

**4.** In the Renewables Obligation (Scotland) Order 2009(7)—

- (a) in article 2(1) (interpretation), for the definition of “CHPQA” substitute—

““CHPQA” means the Combined Heat and Power Quality Assurance Standard, Issue 6, October 2016 and Guidance Note 44 (Use of CHPQA in respect of the Renewables Obligation and Contracts for Difference), Issue 6, October 2016(8);”;

- (b) in article 22C(3) (electricity generated by certain types of biomass generating station), at the end insert “and in relation to accreditation obtained on or after 1st April 2014 and before 1st January 2017 has the meaning given by article 2 on 1st April 2014”.

#### **Amendment to the Renewables Obligation Order (Northern Ireland) 2009**

**5.** In the Renewables Obligation Order (Northern Ireland) 2009(9), in article 2(1), for the definition of “CHPQA” substitute—

““CHPQA” means the Combined Heat and Power Quality Assurance Standard, Issue 6, October 2016 and Guidance Note 44 (Use of CHPQA in respect of the Renewables Obligation and Contracts for Difference), Issue 6, October 2016(10);”.

#### **Amendment to the Emissions Performance Standard Regulations 2015**

**6.** In the Emissions Performance Standard Regulations 2015(11), in regulation 2, for the definition of “CHPQA standard” substitute—

““CHPQA standard” means the Combined Heat and Power Quality Assurance Standard, Issue 6, October 2016(12);”.

#### **Amendment to the Contracts for Difference (Definition of Eligible Generator) Regulations 2014**

**7.** In the Contracts for Difference (Definition of Eligible Generator) Regulations 2014(13), in regulation 2(1), for the definition of “CHPQA” substitute—

““CHPQA” means the Combined Heat and Power Quality Assurance Standard, Issue 6, October 2016(14);”.

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(6) Available at [www.gov.uk/guidance/combined-heat-power-quality-assurance-programme](http://www.gov.uk/guidance/combined-heat-power-quality-assurance-programme).

(7) S.S.I. 2009/140; relevant amending instruments are S.S.I. 2013/116 and S.S.I. 2014/94.

(8) Available at [www.gov.uk/guidance/combined-heat-power-quality-assurance-programme](http://www.gov.uk/guidance/combined-heat-power-quality-assurance-programme).

(9) S.R. (NI) 2009/154.

(10) Available at [www.gov.uk/guidance/combined-heat-power-quality-assurance-programme](http://www.gov.uk/guidance/combined-heat-power-quality-assurance-programme).

(11) S.I. 2015/933.

(12) Available at [www.gov.uk/guidance/combined-heat-power-quality-assurance-programme](http://www.gov.uk/guidance/combined-heat-power-quality-assurance-programme).

(13) S.I. 2014/2010.

(14) Available at [www.gov.uk/guidance/combined-heat-power-quality-assurance-programme](http://www.gov.uk/guidance/combined-heat-power-quality-assurance-programme).

### **Amendment to the Renewable Heat Incentive Scheme Regulations 2011**

8. In the Renewable Heat Incentive Scheme Regulations 2011(15), in regulation 2(1), for the definition of “CHPQA” substitute—

““CHPQA” means, except as otherwise provided, the Combined Heat and Power Quality Assurance Standard, Issue 6 October 2016(16);”.

### **Amendment to the Guarantees of Origin of Electricity Produced from High-efficiency Cogeneration Regulations 2007**

9. In the Guarantees of Origin of Electricity Produced from High-efficiency Cogeneration Regulations 2007(17), in paragraph 7 of Schedule 1, for “Issue 5, November 2013, published by the Department of Energy and Climate Change” substitute “Issue 6, October 2016(18)”.

16th November 2016

*Neville-Rolfe*  
Minister of State for Energy and Intellectual  
Property  
Department of Business, Energy and Industrial  
Strategy

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(15) S.I. 2011/2860; relevant amending instruments are S.I. 2014/1413 and 2016/718.

(16) Available at [www.gov.uk/guidance/combined-heat-power-quality-assurance-programme](http://www.gov.uk/guidance/combined-heat-power-quality-assurance-programme).

(17) S.I. 2007/292, amended by S.I. 2014/1403; there is another amending instrument but it is not relevant.

(18) Available at [www.gov.uk/guidance/combined-heat-power-quality-assurance-programme](http://www.gov.uk/guidance/combined-heat-power-quality-assurance-programme).

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Article 14(11) of [Directive 2012/27/EU](#) on Energy Efficiency (the ‘Energy Efficiency Directive’) requires that Member States ensure support for cogeneration (also known as Combined Heat and Power) is subject to the electricity produced originating from high-efficiency cogeneration and the waste heat being efficiently used to achieve primary energy savings.

Annex II of the Energy Efficiency Directive contains a methodology for determining the efficiency of the cogeneration process and the calculation of primary energy savings. This determination is made, in part, by reference to ‘efficiency reference values’ for the separate production of heat and electricity.

The second sub-paragraph of Article 14(10) of the Energy Efficiency Directive empowers the European Commission to review, by means of delegated acts, the efficiency reference values laid down in Implementing [Decision 2011/877/EU](#), which applied from 2011-2015. Commission Delegated Regulation (EU) 2015/2402 (the ‘Delegated Regulation’) was made using that power and provided new efficiency reference values applicable from 1st January 2016 onwards.

The Combined Heat and Power Quality Assurance (‘CHPQA’) scheme, through the CHPQA Standard (and Guidance Notes, as applicable) aims to help ensure the requirements in Article 14(11) of the Energy Efficiency Directive are met. Revised versions of the CHPQA Standard and Guidance Note 44 (Issue 6 of both documents) have been published by the Department for Business, Energy and Industrial Strategy to reflect the new efficiency reference values introduced by the Delegated Regulation.

These Regulations amend the following instruments, each of which refer to one or both of the CHPQA Standard or Guidance Note 44, to refer to Issue 6 of those documents: the Renewables Obligation Order 2015; the Renewables Obligation Closure Order 2014; the Renewables Obligation (Scotland) Order 2009; the Renewables Obligation Order (Northern Ireland) 2009; the Emissions Performance Standard Regulations 2015; the Contracts for Difference (Definition of Eligible Generator) Regulations 2014; the Renewable Heat Incentive Scheme Regulations 2011; and the Guarantees of Origin of Electricity Produced from High-efficiency Cogeneration Regulations 2007.

Issue 6 of the CHPQA Standard and of Guidance Note 44 are available online at [www.gov.uk/guidance/combined-heat-power-quality-assurance-programme](http://www.gov.uk/guidance/combined-heat-power-quality-assurance-programme). Copies may also be obtained from the Department for Business, Energy and Industrial Strategy at 1 Victoria Street, London, SW1H 0ET.

Regulation 4 also amends article 22C of the Renewables Obligation (Scotland) Order 2009 to ensure it continues to apply to biomass generating stations accredited under CHPQA Issue 3 or 5 as well as under CHPQA Issue 6.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sector is foreseen.