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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ENERGY

The Domestic Renewable Heat Incentive Scheme Regulations 2014

Made - - - - 2014

Coming into force in accordance with regulation 1

CONTENTS

PART 1
Introductory provisions

1. Citation and commencement
2. Interpretation

PART 2
Eligibility criteria

3. Eligibility criteria
4. Requirements for biomass plants
5. Requirements for heat pumps
6. Requirements for solar thermal plants
7. Installation requirements
8. Certification requirements
9. Plants used to generate heat before the first commissioning date
10. Requirements regarding funding of plants
11. Requirement that plant is not an accredited RHI installation
12. Requirements where more than one plant provides heat to a property
13. Plants where heat generation must be metered
14. Metering requirements
15. Positioning of meters when recording heat generated by biomass plants
16. Positioning of meters when recording heat generated by heat pumps

PART 3
Accreditation of plants

17. Accreditation applications

18. Powers of the Authority when considering an accreditation application
19. Time limits for provision of information
20. Conditions of accreditation
21. Accreditation
22. Rejection of accreditation applications

PART 4
Authorisation of metering arrangements

23. Authorisation applications
24. Powers of the Authority when considering an authorisation application
25. Authorisation

PART 5
RHI payments

26. Duty to make RHI payments
27. Calculation of RHI payments where metering is not required
28. Calculation of RHI payments where heat generated by a plant must be metered
29. Calculation of deemed annual heat generation
30. Calculation of eligible metered heat generated by biomass plants
31. Calculation of eligible metered heat generated by heat pumps
32. Calculation of grant funding deduction

PART 6
Calculation of tariffs and cost control

33. Duty to calculate and publish tariffs
34. Calculation of initial tariffs
35. Calculation of initial tariffs: calculation of A
36. Calculation of initial tariffs: calculation of B
37. Calculation of subsequent tariffs
38. Expenditure forecast statement and tariff change notice

PART 7
Ongoing obligations for participants

39. Ongoing obligations: general
40. Ongoing obligations: changes affecting accredited domestic plants
41. Ongoing obligations: annual declarations
42. Ongoing obligations: emissions from biomass
43. Ongoing obligations: metering
44. Ongoing obligations: provision of information

PART 8
Changes affecting accredited domestic plants

45. Review of accreditation following notification of a change in circumstances
46. Changes affecting whether accredited domestic plants must be metered
47. Replacement plants

48. Changes in ownership of accredited domestic plants

PART 9
Metering and monitoring agreements

49. Additional payments where a registered metering and monitoring agreement relates to an accredited domestic plant
50. Registration applications
51. Conditions of registration
52. Registration
53. Exceptions to duty to give registration
54. Changes affecting registration
55. Withdrawal of registration

PART 10
Inspection and enforcement

56. Inspection
57. Power to withhold RHI payments during investigation
58. Power to withhold RHI payments in the case of non-compliance
59. Revocation of accreditation
60. Overpayment notices and offsetting
61. Revocation of sanctions
62. Right of review

PART 11
Powers and functions of the Secretary of State

63. Scheme review and evaluation
64. Right of review of decisions by the Secretary of State

PART 12
Additional powers and functions of the Authority

65. Provision of information to the Authority
66. Reliance on declarations and other information available to the Authority
67. Duty to maintain a central register
68. Duty to publish guidance
69. Duty to report to the Secretary of State
70. Duty to provide additional information to the Secretary of State

PART 13
Miscellaneous provisions

71. Notices, notifications and applications
72. Consequential amendments

SCHEDULE 1 — Standards relevant to plants

SCHEDULE 2 — Requirements for RHI emission certificates
SCHEDULE 3 — Eligible properties
SCHEDULE 4 — Information required for accreditation
PART 1 — Information required from all applicants making an accreditation application
PART 2 — Additional information which may be required from an applicant for accreditation
SCHEDULE 5 — Tariffs
SCHEDULE 6 — Expenditure for individual technologies
PART 1 — Biomass plants
PART 2 — Air source heat pumps
PART 3 — Ground source heat pumps
PART 4 — Solar thermal plants
SCHEDULE 7 — Requirements for metering and monitoring agreements

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(**a**).

