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STATUTORY INSTRUMENTS

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**2022 No. 159**

**ENERGY**

**The Domestic Renewable Heat Incentive  
Scheme and Renewable Heat Incentive  
Scheme (Amendment) Regulations 2022**

*Made - - - - 17th February 2022*

*Laid before Parliament 21st February 2022*

*Coming into force in accordance with regulation 1*

The Secretary of State, in exercise of the powers conferred by sections 100(1), (1A), (2)(a), (b), (bb) (i) and (d) 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.

In accordance with section 148A(1)(b) of the Government of Wales Act 2006<sup>(2)</sup>, the Secretary of State has consulted the Welsh Ministers before making these Regulations.

**PART 1**

**Introductory provisions**

**Citation and commencement**

**1.**—(1) These Regulations may be cited as the Domestic Renewable Heat Incentive Scheme and Renewable Heat Incentive Scheme (Amendment) Regulations 2022.

(2) The following provisions come into force on 15th March 2022—

(a) this regulation;

(b) regulation 2 (amendment of the Domestic Renewable Heat Incentive Scheme Regulations 2014);

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(1) 2008 c. 32. Section 100 is amended by section 51 of the Infrastructure Act 2015 (c. 7) and S.I. 2011/2195. 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. By virtue of section 105(3A) to (3I), these Regulations do not attract the affirmative procedure.

(2) 2006 c. 32. Section 148A was inserted by the Wales Act 2017 (c. 4), section 55(1).

- (c) paragraph (d) of regulation 3 (interpretation);
  - (d) regulation 4 (insertion of Part 1A).
- (3) The remaining provisions come into force on 1st April 2022.

## PART 2

### Amendment of the Domestic Renewable Heat Incentive Scheme Regulations 2014

#### **Amendment of the Domestic Renewable Heat Incentive Scheme Regulations 2014**

2. The Domestic Renewable Heat Incentive Scheme Regulations 2014(3) are amended in accordance with this Part.

#### **Amendment of regulation 2 (interpretation)**

3. In regulation 2 (interpretation), in paragraph (1)—
- (a) in the definition of “accredited RHI installation”, for “2011” substitute “2018”;
  - (b) in the definition of “approved sustainable fuel”, at the end insert “or regulation 51 of the Renewable Heat Incentive Scheme Regulations 2018(4)”;
  - (c) for the definition of “code of practice” substitute—
    - ““code of practice” means—
    - (a) version O of the Home Insulation & Energy Systems Quality Assured Contractors Scheme Code of Practice published on 10th January 2022(5);
    - (b) version 7 of the Renewable Energy Consumer Code published on 31st January 2022(6); or
    - (c) a subsequent version or issue of a code mentioned in paragraph (a) or (b) approved by the Secretary of State under regulation 2B(3);”;
  - (d) after the definition of “RI” insert—
    - ““scheme closure” has the meaning given in regulation 2A(1);”;
  - (e) in the definition of “SCOP calculator”, at the end insert “or a subsequent version or issue of that document approved by the Secretary of State under regulation 2B(4)”.

#### **Insertion of Part 1A**

4. After Part 1 (introductory provisions), insert—

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(3) S.I. 2014/928, amended by S.I. 2015/143, 2015/145, 2016/257, 2018/610, 2018/635, 2019/1052, 2020/650 and 2021/76. There are other amending instruments but none is relevant.

(4) S.I. 2018/611.

(5) Available on the Home Insulation and Energy Systems website (<https://www.hiesscheme.org.uk/regulation/hies-scheme-rules-code-of-practice/>). Hard copies can be obtained from HIES, Centurion House, Leyland Business Park, Centurion Way, Leyland, PR25 3G.

(6) Available on the Renewable Energy Consumer Code website (<https://www.recc.org.uk/scheme/consumer-code>). Hard copies can be obtained from Renewable Energy Consumer Code, Brettenham House, 2-19 Lancaster Place, London, WC2E 7EN.

## “PART 1A

### Scheme closure

#### Closure of the domestic RHI scheme to applications

**2A.**—(1) Subject to this regulation—

- (a) the domestic RHI scheme is closed to applications from midnight at the end of 31st March 2022 (“scheme closure”); and
- (b) the Authority must not give accreditation under regulation 21(1) where it would result in a tariff start date that falls on or after 1st April 2022.

(2) The domestic RHI scheme is closed to investor applications from midnight at the end of 30th June 2028.

(3) The domestic RHI scheme is closed to authorisation applications from midnight at the end of 31st December 2028.

(4) The domestic RHI scheme is closed to accreditation applications for a replacement plant from midnight at the end of 31st December 2028.

(5) The domestic RHI scheme is closed to registration applications in relation to a replacement plant from midnight at the end of 31st December 2028.

(6) In paragraph (1)(a), “applications” means—

- (a) accreditation applications (not including accreditation applications for a replacement plant); and
- (b) registration applications (not including registration applications in relation to a replacement plant).

#### Approval of documents published after scheme closure

**2B.**—(1) The Secretary of State may approve a version or issue of an installation standard mentioned in regulation 8(2)(a) which is published by the Microgeneration Certification Scheme<sup>(7)</sup> after scheme closure and is in force on a plant’s first commissioning date as a relevant installation standard for that plant.

(2) The Secretary of State may approve a version or issue of the installation standard mentioned in regulation 29(6) which is published after scheme closure for the purpose of calculating the deemed annual heat generation for a solar thermal plant.

(3) The Secretary of State may approve a version or issue of a code mentioned in paragraph (a) or (b) of the definition of “code of practice” in regulation 2 which is published after scheme closure as a code of practice for the purpose of these Regulations.

