

*Draft Regulations laid before Parliament under section 105(2)(a) and (3) of the Energy Act 2008, for approval by resolution of each House of Parliament.*

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DRAFT STATUTORY INSTRUMENTS

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**2015 No. 0000**

**ENERGY**

**The Domestic Renewable Heat Incentive  
Scheme (Amendment) Regulations 2015**

*Made - - - - 2015*

*Coming into force in accordance with regulation 1*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 100(1) and (2) and 104(2) of the Energy Act 2008<sup>(1)</sup>.

In accordance with section 105(2)(a) and (3) of that Act, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

In accordance with section 100(7) of that Act, the Secretary of State has obtained the consent of the Scottish Ministers to the making of these Regulations.

**Citation and commencement**

1. These Regulations may be cited as the Domestic Renewable Heat Incentive Scheme (Amendment) Regulations 2015 and come into force on the day after the day on which they are made.

**Amendments to the Domestic Renewable Heat Incentive Scheme Regulations 2014**

2. The Domestic Renewable Heat Incentive Scheme Regulations 2014<sup>(2)</sup> are amended as follows.

**Amendments to regulation 2 (interpretation)**

3.—(1) Regulation 2 is amended as follows.

(2) In the definition of “biomass stove” after “cooking food” insert “unless it is a cooker stove”.

(3) For the definition of “certified installer” substitute—

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(1) 2008 c. 32. Section 100 is amended by S.I.2011/2195.

(2) S.I. 2014/928.

““certified installer” means a person who is certified by the Microgeneration Certification Scheme(3) or a scheme which is—

- (a) equivalent to that scheme; and
- (b) accredited under EN 45011(4) or EN ISO/IEC 17065:2012(5);”.

(4) In the definition of “domestic hot water” omit “in an eligible property”.

(5) In the definition of “eligible purpose” for paragraph (b) substitute—

- “(b) a solar thermal plant, the purpose of domestic hot water heating for an eligible property, or for both an eligible property and any related property which is not a swimming pool;”.

(6) For the definition of “heat emitter guide” substitute—

““heat emitter guide” means version 2.0 of the document entitled “Heat Emitter Guide for Domestic Heat Pumps” published on 21st November 2014(6);”.

(7) Insert the following definitions at the appropriate places—

““cooker stove” means a biomass stove which is capable of generating heat for the purpose of cooking food but which is designed to ensure that heat generated for that purpose is incidental to, and cannot be controlled separately from, any heat generated for the purpose of space heating or domestic hot water heating;”;

““related property”, in relation to an eligible property, means any building or swimming pool which is used by, or available for the use of, an owner or occupier of the eligible property and where the building or swimming pool—

- (a) if the property is an RHI property, is not covered by the relevant EPC; or
- (b) in any other case, is not covered by the most recent Energy Performance Certificate for which details have been provided to the Authority;”;

““social landlord” means a local authority, a private registered provider of social housing, a body registered as a social landlord under Chapter 1 of Part 1 of the Housing Act 1996(7) or a body registered as a social landlord under section 23 of the Housing (Scotland) Act 2010(8);”.

#### **Amendment to regulation 3 (eligibility criteria)**

4. In regulation 3(c) for “a property” substitute “an eligible property”.

#### **Amendment to regulation 4 (requirements for biomass plants)**

5. In regulation 4(1)(b)(i) after “single eligible property” insert “, or to both a single eligible property and any related property”.

#### **Amendment to regulation 5 (requirements for heat pumps)**

6. In regulation 5(a)(i) after “single eligible property” insert “, or to both a single eligible property and any related property”.

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(3) Details of which are available at [www.microgenerationcertification.org](http://www.microgenerationcertification.org).

(4) The ISBN for the English language version of this standard is ISBN 0580294153. Copies can be obtained from the British Standards Institution at [www.bsigroup.com](http://www.bsigroup.com).

(5) The ISBN for the English language version of this standard is ISBN 978 0 580 78472 9. Copies can be obtained from the British Standards Institution at [www.bsigroup.com](http://www.bsigroup.com).

(6) Published on [www.microgenerationcertification.org](http://www.microgenerationcertification.org).

(7) 1996 c.52. Part 1 of that Act was amended by Part 2 of the Housing and Regeneration Act 2008 (c.17) and applies only in relation to Wales.

