
DRAFT STATUTORY INSTRUMENTS

2018 No.

The Renewable Heat Incentive Scheme Regulations 2018

PART 11

Revocation and savings

Revocation, savings and transitional provisions

92.—(1) Subject to paragraphs (3) and (4), the 2011 Regulations are revoked.

(2) Subject to paragraphs (3) and (4), the following instruments or parts of instruments amending the 2011 Regulations are revoked—

- (a) the Renewable Heat Incentive Scheme (Amendment) Regulations 2013**(1)**;
- (b) the Renewable Heat Incentive Scheme (Amendment) (No 2) Regulations 2013**(2)**;
- (c) the Renewable Heat Incentive Scheme (Amendment) (No 3) Regulations 2013**(3)**;
- (d) the Renewable Heat Incentive Scheme (Amendment) Regulations 2014**(4)**;
- (e) regulations 2 to 9 of the Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme (Amendment) Regulations 2015**(5)**;
- (f) the Renewable Heat Incentive Scheme (Amendment) Regulation 2015**(6)**;
- (g) the Renewable Heat Incentive Scheme (Amendment) (No 2) Regulations 2015**(7)**;
- (h) regulations 2 to 10 of the Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme (Amendment) (No. 2) Regulations 2015**(8)**;
- (i) regulations 2 to 14 of the Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme (Amendment) Regulations 2016**(9)**;
- (j) the Renewable Heat Incentive Scheme (Amendment) Regulations 2016**(10)**;
- (k) the Renewable Heat Incentive Scheme (Amendment) (No 2) Regulations 2016**(11)**;
- (l) regulation 2 of the Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme (Amendment) Regulations 2017**(12)**;
- (m) regulations 2 to 11 of the Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme (Amendment) (No. 2) Regulations 2017**(13)**.

(1) [S.I. 2013/1033](#).
(2) [S.I. 2013/2410](#).
(3) [S.I. 2013/3179](#).
(4) [S.I. 2014/1413](#).
(5) [S.I. 2015/145](#).
(6) [S.I. 2015/197](#).
(7) [S.I. 2015/477](#).
(8) [S.I. 2015/1459](#).
(9) [S.I. 2016/257](#).
(10) [S.I. 2016/718](#).
(11) [S.I. 2016/1197](#).
(12) [S.I. 2017/727](#).
(13) [S.I. 2017/857](#).

(3) Where an application for accreditation or registration has been made before the date on which these Regulations come into force and has not been determined before that date—

(a) where the tariff start date for that eligible installation or producer of biomethane for injection is before the date on which these Regulations come into force—

(i) the Authority must determine the application in accordance with the 2011 Regulations as if they had not been revoked by these Regulations; but

(ii) if the application is granted, the eligible installation is treated as accredited or the producer of biomethane is treated as registered under these Regulations;

(b) where the tariff start date for that eligible installation or producer of biomethane for injection is on or after the date on which these Regulations come into force, the Authority must treat the application as having been made on the date on which these Regulations come into force.

(4) Where an application in relation to additional RHI capacity or additional biomethane capacity has been made before the date on which these Regulations come into force and has not been determined before that date—

(a) where the tariff start date for that additional RHI capacity or additional biomethane capacity is before the date on which these Regulations come into force—

(i) the Authority must determine the application in accordance with the 2011 Regulations as if they had not been revoked by these Regulations; but

(ii) if the application is granted, the additional RHI capacity or additional biomethane capacity is additional capacity under these Regulations;

(b) where the tariff start date for that eligible installation or producer of biomethane for injection is on or after the date on which these Regulations come into force, the Authority must treat the application as having been made on the date on which these Regulations come into force.

(5) Except as provided in paragraphs (3) and (4), anything being done under the 2011 Regulations before the date on which these Regulations come into force and which has not been completed before that date, is, on or after that date, to be taken as being done under these Regulations, including—

(i) a review of accreditation or registration;

(ii) a review in relation to a change in ownership;

(iii) a review in relation to a change in location;

(iv) an investigation into alleged non-compliance;

(v) action being taken by the Authority in relation to the withholding or reduction of periodic support payments;

(vi) action being taken by the Authority in relation to the revocation of accreditation or registration;

(vii) action being taken by the Authority in relation to overpayment or offsetting of periodic support payments;

(viii) a review by the Authority of a decision made in the exercise of its functions;

(ix) a request for information or a declaration made by the Authority which has not yet been responded to.

(6) An accredited RHI installation which is accredited under the 2011 Regulations immediately before these Regulations come into force or a producer of biomethane for injection who is registered under the 2011 Regulations immediately before these Regulations come into force is to be treated, on and after the date on which these Regulations come into force, as accredited or registered under these Regulations.

(7) Preliminary accreditation or preliminary registration granted under the 2011 Regulations and which applies immediately before these Regulations come into force is to be treated, on and after the date on which these Regulations come into force, as preliminary accreditation or preliminary registration under these Regulations.

(8) Approval of a scheme for listing approved sustainable fuels granted under the 2011 Regulations and which applies immediately before these Regulations come into force is to be treated, on and after the date on which these Regulations come into force, as approval under these Regulations.

(9) Guidance published in relation to the 2011 Regulations and which remains in force immediately before these Regulations come into force is to be treated, on and after the date on which these Regulations come into force, as guidance in relation to these Regulations.

(10) A reference in these Regulations to an application for accreditation or registration includes, in relation to an eligible installation accredited or producers of biomethane registered in accordance with the 2011 Regulations, an application under those Regulations.

(11) Where a quarterly period within the meaning of the 2011 Regulations commenced before, and has not ended by, the date on which these Regulations come into force, the Authority must make periodic support payments in accordance with the 2011 Regulations as if they had not been revoked—

- (a) in respect of the whole quarterly period; or
- (b) where regulation 60(3) or 62(3) applies, in respect of the part of the quarterly period falling before the date on which these Regulations come into force.

(12) Regulation 36D of the 2011 Regulations continues to apply to a relevant report as if those Regulations had not been revoked by these Regulations.

(13) For the purposes of paragraph (12), a “relevant report” means a report in respect of which the 3 month period referred to in regulation 36D(5) or (6) of the 2011 Regulations had not ended before the date on which these Regulations come into force.

(14) In this regulation, “the 2011 Regulations” means the Renewable Heat Incentive Scheme Regulations 2011(14).

(14) S.I. 2011/2860, as amended by S.I. 2013/1033, 2013/2410, 2013/3179, 2014/1413, 2015/197, 2015/477, 2016/718, 2016/1197, 2017/727 and 2017/857.