(4) The Secretary of State may approve a version or issue of the document mentioned in the definition of “SCOP calculator” in regulation 2 which is published after scheme closure for the purpose of calculating the seasonal performance factor.”.

#### Amendment of regulation 8 (certification requirements)

**5.** In regulation 8 (certification requirements), in paragraph (2)—

- (a) before sub-paragraph (a) insert—

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(7) Details of which are available at [www.mcscertified.com](http://www.mcscertified.com).

- “(za) after scheme closure, a document mentioned in sub-paragraph (a) or a subsequent version or issue of that document approved by the Secretary of State under regulation 2B(1);”;
- (b) in sub-paragraph (a), in the words before paragraph (i), after “date” insert “and before scheme closure”;
- (c) in sub-paragraph (a)(ii)—
  - (i) in paragraph (cc), omit “or”;
  - (ii) in paragraph (dd), for “2017,” substitute “2017; or”;
  - (iii) after paragraph (dd), insert—
    - “(ee) Issue 1.0 of the document entitled “Microgeneration Installation Standard: MIS 3005-D The Heat Pump Standard (Design)” published on 1st December 2021<sup>(8)</sup> and Issue 1.0 of the document entitled “Microgeneration Installation Standard: MIS 3005-I The Heat Pump Standard (Installation)” published on 1st December 2021<sup>(9)</sup>”;
  - (iv) in the words after paragraph (ee), for “it is” substitute “the specified installation standard or standards are”;
- (d) in sub-paragraph (a)(iii)—
  - (i) in paragraph (bb), omit “or”;
  - (ii) in paragraph (cc), for “2015,” substitute “2015; or”;
  - (iii) after paragraph (cc), insert—
    - “(dd) Issue 5.0 of the document entitled “Microgeneration Installation Standard: MIS 3001 The Solar Thermal Standard (Installation)” published on 1st December 2021<sup>(10)</sup>”.

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

6. In regulation 12 (requirements where more than one plant provides heat to a property), in paragraph (4)(b), after “2011” insert “or the Renewable Heat Incentive Scheme Regulations 2018<sup>(11)</sup>”.

#### **Amendment of regulation 13 (plants where heat generation must be metered)**

7. In regulation 13 (plants where heat generation must be metered), in paragraph (2), after sub-paragraph (b) insert—

“(ba) is located in a partition wall and directly radiates heat to two rooms;”.

#### **Amendment of regulation 17 (accreditation applications)**

8. In regulation 17 (accreditation applications)—

- (a) in paragraph (4), after “(7)” insert “and regulation 2A(4)”;

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<sup>(8)</sup> Available at [www.mcscertified.com](http://www.mcscertified.com).

<sup>(9)</sup> Available at [www.mcscertified.com](http://www.mcscertified.com).

<sup>(10)</sup> Available at [www.mcscertified.com](http://www.mcscertified.com).

<sup>(11)</sup> S.I. 2018/611.

(b) in paragraph (7), after “2019” insert “and before scheme closure”.

**Amendment of regulation 22A (investor applications)**

9. In regulation 22A (investor applications), in paragraph (1), after “2018” insert “and before midnight at the end of 30th June 2028”.

**Amendment of regulation 29 (calculation of deemed annual heat generation)**

10. In regulation 29 (calculation of deemed annual heat generation), in paragraph (6), for the words from “accordance with” to the end substitute “accordance with Issue 2.0 of the document entitled “MCS 024 Solar Thermal Domestic Hot Water Energy Calculator” published on 1st December 2021(12) or a subsequent version or issue of that document approved by the Secretary of State under regulation 2B(2)”.

**Amendment of regulation 33 (duty to calculate and publish tariffs)**

11. In regulation 33 (duty to calculate and publish tariffs), before paragraph (1) insert—  
“(A1) The requirement in paragraph (1)(a) does not apply after scheme closure.”.

**Amendment of regulation 38 (expenditure forecast statement and tariff change notice)**

12. In regulation 38 (expenditure forecast statement and tariff change notice), before paragraph (1), insert—  
“(A1) The requirement in paragraph (1) does not apply after scheme closure.”.

**Amendment of regulation 40 (ongoing obligations: changes affecting accredited domestic plants)**

13. In regulation 40 (ongoing obligations: changes affecting accredited domestic plants)—  
(a) after paragraph (1)(b), insert—  
“(ba) any repair work is carried out on the accredited domestic plant;”;  
(b) after paragraph (1)(c) insert—  
“(ca) any part of the accredited domestic plant is replaced during repair work;”.

**Amendment of regulation 41 (ongoing obligations: annual declarations)**

14. In regulation 41 (ongoing obligations: annual declarations)—  
(a) in paragraph (c)—  
(i) for “order and” substitute “order, no repair work has been carried out in relation to the plant, no part of the plant has been replaced and the plant”;  
(ii) for the words from “Authority” to the end substitute “Authority under regulation 40(1) of the repair work, the replacement of part of the plant during the repair work, or the installation of a replacement plant”;  
(b) after paragraph (d) insert—  
“(da) a change in the level of occupancy if—  
(i) the number of days the RHI property was occupied in the 12 month period ending on the date the declaration is given was less than 183 days;

- (ii) this level of occupancy has not previously been notified to the Authority under regulation 40 or this regulation; and
- (iii) the Authority has not provided a metering statement for the plant;”;
- (c) in paragraph (g), for sub-paragraph (i) substitute—
  - “(i) that all solid biomass used in that plant on or after 5th October 2015 was—
    - (aa) an approved sustainable fuel at the time when it was received by the participant; or
    - (bb) a fuel in respect of which the Secretary of State has made a declaration under regulation 36E(5) of the Renewable Heat Incentive Scheme Regulations 2011 or regulation 51(5) of the Renewable Heat Incentive Scheme Regulations 2018; and”;
  - (d) in paragraph (h), omit “and”;
  - (e) in paragraph (i), for “contract.” substitute “contract; and”;
  - (f) after paragraph (i) insert—
    - “(j) any other matter relating to the participant’s compliance with an ongoing obligation which the Authority may request.”.

