
STATUTORY INSTRUMENTS

2018 No. 610

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

Insertion of Part 3A (Investors)

10. After regulation 22 insert—

“PART 3A

Investors

Investor applications

22A.—(1) A person (an “investor”) may apply to the Authority, on or after 27th June 2018, to be registered as an RI for the purposes of these Regulations.

(2) An application referred to in paragraph (1) (an “investor application”) must include—

- (a) all of the information specified in Schedule 4A; and
- (b) any other information from, or declarations by, the investor which the Authority may by notice request, to enable it to determine the investor application or to evaluate the operation of the domestic RHI scheme.

(3) In order to determine the investor application, the Authority may verify any information provided by the investor against any other information available to it.

Time limits for provision of information

22B. Where the Authority gives notice under regulation 22A(2)(b), the investor must comply with that request within 28 days of the notice.

Investor registration

22C.—(1) The Authority may make an investor registration subject to any conditions it considers to be appropriate.

(2) Subject to regulation 22D, where an investor application has, in the Authority’s opinion, been properly made, the Authority must—

- (a) enter on the central register the investor’s name and other information the Authority considers necessary for the proper administration of the domestic RHI scheme; and
- (b) notify the investor—
 - (i) that the investor application has been successful;
 - (ii) of the date from which the investor is an RI;

- (iii) of the investor’s unique reference issued by the Authority (the “Unique Registered Investor Reference”); and
- (iv) of any conditions attached to the investor registration.

Rejection of investor applications

- 22D.**—(1) The Authority may reject an investor application if—
- (a) the Authority is not satisfied that the investor application has been properly made;
 - (b) the Authority has reason to believe that the investor will not comply with one or more of the ongoing obligations applicable to RIs;
 - (c) the Authority has revoked an earlier investor registration in relation to that investor pursuant to regulation 59A; or
 - (d) subject to paragraph (2), information requested by the Authority is not provided within the time limit specified in regulation 22B.
- (2) The Authority must not reject an investor application on the basis that information has not been provided in accordance with regulation 22B if—
- (a) the investor contacted the Authority before the 28 day period expired—
 - (i) stating that the information sought is not yet available;
 - (ii) stating that the information cannot be provided; or
 - (iii) providing alternative information; and
 - (b) fewer than three months have passed since the date of the first notice in which the Authority requested the information.
- (3) Where the Authority decides to reject an investor application it must notify the investor that the investor application has been rejected, giving reasons.

Nomination of an RI

- 22E.**—(1) Subject to paragraph (2), where at the time of making an accreditation application—
- (a) the applicant intends to enter into an assignment with an RI;
 - (b) the RI consents to the assignment;
 - (c) the applicant provides the Authority with the RI’s Unique Registered Investor Reference in accordance with paragraph 1(j) of Schedule 4;
 - (d) the RI is not under investigation pursuant to regulation 57A; and
 - (e) the RI’s investor registration has not been revoked pursuant to regulation 59A,
- the RI is nominated by the applicant in respect of the plant for which the accreditation application is made.
- (2) An RI who is an owner or a participant in relation to a plant, may not be nominated in relation to that plant.
- (3) In these Regulations an NRI in relation to a plant means an RI—
- (a) nominated in relation to that plant under paragraph (1); or
 - (b) to whom a transfer of NRI status in relation to that plant has been made under regulation 22F(5).

Transfer of NRI status

22F.—(1) This regulation applies where an NRI (“the current NRI”), the participant (“P”), or both of them, intend to transfer the current NRI’s status in relation to a plant to another RI (“ARI”).

(2) The current NRI, or P, must notify the Authority of the intended transfer and provide the Authority with the following—

- (a) ARI’s Unique Registered Investor Reference;
- (b) the date on which the intended transfer will take place (“the transfer date”), which must be at least 14 days after the date on which the Authority is notified of the intended transfer;
- (c) confirmation that P, ARI and the current NRI consent to the intended transfer taking place on the transfer date.

(3) Where the Authority is notified of an intended transfer in accordance with paragraph (2)—

- (a) it may require any of P, ARI, and the current NRI, to provide such other information as the Authority considers necessary to enable it to consider the intended transfer;
- (b) no RHI payment may be made until the Authority has agreed, or not agreed, to the intended transfer in accordance with paragraph (5) or paragraph (6).

(4) P, ARI, and the current NRI (as the case may be) must comply with any request for information under paragraph (3)(a) within 28 days of the request or such later date as the Authority may specify.

(5) Where the Authority agrees to the intended transfer, within 21 days of that decision it must—

- (a) notify P, ARI and the current NRI accordingly;
- (b) update the central register;
- (c) make payments to ARI in accordance with regulation 26(1)(b),

and ARI is deemed to be the NRI in relation to the plant from the transfer date.

(6) Where the Authority does not agree to the intended transfer, within 21 days of that decision it must notify P, ARI and the current NRI accordingly, giving reasons, and—

- (a) specify any steps P, ARI or the current NRI may take to remedy any defect in the information provided to the Authority under paragraph (2) or (3); or
- (b) resume payments to the current NRI in accordance with regulation 26(1)(b).

(7) Where a transfer of NRI status in relation to a plant is intended to occur on the same date as a change in ownership of that plant under regulation 48, references in this regulation to “P” are to be read as references to both P and the new owner.”