In accordance with sections 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.

PART 1

Introductory provisions

Citation and commencement

1. These Regulations may be cited as the Domestic Renewable Heat Incentive Scheme Regulations 2014 and come into force on the day after the day on which they are made.

Interpretation

2. In these Regulations—

"accreditation" means a determination by the Authority that a plant for which an accreditation application is made is an accredited domestic plant;

"accreditation application" means an application for accreditation of a plant under regulation 17 which has not been withdrawn by the applicant;

"accredited domestic plant" means a plant in respect of which RHI payments are payable;

"accredited RHI installation" has the meaning given by regulation 2 of the Renewable Heat Incentive Scheme Regulations 2011(**b**);

"additional plant" means any plant which provides heat to the same RHI property as an accredited domestic plant but which is not part of that accredited domestic plant;

(**a**) 2008 c.32. Section 100 is amended by S.I. 2011/2195.
(**b**) S.I. 2011/2860, amended by S.I. 2012/1999, S.I. 2013/1033, S.I. 2013/2410 and S.I. 2013/3179.

"air source heat pump" means a plant which generates heat by absorbing energy stored in the form of heat in the ambient air outside a property and uses that energy to heat a liquid;

"applicant" means a person who makes an accreditation application, an authorisation application or a registration application;

"assessment date" means 31st January, 30th April, 31st July or 31st October in any calendar year;

"associated infrastructure" includes equipment installed under a metering and monitoring agreement;

"authorisation", in relation to a metering arrangement, means approval by the Authority of that metering arrangement under regulation 25;

"authorisation application" means an application for authorisation of a metering arrangement under regulation 23;

"authorised metering arrangement" means a metering arrangement which has been given authorisation;

"biomass boiler" means a plant which—

(a) is designed and installed to burn solid biomass to provide heat;

(b) is designed to minimise direct heat loss to the immediate area in which it is installed;

(c) is not capable of providing heat to a property without using a liquid to deliver that heat; and

(d) is not designed to generate heat for the purpose of cooking food;

"biomass plant" means a plant which is a biomass boiler or a biomass stove but not both;

"biomass stove" means a plant which—

(a) is designed and installed to burn wood pellets to generate heat which is radiated directly into the room in which it is installed; and

(b) is not designed to generate heat for the purpose of cooking food;

"central register" means the register maintained by the Authority under regulation 67;

"certified installer" means a person who is certified by the Microgeneration Certification Scheme(**a**) or an equivalent scheme accredited under EN 45011(**b**) or EN ISO/IEC 17065:2012(**c**);

"commissioned", in relation to a plant, means the completion of such procedures and tests as constitute, at the time they are undertaken, the usual industry standards and practices for that type of plant which demonstrate that it is capable of operating and generating heat;

"compressor" means a mechanical device which increases the pressure of refrigerant used in a heat pump;

"condensing plant" means a plant which is designed to use the latent heat released from the condensation of water vapour into a liquid with the resulting liquid leaving the boiler by way of a drain;

"deemed annual heat generation" has the meaning given by regulation 29;

"domestic hot water" means hot water used in an eligible property for a purpose other than space heating or heating a swimming pool;

"domestic hot water cylinder" means a tank used to store domestic hot water;

"domestic RHI scheme" means the scheme established by these Regulations;

"dwelling" has the meaning given by—

(**a**) Details of which are available at www.microgenerationcertification.org.

(**b**) 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.

(**c**) 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.