#### **Amendment of regulation 42A (sustainable solid biomass)**

**15.** In regulation 42A (sustainable solid biomass)(13), in paragraph (2)(b), after “2011” insert “or regulation 51(5) of the Renewable Heat Incentive Scheme Regulations 2018”.

#### **Insertion of regulation 43A (exemption from requirement for metering)**

**16.** After regulation 43 (ongoing obligations: metering) insert—

##### **“Exemption from requirement for metering**

**43A.—(1)** This regulation applies where the Authority—

- (a) has not provided a metering statement for an accredited domestic plant at an RHI property; and
- (b) is notified by a participant under regulation 40 or 41 that the property is or has been occupied for less than 183 days in a 12 month period.
- (2) The Authority must—
  - (a) request that the participant provide such of the information specified in Schedule 4 and any declarations the Authority considers necessary for the proper administration of the domestic RHI scheme;
  - (b) when making that request, notify the participant that if the participant wishes to request an exemption for that 12 month period, the participant must, within 28 days of receiving the request for information—
    - (i) send the Authority a written request for an exemption; and
    - (ii) provide evidence of exceptional circumstances to support the request for the exemption; and
  - (c) request that the participant provide any further information the Authority considers necessary to determine whether or not to grant the exemption.

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(13) [S.I. 2014/928](#). Regulation 42A was inserted by [S.I. 2015/145](#).

- (3) The Authority must, after considering evidence of exceptional circumstances and any further information provided by the participant—
- (a) determine whether or not an exemption for that 12 month period should be granted; and
  - (b) notify the participant of its decision, giving reasons.
- (4) The Authority must publish guidance specifying the circumstances which constitute exceptional circumstances for the purpose of this regulation.
- (5) Where this regulation applies, no RHI payment may be made for the accredited domestic plant until—
- (a) the Authority notifies the participant under paragraph (3)(b) that an exemption is granted; or
  - (b) if an exemption is not requested or is not granted, the Authority has provided the participant and, where there is an assignment, the NRI with a metering statement under regulation 46(5).
- (6) In this regulation, “exemption” means exemption from the requirement for heat generated by an accredited domestic plant to be metered because the property was occupied for less than 183 days in a 12 month period.”.

**Amendment of regulation 45 (review of accreditation or investor registration following notification of a change in circumstances)**

17. In regulation 45 (review of accreditation or investor registration following notification of a change in circumstances), in paragraph (1), after “22F,” insert “43A,”.

**Amendment of regulation 46 (changes affecting whether accredited domestic plants must be metered)**

18. In regulation 46 (changes affecting whether accredited domestic plants must be metered)—
- (a) in paragraph (1), for “This” substitute “Subject to paragraphs (1B) and (1C) and regulation 2A(3) and (4), this”;
  - (b) after paragraph (1) insert—
    - “(1B) This regulation does not apply in relation to an accredited domestic plant if—
    - (a) regulation 43A applies; and
    - (b) the Authority grants an exemption under that regulation in relation to the plant.
  - (1C) Paragraphs (2) to (6) of this regulation apply in relation to an accredited domestic plant if—
    - (a) regulation 43A applies; and
    - (b) the Authority does not grant an exemption under that regulation in relation to the plant.”.

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

19. In regulation 47 (replacement plants)—
- (a) the existing text becomes paragraph (1);
  - (b) in paragraph (1), for “Where” substitute “Subject to regulation 2A(4), where”;
  - (c) after paragraph (1) insert—

“(2) Where the date on which the original plant ceased to provide heat to the eligible property (“cessation date”) falls after 31st December 2028, no RHI payments are payable on or after the cessation date in respect of a replacement plant.”.

#### **Insertion of regulation 47A**

**20.** After regulation 47 (replacement plants) insert—

##### **“Replacement parts**

**47A.**—(1) A replacement part must use the same source of energy as the original part.

(2) In this regulation, “replacement part” means any part of an accredited domestic plant which—

- (a) uses a source of energy; and
- (b) is replaced during repair work.”.

#### **Amendment of regulation 48 (changes in ownership of accredited domestic plants)**

**21.** In regulation 48 (changes in ownership of accredited domestic plants), in paragraph (8), for “completion of the steps set out in paragraph (5)” substitute “the notification under paragraph (2) (a), or paragraph (2)(aa) if required.”.

#### **Amendment of regulation 50 (registration applications)**

**22.** In regulation 50 (registration applications), before paragraph (1) insert—

“(A1) This regulation is subject to regulation 2A(5).”.

#### **Amendment of regulation 51 (conditions of registration)**

**23.** In regulation 51 (conditions of registration)—

- (a) in paragraph (1)(c), for “by the metering and monitoring installer or the participant” substitute “to another certified installer, to another owner of the accredited domestic plant or to a new owner of that plant”;
- (b) in paragraph (1)(d), for “information collected” substitute “data collected before scheme closure”;
- (c) after paragraph (1) insert—

“(1A) It is a condition of registration that the participant must, on receipt of a request from the Authority, the Secretary of State, or an agent nominated by the Authority or Secretary of State—

- (a) authorise that person to access—
  - (i) any data collected by the installer or a sub-contractor of the installer after scheme closure under the metering and monitoring agreement;
  - (ii) any information relating to the agreement; and
  - (iii) information about anything else done under that agreement; and
- (b) give that authority in the manner and form and by the date specified in the request.”;

- (d) after paragraph (2) insert—



“(3) In this regulation, “data” means information recorded by measuring instruments under a metering and monitoring agreement.”.