(8) 2010 asp.17.

### **Amendments to regulation 6 (requirements for solar thermal plants)**

- 7.**—(1) Regulation 6 is amended as follows.
- (2) For paragraph (a) substitute—
- “**(a)** is designed and installed to provide heating—
- (i) solely to a single eligible property, or to both a single eligible property and any related property; and
- (ii) solely for an eligible purpose, using liquid as a medium for delivering that heat;”.
- (3) In paragraph (b) for “paragraph 1(5)(a) and (b)” substitute “paragraph 1(5)(a), (b) and (c)”.

### **Amendments to regulation 8 (certification requirements)**

- 8.**—(1) Regulation 8 is amended as follows.
- (2) In paragraph (1)(a) and (b)(ii) for “the relevant installation standard” substitute “a relevant installation standard”.
- (3) For paragraphs (ii) and (iii) of paragraph (2)(a) substitute—
- “(ii) where the plant is a ground source heat pump or air source heat pump—
- (aa) version 4.1 of the document entitled “Microgeneration Installation Standard: MIS 3005 requirements for contractors undertaking the supply, design, installation, set to work, commissioning and handover of microgeneration heat pump systems” published on 21st November 2014<sup>(9)</sup>; or
- (bb) version 4.0 of the document entitled “Microgeneration Installation Standard: MIS 3005 requirements for contractors undertaking the supply, design, installation, set to work, commissioning and handover of microgeneration heat pump systems” published on 16th December 2013<sup>(10)</sup>,
- provided it is in force on the plant’s first commissioning date; or
- (iii) where the plant is a solar thermal plant—
- (aa) version 4.1 of the document entitled “Microgeneration Installation Standard: MIS 3001 requirements for contractors undertaking the supply, design, installation, set to work, commissioning and handover of solar heating microgeneration systems” published on 21st November 2014<sup>(11)</sup>; or
- (bb) version 4.0 of the document entitled “Microgeneration Installation Standard: MIS 3001 requirements for contractors undertaking the supply, design, installation, set to work, commissioning and handover of solar heating microgeneration systems” published on 16th December 2013<sup>(12)</sup>,
- provided it is in force on the plant’s first commissioning date; or”.

### **Amendment to regulation 12 (requirements where more than one plant provides heat to a property)**

- 9.** In regulation 12(1) for “a property” substitute “an eligible property”.

### **Amendments to regulation 13 (plants where heat generation must be metered)**

- 10.**—(1) Regulation 13 is amended as follows.

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<sup>(9)</sup> Published on [www.microgenerationcertification.org](http://www.microgenerationcertification.org).

<sup>(10)</sup> Published on [www.microgenerationcertification.org](http://www.microgenerationcertification.org).

<sup>(11)</sup> Published on [www.microgenerationcertification.org](http://www.microgenerationcertification.org).

<sup>(12)</sup> Published on [www.microgenerationcertification.org](http://www.microgenerationcertification.org).

- (2) In paragraph (2)—
  - (a) for “same property” substitute “same eligible property”;
  - (b) in sub-paragraph (c) for “a property” substitute “the eligible property”.
- (3) In paragraphs (3) and (4) before “property” insert “eligible”.

**Amendments to regulation 17 (accreditation applications)**

- 11.—(1) Regulation 17 is amended as follows.
  - (2) In paragraph (1) before “property” insert “eligible”.
  - (3) In paragraph (4), at the beginning, insert “Subject to paragraph (6),”.
  - (4) After paragraph (5) insert—
    - “(6) An accreditation application in relation to a cooker stove must be received by the Authority within 12 months of the first commissioning date for the plant or by 31st July 2015, whichever is later.”.

**Amendments to regulation 38 (expenditure forecast statement and tariff change notice)**

- 12. In regulation 38(7)—
  - (a) in the definition of “estimated spend”—
    - (i) after “means” insert “the higher of 0 or the product of the calculation”;
    - (ii) in sub-paragraph (b)(i) before “property” insert “eligible” in each place where it appears;
  - (b) in the definition of “relevant plant” for “rejected” substitute “determined”.