(a) in relation to a property in England or Wales, regulation 2(1) of the Energy Performance of Buildings (England and Wales) Regulations 2012(**a**);

(b) in relation to a property in Scotland, regulation 2(1) of the Energy Performance of Buildings (Scotland) Regulations 2008(**b**);

"efficiency" means the ratio of the heat generated by a plant to its energy consumption;

"eligibility criteria" has the meaning given by regulation 3;

"eligible electricity meter" means an electricity meter which meets the relevant requirements set out in Annex 1 to the Measuring Instruments Directive, the specific requirements listed in Annex MI-003 to that Directive and the requirements for accuracy class A as defined in Annex MI-003 to that Directive;

"eligible gas meter" means a gas meter which meets the relevant requirements set out in Annex 1 to the Measuring Instruments Directive, the specific requirements listed in Annex MI-002 to that Directive and the requirements for accuracy class 1.5 as defined in Annex MI-002 to that Directive;

"eligible heat meter" means a heat meter which meets the relevant requirements set out in Annex 1 to the Measuring Instruments Directive, the specific requirements listed in Annex MI-004 to that Directive and the requirements for accuracy class 3 as defined in Annex MI-004 to that Directive;

"eligible meter" means an eligible electricity meter, eligible gas meter, eligible heat meter or eligible oil meter;

"eligible metered heat" means, in relation to an accredited domestic plant which is—

(a) a biomass plant, the figure calculated in accordance with regulation 30; or

(b) a heat pump, the figure calculated in accordance with regulation 31;

"eligible new-build property" means a property which is supplied with heat by a plant in respect of which an accreditation application is made and where—

(a) any building that forms part of that property was built principally with the use of the labour or resources of the first owner (including where the resource was a loan which the first owner was liable to repay);

(b) the date the property was first occupied was after the date the plant was first commissioned; and

(c) the property has not, while the building was built or at any subsequent time been owned wholly or partly by a person who is not an individual;

"eligible oil meter" means an oil meter which meets the relevant requirements set out in Annex 1 to the Measuring Instruments Directive, the specific requirements listed in Annex MI-005 to that Directive and the requirements for accuracy class 1 as defined in Annex MI-005 to that Directive;

"eligible property" means a property that meets the requirements set out in Schedule 3;

"eligible purpose" means, in relation to heat generated by—

(a) a biomass plant or heat pump, the purpose of space heating, or both space heating and domestic hot water heating, for an eligible property; or

(b) a solar thermal plant, the purpose of domestic hot water heating for an eligible property;

"Energy Performance Certificate" has the meaning given by—

(a) in relation to a property in England and Wales, regulation 2(1) of the Energy Performance of Buildings (England and Wales) Regulations 2012;

(b) in relation to a property in Scotland, regulation 2(1) of the Energy Performance of Buildings (Scotland) Regulations 2008;

(**a**) S.I. 2012/3118, amended by S.I. 2013/181; there are other amending instruments but none is relevant.
(**b**) S.S.I. 2008/309, relevant amending instruments are S.S.I. 2012/190, 2012/208, 2013/12.

"expenditure forecast statement" has the meaning given by regulation 38(1);

"financial year" means a 12 month period commencing on 1st April and ending on the following 31st March;

"first commissioning date" means the date on which a plant is first commissioned;

"forecast for expenditure" has the meaning given by regulation 38(7);

"fuel" excludes electricity;

"grant from public funds" means a grant made by a public authority or by any person distributing funds on behalf of a public authority;

"grant funding deduction" means the figure calculated in accordance with regulation 32;

"Green Deal Assessment" means a qualifying assessment under regulation 7 of the Green Deal Framework (Disclosure, Acknowledgment, Redress etc) Regulations 2012(**a**);

"Green Deal Plan" has the meaning given by section 1 of the Energy Act 2011(**b**);

"ground source heat pump" means a plant which generates heat by absorbing energy stored in the form of heat from the ground, including water in the ground, or surface water or both and uses that energy to heat a liquid;

"heat emitter guide" means version 1.0 of the document "MCS 021 heat emitter guide for domestic heat pumps" published on 16 December 2013(**c**);

"heat meter" has the same meaning as that given in Annex MI-004 to the Measuring Instruments Directive;