**Amendment of regulation 53 (exceptions to duty to give registration)**

**24.** In regulation 53 (exceptions to duty to give registration)—

- (a) in paragraph (1), for “or (4)” substitute “, (4) or (4A)”;
- (b) in paragraph (4), after “if” insert “, before scheme closure,”;
- (c) after paragraph (4), insert—

“(4A) This paragraph applies if, after scheme closure, the Authority has advised the applicant that further information is required before registration can be given and that information is not provided within 12 weeks of the date on which that request was first made.”.

**Amendment of regulation 54 (changes affecting registration)**

**25.** In regulation 54—

- (a) in the heading, after “registration” insert “and changes in requirements for metering and monitoring agreements”;
- (b) the existing text becomes paragraph (1);
- (c) after paragraph (1), insert—

“(2) After scheme closure, all metering and monitoring agreements are to be read as if their terms effect the assignment of all rights and obligations under the agreement—

- (a) by the metering and monitoring installer to another certified installer if the participant consents;
- (b) to a certified installer from a metering and monitoring installer who has ceased trading, where the participant requests this assignment within 28 days after becoming aware that the metering and monitoring installer has ceased trading;
- (c) by the participant who entered into the metering and monitoring agreement to another owner of the accredited domestic plant where—
  - (i) the participant ceases to be the owner of the accredited domestic plant; and
  - (ii) notice is given to the metering and monitoring installer by the participant or another owner of the plant.”.

**Amendment of regulation 55 (withdrawal of registration and repayments)**

**26.** In regulation 55 (withdrawal of registration and repayments), after paragraph (2) insert—

“(2A) Paragraph (2)(c) does not apply where the Authority decides to withdraw registration under paragraph (1)(c) for non-compliance with, or a likely breach of, the condition in regulation 51(1A).”.

**Amendment of regulation 62 (right of review)**

**27.** In regulation 62 (right of review), at the end insert—

“(7) Paragraph (8) applies where—

- (a) the Authority rejects an accreditation application or registration application; and

(b) on a review under this regulation, the Authority revokes its decision to reject the application.

(8) Subject to regulation 2A(1)(b), the tariff start date is the date that would have been the tariff start date had the Authority not rejected the application.”.

#### **Amendment of regulation 69 (duty to report to the Secretary of State)**

**28.** In regulation 69 (duty to report to the Secretary of State)—

- (a) in paragraph (1), omit “monthly”;
- (b) in paragraph (2)—
  - (i) for “Monthly reports” substitute “Reports”;
  - (ii) after “form” insert “and at such intervals”;
- (c) omit paragraph (3);
- (d) in paragraph (4), omit “quarterly and”;
- (e) omit paragraph (6);
- (f) in paragraph (7)(a), omit “quarterly and”.

#### **Amendment of Schedule 1 (standards relevant to plants)**

**29.** Paragraph 1 of Schedule 1 (standards relevant to plants) is amended as follows—

- (a) in sub-paragraph (2), after “are:” insert “BS EN 303-5:2012(**14**), BS EN 16510-1:2018(**15**),”;
- (b) in sub-paragraph (4), before paragraph (a) insert—
  - “(za) BS EN 14511-1:2018(**16**), BS EN 14511-2:2018(**17**), BS EN 14511-3:2018(**18**) and BS EN 14511-4:2018(**19**),”;
- (c) in sub-paragraph (5)(a), before “EN 12975-1:2006+A1:2010” insert “BS EN ISO 9806:2017(**20**),”;
- (d) in sub-paragraph (5)(b), before “EN 12975-1:2006+A1:2010” insert “BS EN ISO 9806:2017,”;
- (e) in sub-paragraph (5)(c), before “EN 12976-1:2006” insert “BS EN 12976-1:2017(**21**), BS EN 12976-2:2017(**22**), BS EN 12976-2:2019(**23**),”.

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- (14) Heating boilers – Heating boilers for solid fuels, manually and automatically stoked, nominal heat output of up to 500 kW. Terminology, requirements, testing and marking (ISBN 978 0 580 71785 7). Published by the British Standards Institution on 31st August 2012.
  - (15) Residential solid fuel burning appliances – General requirements and test methods (ISBN 978 0 539 19279 7). Published by the British Standards Institution on 30th September 2018.
  - (16) Air conditioners, liquid chilling packages and heat pumps for space heating and cooling and process chillers, with electrically driven compressors – Terms and definitions (ISBN 978 0 580 91338 9). Published by the British Standards Institution on 31st March 2018.
  - (17) Air conditioners, liquid chilling packages and heat pumps for space heating and cooling and process chillers, with electrically driven compressors – Test conditions (ISBN 978 0 580 91336 5). Published by the British Standards Institution on 31st March 2018.
  - (18) Air conditioners, liquid chilling packages and heat pumps for space heating and cooling and process chillers, with electrically driven compressors – Test methods (ISBN 978 0 580 91337 2). Published by the British Standards Institution on 31st March 2018.
  - (19) Air conditioners, liquid chilling packages and heat pumps for space heating and cooling and process chillers, with electrically driven compressors – Requirements (ISBN 978 0 580 91335 8). Published by the British Standards Institution on 31st March 2018.
  - (20) Solar energy. Solar thermal collectors. Test methods (ISBN 978 0 580 93683 8). Published by the British Standards Institution on 28th February 2018.
  - (21) Thermal solar systems and components. Factory made systems – General requirements (ISBN 978 0 580 86106 2). Published by the British Standards Institution on 28th February 2017.