**Amendments to regulation 39 (ongoing obligations: general)**

- 13. In regulation 39—
  - (a) in paragraph (j)(i) after “RHI property” insert “and any related property”;
  - (b) in paragraph (l) for “the property” substitute “the RHI property and any related property”.

**Amendment to regulation 47 (replacement plants)**

- 14. In regulation 47(b) before “property” insert “eligible”.

**Amendments to regulation 50 (registration applications)**

- 15. In regulation 50(2)—
  - (a) in sub-paragraph (d) after “RHI property” insert “and all occupiers of any related property”;
  - (b) in sub-paragraph (d)(iii) after “RHI property” insert “and any related property”.

**Amendments to regulation 51 (conditions of registration)**

- 16. In regulation 51(1)—
  - (a) in sub-paragraph (a) after “RHI property” insert “and any related property”;
  - (b) in sub-paragraph (b)(iii) after “RHI property” insert “and all occupiers of any related property”.

**Amendment to regulation 56 (inspection)**

17. In regulation 56(2) after “RHI property” insert “or related property”.

**Amendments to Schedule 3 (eligible properties)**

18. For paragraph 1(2) of Schedule 3 substitute—

“(2) The requirements referred to in sub-paragraph (1)(b)(i) are that the property was first occupied before the first commissioning date for the plant and either—

- (a) a Green Deal Assessment has been carried out for the property; or
- (b) the property is owned by a social landlord and the period between the date on which the EPC was issued and the RHI date is less than 24 months.”.

**Amendments to Schedule 4 (information required for accreditation)**

19.—(1) Paragraph 1 of Part 1 of Schedule 4 is amended as follows.

(2) In sub-paragraph (e) for the words commencing with “private registered provider” and ending with “Housing (Scotland) Act 2010” substitute “social landlord other than a local authority”.

(3) In sub-paragraph (j) after “eligible new-build property” insert “or the requirements in paragraph 1(2)(b) of Schedule 3 are met”.

Date

*[NAME]*  
Minister of State  
Department of Energy and Climate Change

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## EXPLANATORY NOTE

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

These Regulations, which apply to Great Britain, amend the Domestic Renewable Heat Incentive Scheme Regulations 2014 (“the principal regulations”). The principal regulations established a renewable heat incentive scheme (“the scheme”) under which owners of biomass plants, heat pumps and solar thermal plants which generate heat for domestic properties may receive payments at prescribed rates when the plant generates heat for that property.

These Regulations amend Part 2 of the principal regulations, which set out eligibility criteria which must be met before a plant can participate in the scheme. In particular, the amendments clarify that biomass stoves which generate heat for the purpose of cooking food are eligible for the scheme if such heat generation is incidental to, and cannot be controlled separately from, space or hot water heating. The period for seeking accreditation for such stoves is also extended. They also remove the requirement to obtain a Green Deal Assessment where the Energy Performance Certificate for a property which is owned by a social landlord is less than 2 years old, clarify that plants which supply heating to both an eligible property and any related building or swimming pool are eligible for the scheme, update the technical standards governing the installation of heat pumps and solar thermal plants, and make minor consequential amendments. As a consequence of the changes to the technical standards, high temperature heat pumps are now eligible for the scheme.

These Regulations also amend regulation 38 of the principal regulations, which requires the Secretary of State to publish quarterly expenditure forecasts in relation to the scheme. These Regulations amend the definition of estimated spend to ensure that negative figures are not used when forecasting spending in relation to an individual plants and that plants which cease to be accredited domestic plants are excluded from the forecasts.

A draft of these Regulations was notified to the European Commission in accordance with [Directive 98/34/EC](#) of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical standards and regulations (OJ L 204, 21.7.1998, p.37) as amended by [Directive 98/48/EC](#) (OJ L 217, 5.8.1998, p.18).

Documents published on [www.microgenerationcertification.org](http://www.microgenerationcertification.org) are also available from Gemserv Limited at 10 Fenchurch Street, London, EC3M 3BE.

Documents which can be obtained from the British Standards Institution at [www.bsigroup.com](http://www.bsigroup.com) can also be obtained from the British Standards Institution customer services at 389 Chiswick High Road, London, W4 4AL upon payment of a fee.

An impact assessment has not been produced for these Regulations as no impact on the private or voluntary sectors is foreseen.