"heat pump" means a plant which is an air source heat pump or a ground source heat pump but not both;

"increase in expenditure forecast" has the meaning given by regulation 38(7);

"initial tariff" means the tariff for an accredited domestic plant for its initial tariff period, calculated in accordance with regulation 34;

"initial tariff period" means the period commencing on a plant's tariff start date and ending on the following 31st March;

"installation capacity" means the total installed peak heat output capacity of a plant;

"kWh" means kilowatt hour;

"landlord" means a person who owns a property (solely or together with one or more other owners) but does not occupy that property;

"local authority" means a local authority within the meaning given in section 106 of the Localism Act 2011(**d**) or a council constituted under section 2 of the Local Government etc (Scotland) Act 1994(**e**);

"MCS register" means the register maintained by the Microgeneration Certification Scheme, or an equivalent scheme accredited under EN 45011 or EN ISO/IEC 17065:2012, of installers and plant which are certified under that scheme;

"measuring instrument" means an eligible meter, a temperature sensor, or any equipment which records information used to determine the efficiency of a biomass plant;

"Measuring Instruments Directive" means Directive 2004/22/EC of the European Parliament and of the Council on measuring instruments(**f**);

"metering and monitoring agreement" means an agreement which meets the requirements set out in Schedule 7;

(**a**) S.I. 2012/2079; to which there are amendments not relevant to these Regulations.
(**b**) 2011 c.16.
(**c**) Details of which are available at www.microgenerationcertification.org.
(**d**) 2011 c.20.
(**e**) 1973 c.65. There have been amendments to section 2 but none is relevant to these Regulations.
(**f**) OJ L 135, 30.4.2004, p.1, amended by Commission Directive 2009/137/EC (OJ L 294, 11.11.2009, p.7).

"metering and monitoring biomass boiler" means a biomass boiler which is an accredited domestic plant and is designed and installed to burn only wood pellets;

"metering and monitoring installer" means a certified installer who has entered into a metering and monitoring agreement with a participant;

"metering and monitoring payment" means one or more payments totalling—

(a) £200 during a 12 month period for a metering and monitoring biomass boiler; or

(b) £230 during a 12 month period for a heat pump which is an accredited domestic plant;

"metering arrangement" means a document which identifies the location and type of each eligible meter positioned in accordance with paragraph (3) or (4) of regulation 15 or paragraph (3), (4) or (5) of regulation 16;

"metering requirements" has the meaning given by regulation 14(1)(a);

"metering statement" means a written statement provided by the Authority which contains the information specified in regulation 21(1)(f);

"NOx" means oxides of nitrogen;

"ongoing obligations" means the obligations specified in Part 7;

"original plant" means an accredited domestic plant which is replaced by another plant;

"participant" means the owner of an accredited domestic plant or, where there is more than one owner, the owner who has provided to the Authority under regulation 17(2)(g) or regulation 48(2) or (9) evidence that they have the authority to act on behalf of all owners;

"PM" means particulate matter;

"quarterly period" means the first, second, third or fourth quarter of—

(a) the period of 12 months which commences on a tariff start date; and

(b) each subsequent period of 12 months;

"recommendation report" has the meaning given by—

(a) in relation to a property in England or Wales, regulation 4(1) of the Energy Performance of Buildings (England and Wales) Regulations 2012(**a**);

(b) in relation to a property in Scotland, the definition of a "recommendations report" in regulation 2(1) of the Energy Performance of Buildings (Scotland) Regulations 2008;

"registered metering and monitoring agreement" means a metering and monitoring agreement which has been given registration under regulation 52;

"registration" means the entry of a metering and monitoring agreement on the central register under regulation 52;

"registration application" means an application for registration under regulation 50;

"relevant date" means the date on which these Regulations come into force;

"relevant EPC" means, on the date on which an accredited domestic plant providing heat to an RHI property is given accreditation, the most recent Energy Performance Certificate for that property for which details have been provided to the Authority;

"relevant installation standard" has the meaning given by regulation 8(2);

"replacement plant" means a plant which is installed in place of an original plant and uses the same sources of energy as the original plant;

"retail prices index" means—

(a) the general index of retail prices (for all items) published by the Office of National Statistics; or

(b) where the index is not published for a calendar year, any substituted index or figures published by that Office;

(**a**) Regulation 4(1) has been amended by S.I. 2013/181.