### **Amendment of Schedule 7 (requirements for metering and monitoring agreements)**

- 30.** In Schedule 7 (requirements for metering and monitoring agreements)—
- (a) in paragraph 1(b), omit “and”;
  - (b) in paragraph 1(c)—
    - (i) for “12” substitute “11”;
    - (ii) for “Schedule.” substitute “Schedule; and”;
  - (c) after paragraph 1(c), insert—
    - “(d) is to be read as if its terms effect the assignment of all rights and obligations under the agreement in accordance with regulation 54.”;
  - (d) omit paragraph 12.

## **PART 3**

### **Amendment of the Renewable Heat Incentive Scheme Regulations 2018**

#### **Amendment of the Renewable Heat Incentive Scheme Regulations 2018**

**31.** The Renewable Heat Incentive Scheme Regulations 2018(**24**) are amended in accordance with this Part.

#### **Amendment of regulation 2 (interpretation)**

- 32.** In regulation 2 (interpretation), in paragraph (1)—
- (a) in the definition of “certified installer”, in paragraph (b)—
    - (i) omit “EN 45011 or”;
    - (ii) at the end insert “or a subsequent version of that standard”;
  - (b) in the definition of “CHPQA” as it read before it was modified by the Renewable Heat Incentive Scheme (Temporary Modification) Regulations 2021(**25**), at the end insert “or a subsequent version of that standard, whichever was relevant at the time of certification”;
  - (c) after the definition of “subsequent tariff”, insert—
    - ““subsequent version”, in relation to a standard, means an issue or version of that standard approved by the Secretary of State under regulation 2A;”.

#### **Insertion of regulation 2A**

- 33.** After regulation 2 (interpretation) insert—

##### **“Approval of subsequent versions of standards**

**2A.** The Secretary of State may, in relation to a standard specified in a provision of these Regulations, approve for the purpose of that provision an issue or version of that standard which—

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(22) Thermal solar systems and components. Factory made systems – Test methods (ISBN 978 0 580 86105 5). Published by the British Standards Institution on 31st January 2017.

(23) Thermal solar systems and components. Factory made systems – Test methods (ISBN 978 0 539 01051 0). Published by the British Standards Institution on 30th April 2019.

(24) S.I. 2018/611, amended by S.I. 2018/635, 2019/1052, 2020/650 and 2021/76.

(25) S.I. 2021/346.

- (a) is published on or after 1st April 2022; and
- (b) supersedes the standard specified in that provision.”.

#### **Amendment of regulation 3A (closure of the Scheme to applications)**

**34.** In regulation 3A (closure of the Scheme to applications)—

- (a) in paragraph (2), for “2022” substitute “2023”;
- (b) in paragraph (3)(a), for “or (8A)” substitute “, (7B), (7C), (8A), (8B) or (8C)”;
- (c) in paragraph (4), for the words from “issued” to the end substitute—  
“issued—
  - (a) where the notice has been reissued under regulation 35(7B) or (8B), may on or before 31st March 2023 make an application for accreditation under regulation 30 in respect of the plant to which the tariff guarantee relates;
  - (b) where the notice has been reissued under regulation 35(7C) or (8C), may on or before 31st March 2023 make an application for registration under regulation 32 in respect of the production of biomethane to which the tariff guarantee relates; or
  - (c) where the notice has not been reissued, may on or before 31st March 2022—
    - (i) make an application for accreditation under regulation 30 in respect of the plant to which the tariff guarantee relates; or
    - (ii) make an application for registration under regulation 32 in respect of the production of biomethane to which the tariff guarantee relates.”;
- (d) in paragraph (5), for the words from “not” to the end substitute—  
“not grant—
  - (a) an application for accreditation mentioned in paragraph (2) or (4)(a) where it would result in a tariff start date that falls on or after 1st April 2023;
  - (b) an application for registration mentioned in paragraph (4)(b) where it would result in a tariff start date that falls on or after 1st April 2023;
  - (c) an application for accreditation or application for registration mentioned in paragraph (4)(c) where it would result in a tariff start date that falls on or after 1st April 2022.”.

#### **Amendment of regulation 6 (RHI emission certificates)**

**35.** In regulation 6 (RHI emission certificates), in paragraph (b), for “17025:2005” substitute “17025:2017(26) or a subsequent version of that standard”.

#### **Amendment of regulation 9 (eligible installations generating heat using ground source heat pumps)**

**36.** In regulation 9 (eligible installations generating heat using ground source heat pumps), in paragraph (1)(f)(ii), for “12831:2003” substitute “12831-1:2017(27) or a subsequent version of that standard”.

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(26) General requirements for the competence of testing and calibration laboratories (ISBN 978 0539 01414 3). Published by the British Standards Institution on 31st December 2017, amended on 31st March 2018 and 30th June 2018.

(27) Energy performance of buildings. Method for calculation of the design heat load – Space heating load, Module M3-3 (ISBN 978 0 580 87448 2). Published by the British Standards Institution on 31st July 2017.

### **Amendment of regulation 11 (eligible installations which are shared ground loop systems)**

37. In regulation 11 (eligible installations which are shared ground loop systems), in paragraph (2)(f), for “12831:2003” substitute “12831-1:2017(28) or a subsequent version of that standard”.

### **Amendment of regulation 18 (certification for installation of microgeneration heating equipment)**

38. In regulation 18 (certification for installation of microgeneration heating equipment)—

- (a) in paragraph (1)(b)(i)—
  - (i) omit “EN 45011 or”;
  - (ii) at the end insert “or a subsequent version of that standard”;
- (b) in paragraph (2)(a), at the end insert “or a subsequent version of that standard”;
- (c) in paragraph (2)(b), for the words from “air source heat pump,” to the end substitute—
  - “air source heat pump—
  - (i) Issue 1.0 of the document entitled “Microgeneration Installation Standard: MIS 3005-D The Heat Pump Standard (Design)”, published on 1st December 2021(29), or a subsequent version of that standard; and
  - (ii) Issue 1.0 of the document entitled “Microgeneration Installation Standard: MIS 3005-I The Heat Pump Standard (Installation)”, published on 1st December 2021(30), or a subsequent version of that standard; or”;
- (d) in paragraph (2)(c), for the words from “version” to the end substitute “Issue 5.0 of the document entitled “Microgeneration Installation Standard: MIS 3001 The Solar Thermal Standard (Installation)”, published on 1st December 2021(31), or a subsequent version of that standard”.

