
STATUTORY INSTRUMENTS

2022 No. 159

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

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(1) 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(2), 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—

(a) is published on or after 1st April 2022; and

(b) supersedes the standard specified in that provision.”.

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

(2) S.I. 2021/346.

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(3) 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(4) or a subsequent version of that standard”.

(3) 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.

(4) 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⁽⁵⁾ 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⁽⁶⁾, 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⁽⁷⁾, 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⁽⁸⁾, 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⁽⁹⁾ 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—

⁽⁵⁾ 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.

⁽⁶⁾ Available at www.mcscertified.com.

⁽⁷⁾ Available at www.mcscertified.com.

⁽⁸⁾ Available at www.mcscertified.com.

⁽⁹⁾ [S.I. 2021/1335](http://www.legislation.gov.uk/uksi/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(10) 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(11) or a subsequent version of that standard”;

(11) 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(12) or a subsequent version of that standard, whichever version”;
- (c) in paragraph 9(a)(i), for “14792:2005” substitute “14792:2017(13) 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(14) or BS ISO 9096:2017(15) 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(16) 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(17), ISO 9001:2015 or ISO 17225-4:2021(18);
- (b) a subsequent version of one of those standards; or
- (c) an equivalent standard.”.

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- (12) 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.
 - (13) 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.
 - (14) 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.
 - (15) 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.
 - (16) 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.
 - (17) 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.
 - (18) 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.