"RHI date" means, where an accreditation application is made in respect of a plant which is—

(a) not a replacement plant, the date on which that application is made or the date when all of the information set out in Part 1 of Schedule 4 that is relevant to, and submitted as part of, that application is given to the Authority, whichever is the earlier; or

(b) a replacement plant, the RHI date that is specified in the statement of eligibility for the original plant;

"RHI emissions certificate" means a document that meets the requirements set out in Schedule 2;

"RHI payments" has the meaning given by regulation 26(1);

"RHI property", means an eligible property to which an accredited domestic plant provides heat;

"RHPP grant" means a grant—

(a) for the costs of purchasing or installing a renewable heating plant;

(b) which is administered by the Energy Saving Trust; and

(c) which is applicable to the whole of Great Britain;

"seasonal performance factor" means a ratio of the heat generated by a heat pump to its energy consumption and where the plant's first commissioning date is—

(a) on or after the relevant date, the ratio is calculated in accordance with the heat emitter guide;

(b) earlier than the relevant date and the person making the accreditation application requested in that application that the Authority calculates the plant's seasonal performance factor, the ratio is calculated in accordance with the heat emitter guide; or

(c) earlier than the relevant date and the person making the accreditation application has not requested that the Authority calculates the plant's seasonal performance factor, the ratio is 2.5;

"solar thermal plant" means a plant which generates heat using a liquid filled flat plate or evacuated tube solar collector;

"solid biomass" includes wood pellets;

"statement of eligibility" has the meaning given by regulation 21(1)(e);

"subsequent tariff" means a tariff for an accredited domestic plant for any financial year commencing after the end of its initial tariff period, calculated in accordance with regulation 37;

"tariff" means the payment rate for each kWh of heat generated by an accredited domestic plant;

"tariff category" means a category of plant which is listed in the first column of the table in Schedule 5;

"tariff end date" means the last day of the tariff lifetime;

"tariff lifetime" means the period for which RHI payments are payable for an accredited domestic plant;

"tariff period" is a three month period commencing on 1st January, 1st April, 1st July or 1st October in any calendar year;

"tariff start date" means the RHI date for an accredited domestic plant;

"temperature sensor" means a device that measures temperature by employing an electrical signal;

"testing laboratory" means an organisation which carries out the testing of emissions from a plant either at permanent laboratory premises or away from those premises;

"type-testing range" means a range of plants which have the same construction and design so that the testing of one or more plants in that range gives results capable of applying to all plants in the range, provided that the ratio of the installation capacity of the smallest plant to

that of the largest plant in the type-testing range for which tests are carried out is no more than 1:2;

"Wh" means watt hour; and

"working day" means any day other than—

(a) a Saturday, Sunday, Good Friday, or Christmas Day; or

(b) a day which is a bank holiday in England, Wales or Scotland under section 1 of the Banking and Financial Dealings Act 1971(**a**).

PART 2

Eligibility criteria

Eligibility criteria

3. A plant which is a biomass plant, heat pump or solar thermal plant is eligible for accreditation where it meets the requirements ("the eligibility criteria") set out in—

(a) regulation 4, 5, or 6 (whichever is applicable to the plant);

(b) regulations 7 to 11;

(c) if the plant is not the first and only plant to provide heat to a property, regulation 12; and

(d) if regulation 13 requires that the heat generated by the plant must be metered, regulation 14.