### **Amendment of regulation 35 (tariff guarantees)**

39. In regulation 35 (tariff guarantees)—

- (a) after paragraph (7A) insert—

“(7B) Where a notice under paragraph (7) in respect of a plant to which paragraph (3) applies has been reissued under paragraph (7A), the Authority may re-issue the notice substituting a date no later than 31st March 2023 as the date by which, for the purposes of the tariff guarantee, the plant must be commissioned.

(7C) Where a notice under paragraph (7) has been reissued under paragraph (7A) to an applicant who proposes to produce biomethane for injection and the applicant is not eligible to make an application for a tariff guarantee under regulation 4(1) of the Green Gas Support Scheme Regulations 2021(32) in respect of that production, the Authority may re-issue the notice substituting a date no later than 31st March 2023 as the date by which, for the purposes of the tariff guarantee, the injection of biomethane must commence.”;
- (b) after paragraph (8A) insert—

(28) Energy performance of buildings. Method for calculation of the design heat load – Space heating load, Module M3-3 (ISBN 978 0 580 87448 2). Published by the British Standards Institution on 31st July 2017.

(29) Available at [www.mcscertified.com](http://www.mcscertified.com).

(30) Available at [www.mcscertified.com](http://www.mcscertified.com).

(31) Available at [www.mcscertified.com](http://www.mcscertified.com).

(32) S.I. 2021/1335.

“(8B) Where a notice under paragraph (7) has been reissued under paragraph (8A) in respect of a plant to which paragraph (3) applies, the Authority may re-issue the notice substituting a date no later than 31st March 2023 as the date by which, for the purposes of the tariff guarantee, the plant must be commissioned.

(8C) Where a notice under paragraph (7) has been reissued under paragraph (8A) to an applicant who proposes to produce biomethane for injection and the applicant is not eligible to make an application for a tariff guarantee under regulation 4(1) of the Green Gas Support Scheme Regulations 2021 in respect of that production, the Authority may re-issue the notice substituting a date no later than 31st March 2023 as the date by which, for the purposes of the tariff guarantee, the injection of biomethane must commence.”;

(c) in paragraph (11B)(c), for the words from “relation” to the end substitute—

“relation to—

- (i) an accredited RHI installation in respect of which a notice under paragraph (7) has been reissued under paragraph (7B) or (8B) is after 31st March 2023;
- (ii) a producer of biomethane for injection to whom a notice under paragraph (7) has been reissued under paragraph (7C) or (8C) is after 31st March 2023; or
- (iii) any other accredited RHI installation or producer of biomethane for injection is after 31st March 2022.”.

#### **Insertion of regulations 47A and 47B**

**40.** After regulation 47 (interpretation) insert—

##### **“Ongoing obligation in relation to boiler maintenance**

**47A.**—(1) This regulation applies to a participant who generates heat from a boiler which uses solid biomass, or solid biomass contained in waste, as fuel.

(2) The participant must—

- (a) ensure that, in each payment year, a maintenance check is carried out in relation to the boiler (“annual maintenance check”);
- (b) following the end of each payment year, provide to the Authority a declaration stating that—
  - (i) the annual maintenance check has been carried out; and
  - (ii) the maintenance standard has been met.

(3) Participants must retain evidence (including service and maintenance invoices, receipts or certificates) of the matters stated in the declaration for the duration of their participation in the Scheme and must provide the Authority with that evidence when requested to do so.

(4) A document issued by HETAS (or an equivalent body) certifying that the boiler has been assessed against a maintenance standard may be accepted as evidence that the maintenance standard has been met.

(5) In this regulation—

- (a) “equivalent body” means a certification body which is approved by the Secretary of State under regulation 47B(1)(a);
- (b) “equivalent standard” means a document which—

- (i) specifies the standards to be met by a participant when carrying out the annual maintenance check of a boiler which uses solid biomass, or solid biomass contained in waste, as fuel; and
- (ii) is approved by the Secretary of State under regulation 47B(1)(b);
- (c) “maintenance standard” means MCS 040 or an equivalent standard;
- (d) “MCS 040” means Issue 1.0 of the document entitled “MCS 040: Planned and Preventative Maintenance of Biomass Appliances – Requirements for Maintenance Engineers carrying out Maintenance Activities” published on 30th June 2021(33) or a subsequent version of that standard;
- (e) “payment year” means any 12 month period beginning on or after 1st April 2022 commencing with the anniversary of the tariff start date.

#### **Approval of equivalent bodies, equivalent standards and equivalent certification schemes**

**47B.**—(1) For the purpose of regulation 47A (ongoing obligation in relation to boiler maintenance), the Secretary of State may approve—

- (a) a certification body as an equivalent body if it has a certification scheme for certifying compliance with a maintenance standard;
- (b) a standard as an equivalent standard if it matches or exceeds the standards specified in MCS 040.

(2) For the purpose of paragraph 2 of Schedule 4A (solid biomass which is wood: criteria for woodfuel quality), the Secretary of State may approve a standard as an equivalent standard if it matches or exceeds the ENplus A1 standard.

(3) For the purpose of paragraph 3 of that Schedule, the Secretary of State may approve a standard as an equivalent standard if it matches or exceeds a fuel quality standard mentioned in that paragraph.

