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STATUTORY INSTRUMENTS

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**2018 No. 611**

**The Renewable Heat Incentive Scheme Regulations 2018**

**PART 8**

**Additional RHI capacity and additional capacity for biomethane production**

**Additional RHI capacity**

**76.**—(1) Paragraph (4) applies where the Authority accredits additional RHI capacity which is first commissioned less than 12 months after the date on which the original installation was first commissioned.

(2) Paragraph (6) applies where the Authority accredits additional RHI capacity which is first commissioned 12 months or more after the date on which the original installation was first commissioned.

(3) In this regulation “additional RHI capacity” means a plant which—

- (a) is first commissioned after the date on which an accredited RHI installation (“the original installation”) was first commissioned;
- (b) uses the same source of energy and technology as the original installation; and
- (c) supplies heat to the same heating system as that of which the original installation forms part,

except where the original installation is a shared ground loop system.

(4) Where this paragraph applies, from the date of accreditation of the additional RHI capacity, the tariff for both the original installation and the additional RHI capacity is the relevant tariff based on the sum of the installation capacity of the original installation and the additional RHI capacity, and—

- (a) in respect of heat generated by the original installation, determined in accordance with regulation 59 as at the tariff start date of that original installation; and
- (b) in respect of heat generated by the additional RHI capacity, determined in accordance with regulation 59 as at the tariff start date of that additional capacity.

(5) Where the date of accreditation of the original installation is before 30th April 2013, periodic support payments in respect of both the original installation and the additional RHI capacity must terminate on the tariff end date of the original installation.

(6) Where this paragraph applies—

- (a) the tariff for the original installation continues to be the relevant tariff for that original installation;
- (b) that tariff is the tariff determined in accordance with regulation 59 as at the tariff start date of that original installation;
- (c) the tariff for the additional RHI capacity is to be the relevant tariff based on the sum of the installation capacity of the original installation and the additional RHI capacity; and

(d) that tariff is to be determined in accordance with regulation 59 as at the tariff start date of that additional RHI capacity.

(7) All additional RHI capacity must be metered so as to enable the heat generated by such additional capacity and used for eligible purposes to be distinguished from the heat so generated by the original installation.

### **Additional capacity for biomethane production**

77.—(1) A participant—

- (a) who is a producer of biomethane for injection;
- (b) whose original application for registration was made on or after 28th May 2014; and
- (c) who is producing additional biomethane for injection,

may apply to the Authority to be registered in respect of that additional biomethane.

(2) Regulation 32(2) to (8), (10)(a) to (c) and (e), and (11) to (14) applies to an application for registration in respect of additional biomethane, but as if—

- (a) references to an applicant were references to the participant,
- (b) references to biomethane were references to additional biomethane,
- (c) references to registering the applicant as a participant were references to registering the participant in respect of that additional biomethane.

(3) Where a participant is registered in respect of additional biomethane, the Authority must specify the maximum additional capacity in relation to which the participant is being registered.

(4) Periodic support payments for additional biomethane may not be made beyond the tariff end date notified in accordance with regulation 32(10)(d) when the participant was originally registered as a producer of biomethane for injection.

(5) For the purposes of this regulation—

- (a) “additional biomethane” means any biomethane—
  - (i) which exceeds the sum of the maximum initial capacity, together with any maximum additional capacity previously specified under this regulation; and
  - (ii) which is being supplied by the participant for injection at the same injection point as the biomethane in respect of which that participant was first registered;
- (b) “maximum additional capacity” means the volume of biomethane expressed in cubic metres per quarterly period which—
  - (i) is additional biomethane; and
  - (ii) is the maximum volume which a participant is entitled to supply for injection under the network entry agreement applicable to that additional biomethane.

(6) Where the Authority does not register an applicant in respect of additional biomethane, it must notify the applicant in writing that the application for registration has been rejected, giving reasons.