Requirements for biomass plants

4.—(1) Where the plant is a biomass plant, the applicable requirements referred to in regulation 3(a) are that—

(a) where—

(i) the plant is designed and installed to use both a permitted source of energy and another source of energy; and

(ii) that other source of energy is not used solely for ignition,

paragraph (2) is satisfied in respect of any part of the plant which uses that other source of energy ("the non-biomass part");

(b) it provides heating—

(i) solely to a single eligible property;

(ii) for an eligible purpose; and

(iii) if the plant is a biomass stove, it provides heating for that eligible purpose using a liquid-filled heat exchanger enclosed within it;

(c) it is a condensing plant or meets the requirements set out in—

(i) at least one of the standards specified in paragraph 1(2) of Schedule 1 which is relevant to the plant and which is applicable on the plant's first commissioning date, if the plant is a biomass boiler; or

(ii) the standard specified in paragraph 1(3) of Schedule 1, if the plant is a biomass stove; and

(d) it has a first commissioning date which is—

(i) earlier than the relevant date; or

(**a**) 1971 c.80.

(ii) on or after the relevant date and an RHI emissions certificate has been issued for the plant, a plant of the same make, model and installation capacity as the plant, or any other plant in the same type-testing range as the plant.

(2) For the purposes of paragraph (1)(a), this paragraph is satisfied where the non-biomass part—

(a) comprises an immersion heater for a domestic hot water cylinder or otherwise solely generates heat for the purpose of heating domestic hot water; or

(b) comprises a supplementary electric heater and a single control system governs the whole plant.

(3) In paragraph (1), "permitted source of energy" means, if the source of energy is used by—

(a) a biomass boiler, solid biomass; and

(b) a biomass stove, wood pellets.

(4) Schedules 2 and 3 have effect.

Requirements for heat pumps

5. Where the plant is a heat pump, the applicable requirements referred to in regulation 3(a) are that—

(a) it provides heating—

(i) solely to a single eligible property; and

(ii) for an eligible purpose using liquid as a medium for delivering that heat;

(b) it meets the requirements set out in the standards for heat pumps specified in paragraph 1(4)(a), (b), (c) or (d) of Schedule 1 which are applicable on the plant's first commissioning date;

(c) it has a seasonal performance factor of 2.5 or above;

(d) it uses a compressor which is driven by electricity; and

(e) if it is an air source heat pump, it is not designed to use heat in air which has been expelled from an appliance or building.

Requirements for solar thermal plants

6. Where the plant is a solar thermal plant, the applicable requirements referred to in regulation 3(a) are that it—

(a) is designed and installed to provide heating solely to a single eligible property and solely for an eligible purpose using liquid as a medium for delivering that heat;

(b) meets the requirements set out in whichever of the standards for solar thermal plants specified in paragraph 1(5)(a) and (b) of Schedule 1 are relevant to the plant and are applicable on the plant's first commissioning date;

(c) cannot also be used to generate electricity.

Installation requirements

7. The requirements referred to in regulation 3(b) are that, on the RHI date for the plant, all parts of the plant have the same first commissioning date and that date is on or after 15th July 2009.

Certification requirements

8.—(1) The requirements referred to in regulation 3(b) are that the plant is certified under—

(a) the Microgeneration Certification Scheme(**a**) as installed in accordance with the relevant installation standard in that scheme; or

(b) a scheme accredited under EN 45011(**b**) or EN ISO/IEC 17065:2012(**c**) as installed in accordance with the installation requirements applicable to the plant which apply under that scheme where—

(i) that scheme is equivalent to the Microgeneration Certification Scheme; and

(ii) the requirements are those which apply on the plant's first commissioning date and which are equivalent to the relevant installation standard.

(2) In paragraph (1), "relevant installation standard" means, if the first commissioning date for the plant is—

(a) on or after the relevant date—

(i) where the plant is a biomass plant, version 4.0 of the document entitled "Microgeneration Installation Standard: MIS 3004 requirements for contractors undertaking the supply, design, installation, set to work, commissioning and handover of solid biofuel heating systems" published on 16th December 2013(**d**);

(ii) where the plant is a heat pump, 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(**e**); or

(iii) where the plant is a solar thermal plant, 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(**f**); or

(b) earlier than the relevant date, any installation requirements applicable to the plant under the Microgeneration Certification Scheme on the first commissioning date.