(4) For the purpose of paragraph 4 of that Schedule, the Secretary of State may approve a certification scheme which matches or exceeds the Woodsure Certification Scheme as an equivalent certification scheme.

(5) The Secretary of State must publish details of any equivalent body, equivalent standard or equivalent certification scheme approved under this regulation and the date from which the approval takes effect.

(6) The Secretary of State may revoke an approval given under this regulation by publishing a notice specifying the date from which the approval is revoked.

(7) An equivalent body or equivalent certification scheme may not certify compliance with an equivalent standard developed by that body or scheme.”.

#### **Amendment of regulation 50 (ongoing obligation to submit sustainability audit reports)**

**41.** In regulation 50 (ongoing obligation to submit sustainability audit reports), in paragraph (4) (b), after “2013” insert “, a subsequent version of that standard”.

#### **Amendment of regulation 52A (modification of installation capacity — shared ground loop systems)**

**42.** In regulation 52A (modification of installation capacity — shared ground loop systems)—

- (a) after paragraph (3) insert—
  - “(3A) A participant must not notify the Authority of any further plan to modify capacity in relation to the same accredited RHI installation without first withdrawing the original plan to modify capacity.”;
- (b) in paragraph (7), after sub-paragraph (d) insert—
  - “(da) regulation 52B(4A) does not apply.”.

**Amendment of regulation 52B (budget allocation for modification of installation capacity — shared ground loop systems)**

**43.** In regulation 52B (budget allocation for modification of installation capacity — shared ground loop systems)—

- (a) in paragraph (1), after sub-paragraph (a) insert—
  - “(aa) for the financial years 2022/2023 and 2023/2024, determine and publish those parts of the budget allocation which will be allocated to—
    - (i) heating a space or water, or heating both a space and water, in domestic premises; and
    - (ii) all other heat uses.”;
- (b) after paragraph (4), insert—
  - “(4A) Where the Secretary of State exercises the power in paragraph (1)(aa), paragraph (4) applies as if the reference to the “estimated total modified capacity commitment” were to the part of that sum to be used as set out in paragraph (1)(aa)(i) or (ii) and the reference to “budget allocation” were to the corresponding part of the budget allocation.
  - “(4B) The Authority must not approve a plan to modify capacity in any financial year subsequent to the financial year 2023/2024.”;
- (c) in paragraph (6), in the definition of “estimated annual payment”, for paragraph (i) substitute—
  - “(i) C is the expected increase in the installation capacity of the plant as a result of the modification.”.

**Amendment of regulation 54 (changes in ownership of accredited RHI installations)**

**44.** In regulation 54 (changes in ownership of accredited RHI installations)—

- (a) in paragraph (1), for “to another person” substitute “from one person to another person (“new owner”);
- (b) in paragraph (7), for “completion of those steps” substitute “the notification under paragraph (2)(a)”.

**Amendment of Schedule 1 (content of RHI Emission Certificates)**

**45.** In Schedule 1 (content of RHI Emission Certificates)—

- (a) in paragraph 4, after “17025:2005” insert “, 17025:2017<sup>(34)</sup> or a subsequent version of that standard”;

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<sup>(34)</sup> General requirements for the competence of testing and calibration laboratories (ISBN 978 0539 01414 3). Published by the British Standards Institution on 31st December 2017, amended on 31st March 2018 and 30th June 2018.



- (b) in paragraph 8, for the words from “either” to “standard” substitute “BS EN 303-5:2012(35) or a subsequent version of that standard, whichever version”;
- (c) in paragraph 9(a)(i), for “14792:2005” substitute “14792:2017(36) or a subsequent version of that standard”;
- (d) in paragraph 9(a)(ii), for “BS EN 13284-1:2002 or BS ISO 9096:2003” substitute “BS EN 13284-1:2017(37) or BS ISO 9096:2017(38) or a subsequent version of one of those standards”.

**Amendment of Schedule 2 (information required for modification of installation capacity, extension applications, accreditation or registration)**

46. In Schedule 2 (information required for modification of installation capacity, extension applications, accreditation or registration), in paragraph 1(2)(q)(ii), for “BS EN 12831:2003” substitute “BS EN 12831-1:2017(39) or a subsequent version of that standard”.

**Amendment of Schedule 4A (solid biomass which is wood: criteria for woodfuel quality)**

47. In Schedule 4A (solid biomass which is wood: criteria for woodfuel quality)—

- (a) in paragraph 2, after “A1 standard” insert “, a subsequent version of that standard”;
- (b) in paragraph 3, for the words from “meet” to the end substitute—
  - “meet—
  - (a) fuel quality standard EN 15234-2:2012(40), ISO 9001:2015 or ISO 17225-4:2021(41);
  - (b) a subsequent version of one of those standards; or
  - (c) an equivalent standard.”.

*Callanan*  
Parliamentary Under Secretary of State  
Department for Business, Energy and Industrial  
Strategy

17th February 2022

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- (35) Heating boilers – Heating boilers for solid fuels, manually and automatically stoked, nominal heat output of up to 500 kW. Terminology, requirements, testing and marking (ISBN 978 0 580 71785 7). Published by the British Standards Institution on 31st August 2012.
  - (36) Stationary source emissions. Determination of mass concentration of nitrogen oxides. Standard reference method. Chemiluminescence (ISBN 978 0 580 85051 6). Published by the British Standards Institution on 31st January 2017.
  - (37) Stationary source emissions. Determination of low range mass concentration of dust – Manual gravimetric method (ISBN 978 0 580 90169 0). Published by the British Standards Institution on 30th November 2017.
  - (38) Stationary source emissions. Manual determination of mass concentration of particulate matter (ISBN 978 0 580 93028 7). Published by the British Standards Institution on 30th September 2017.
  - (39) Energy performance of buildings. Method for calculation of the design heat load – Space heating load, Module M3-3 (ISBN 978 0 580 87448 2). Published by the British Standards Institution on 31st July 2017.
  - (40) Solid biofuels – Fuel quality assurance - Part 2: Wood pellets for non-industrial use (ISBN 978 0 580 75034 2). Published by the British Standards Institution on 31st January 2012.
  - (41) Solid biofuels – Fuel specifications and classes - Part 4: Graded wood chips, ed. 2.0 (ISBN 978 0 539 05763 8). Published by the British Standards Institution on 31st March 2021.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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## EXPLANATORY NOTE

