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STATUTORY INSTRUMENTS

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**2016 No. 1197**

**ENERGY**

**The Renewable Heat Incentive Scheme  
(Amendment) (No. 2) Regulations 2016**

<i>Made</i>	- - - -	<i>8th December 2016</i>
<i>Laid before Parliament</i>		<i>9th December 2016</i>
<i>Coming into force</i>	- -	<i>1st January 2017</i>

The Secretary of State, in exercise of the powers conferred by sections 100(1) to (4) and 104(2) of the Energy Act 2008<sup>(1)</sup>, makes the following Regulations.

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 Renewable Heat Incentive Scheme (Amendment) (No. 2) Regulations 2016 and come into force on 1st January 2017.

**Amendments to the Renewable Heat Incentive Scheme Regulations 2011**

2.—(1) Regulation 39D of the Renewable Heat Incentive Scheme Regulations 2011<sup>(2)</sup> is amended as follows.

(2) For paragraph (1) substitute—

“(1) On or after 1st January 2017, this regulation applies where—

(a) an accredited RHI installation which is, or includes, a new solid biomass CHP system—

(i) has a tariff start date on or after 1st August 2016;

(ii) the power efficiency of the CHP system is lower than 10%; and

(iii) sub-paragraph (b) does not apply; or

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(1) 2008 c.32; section 100 was amended by S.I. 2011/2195 and section 51 of the Infrastructure Act 2015 (c.7). Section 51 also amended section 105 of the Energy Act 2008 (Parliamentary control of subordinate legislation) and inserted subsections (3A) to (3I) concerning provisions which require the affirmative resolution procedure. These Regulations do not contain provisions of the kind described in those subsections.

(2) S.I. 2011/2860; regulation 39D was inserted by S.I. 2016/718.

- (b) an accredited RHI installation which is, or includes, a new solid biomass CHP system—
  - (i) has a tariff start date on or after 1st August 2016 but before 1st January 2017;
  - (ii) the power efficiency of the CHP system is lower than 20%; and
  - (iii) the participant notifies the Authority, in such form as the Authority may require, by 1st February 2017 that on and after the date on which the notification is received, this sub-paragraph should apply.”.
- (3) In paragraph (2), for “23(2) and 39C” substitute “23(2), 39C and paragraph (2)(A)”.
- (4) In paragraph (2)(b), for “5” substitute “10”.
- (5) After paragraph (2) insert—
  - “(2A) Where paragraph (1)(b) applies, paragraph (2)(b) applies as if for the number 10 there were substituted the number 5.”.

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

8th December 2016

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## EXPLANATORY NOTE

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

These Regulations amend the Renewable Heat Incentive Scheme Regulations 2011 which apply in Great Britain. Those Regulations create a scheme under which support payments are made to producers of biomethane for injection and to owners of plants which generate heat for eligible purposes from specified renewable sources.

Regulation 2 applies to accredited RHI installations which are, or which include, new solid biomass CHP systems. It provides for the power efficiency which will apply for the purposes of calculating the proportion of heat to which the new solid biomass CHP tariff will apply. It also amends the formula for calculating this proportion. A 10% power efficiency requirement will apply to relevant RHI installations with a tariff start date on or after 1st January 2017. The 10% power efficiency requirement will also apply on and after 1st January 2017 to relevant installations with a tariff start date between 1st August 2016 and 31st December 2016, unless they notify the Authority before the beginning of February 2017 that they wish to remain subject to the 20% power efficiency requirement.

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