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

These Regulations amend the Domestic Renewable Heat Incentive Scheme Regulations 2014 (S.I. 2014/928) (“the 2014 Regulations”) and the Renewable Heat Incentive Scheme Regulations 2018 (S.I. 2018/611) (“the 2018 Regulations”). The 2014 Regulations and 2018 Regulations provide for schemes under which owners of plants which generate heat from specified renewable sources and meet specified criteria, and producers of biomethane for injection, may receive payments at prescribed tariffs for heat used for eligible purposes. The 2018 Regulations continue the Non-Domestic Renewable Heat Incentive scheme established by the Renewable Heat Incentive Scheme Regulations 2011 (S.I. 2011/2860). The 2018 Regulations were closed to new applications on 31st March 2021.

Part 1 provides for different coming into force dates. Provisions for closure of the Domestic Renewable Heat Incentive scheme and power for the Secretary of State to approve subsequent versions of documents published after scheme closure come into force on 15th March 2022. Other amendments to that scheme and amendments to the 2018 Regulations come into force on 1st April 2022.

Part 2 amends the 2014 Regulations.

Regulation 3 updates outdated references in the definitions and defines “scheme closure”. Regulation 4 inserts a new Part 1A into the 2014 Regulations providing for scheme closure and approval by the Secretary of State of subsequent versions of standards published after scheme closure. Regulations 5, 10 and 29 update references to standards and a calculator. Regulations 6 and 15 update references to the Non-Domestic Renewable Heat Incentive scheme. Regulation 9 provides for closure of the Domestic Renewable Heat Incentive scheme to investor applications. Regulations 8, 11, 12, 19 and 22 make consequential amendments in relation to scheme closure.

Regulation 7 provides for an additional exception to the requirement for heat generated by a plant to be metered. Regulation 16 provides for an exemption from the requirement for heat generated by an accredited domestic plant to be metered because the property was occupied for less than 183 days in a 12 month period, and regulations 17 and 18 make consequential amendments in relation to this.

Regulation 13 provides for additional ongoing obligations to notify the Authority of any repair to an accredited domestic plant and the replacement of any part of the plant during repair work. Regulation 14 provides for additional ongoing obligations relating to the annual declaration. Regulation 20 provides that a replacement part must use the same source of energy as the original part.

Regulation 21 makes an amendment in relation to the calculation of RHI payments following a change in ownership of an accredited domestic plant.

Regulation 23 amends the conditions of registration and regulation 26 makes a consequential amendment in relation to this. Regulation 25 amends the terms of metering and monitoring agreements, and regulation 30 amends the requirements for metering and monitoring agreements set out in Schedule 7.

Regulation 24 makes an amendment in relation to requests for information made by the Authority after scheme closure.

Regulation 27 makes clear that the restriction on tariff start dates in regulation 2A(1)(b) applies where an application for accreditation or registration is rejected but subsequently accepted following a review under regulation 62 of the 2014 Regulations.

Regulation 28 makes amendments in relation to reports.

Part 3 amends the 2018 Regulations.

Regulation 33 provides for approval of subsequent versions of standards by the Secretary of State. Regulations 32, 35 to 38, 41 and 45 to 47 update references to standards.

Regulations 34 and 39 amend the provisions which closed the Non-Domestic Renewable Heat Incentive scheme and the tariff guarantee provisions of that scheme to extend the time for making applications for accreditation and applications for registration where the notice granting a tariff guarantee has been reissued.

Regulation 40 provides for an ongoing obligation relating to maintenance of boilers and provides for approval of equivalent standards by the Secretary of State. Regulations 42 and 43 amend the modified capacity provisions of the Non-Domestic Renewable Heat Incentive scheme and regulation 44 amends the change in ownership provisions of that scheme.

Documents published on [www.mcscertified.com](http://www.mcscertified.com) are also available from the MCS Service Company Ltd, Suite G40, Innovation Centre, Sci-Tech Daresbury, Keckwick Lane, Daresbury, Cheshire WA4 4FS.

Copies of British Standards referred to in these Regulations can be obtained from [www.bsigroup.com](http://www.bsigroup.com) and hard copies can be obtained from BSI Customer Services, 389 Chiswick High Road, London, United Kingdom W4 4AL (telephone number 0345 086 9001).

An impact assessment was published alongside the consultation on closing the Domestic Renewable Heat Incentive scheme and is available at <https://www.gov.uk/government/consultations/domestic-renewable-heat-incentive-ensuring-a-stable-scheme>. It provided a qualitative assessment of the marginal impacts of the proposed changes. A further impact assessment has not been produced for Part 2 of this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen, beyond those marginal impacts set out in the consultation stage impact assessment. A copy of the consultation stage impact assessment is also available from the Department for Business, Energy and Industrial Strategy at 1 Victoria Street, London, SW1H 0ET. The Domestic Renewable Heat Incentive scheme is being replaced by the Boiler Upgrade Scheme. An impact assessment for the Boiler Upgrade Scheme will be published in advance of the launch of that scheme. A full impact assessment has not been produced for Part 3 of this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.