Plants used to generate heat before the first commissioning date

9.—(1) The requirements referred to in regulation 3(b) are that no part of the plant which generates heat, other than any of the components listed in paragraph (2), was used before the plant's first commissioning date.

(2) The components referred to in paragraph (1) are—

(a) immersion heaters and other components which solely generate heat for the purpose of heating domestic hot water;

(b) supplementary electric heaters; and

(c) circulation pumps.

Requirements regarding funding of plants

10. The requirements referred to in regulation 3(b) are that—

(a) some or all of the costs of the purchase or installation of the plant are met by any owner or former owner of the plant using that person's own funds (including a loan which that

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(**a**) Details of which are available at www.microgenerationcertification.org.
(**b**) 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.
(**c**) 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.
(**d**) Published on www.microgenerationcertification.org.
(**e**) Published on www.microgenerationcertification.org.
(**f**) Published on www.microgenerationcertification.org.

person was liable to repay or a Green Deal Plan for which that person is liable to make, or has made, payments); or

(b) the plant is owned by a local authority.

Requirement that plant is not an accredited RHI installation

11. The requirements referred to in regulation 3(b) are that the plant is not, and has not been at any time, an accredited RHI installation.

Requirements where more than one plant provides heat to a property

12.—(1) The requirements referred to in regulation 3(c) are that where the plant ("plant A") provides heat to a property to which any other plant provides heat or has previously provided heat, in relation to that other plant, or if there is more than one in relation to each such plant, ("plant B"),—

(a) paragraph (2) or (3) applies; and

(b) paragraph (4) applies.

(2) This paragraph applies if plant B—

(a) is not, and has not at any time been, an accredited domestic plant; and

(b) is not a plant for which an accreditation application has been made and has not been rejected.

(3) This paragraph applies if plant B is, or has previously been, an accredited domestic plant and—

(a) either plant A or plant B (but not both) is a solar thermal plant; or

(b) plant B is an original plant and plant A is a replacement plant.

(4) This paragraph applies if plant B—

(a) is not, and has not at any time been, an accredited RHI installation; and

(b) is not a plant for which an application for accreditation has been made and not withdrawn by the applicant (and accreditation has not been refused) under the Renewable Heat Incentive Scheme Regulations 2011(**a**).

Plants where heat generation must be metered

13.—(1) The heat generated by the plant ("plant A") must be metered if—

(a) plant A is not a solar thermal plant; and

(b) plant A falls within paragraph (2), (3), (4) or (5).

(2) Plant A falls within this paragraph where it provides heat to the same property as another plant ("plant B"), except where plant B—

(a) is a solar thermal plant;

(b) is designed and installed to heat only one room;

(c) captures heat from air which is expelled from a property and transfers that heat into fresh air entering that property without generating additional heat;

(d) is an immersion heater for a domestic hot water cylinder or is any other plant which solely generates heat for the purpose of heating domestic hot water; or

(e) is a supplementary electric heater which is controlled by the same control system as the control system governing plant A.

(**a**) S.I. 2011/2860, amended by S.I. 2012/1999, S.I. 2013/1033, S.I. 2013/2410 and S.I. 2013/3179.

(3) Plant A falls within this paragraph where it is a biomass plant with an installation capacity which is not sufficient to provide space heating for all parts of the property to which it provides heat and its first commissioning date is on or after the relevant date.

(4) Plant A falls within this paragraph where the property to which it provides heat was occupied for less than 183 days in the 12 month period ending on its RHI date.

(5) Plant A falls within this paragraph where it is a heat pump and is capable of using a fuel when generating heat for an eligible purpose.

Metering requirements

14.—(1) The requirements referred to in regulation 3(d) are that, in relation to all eligible meters used in relation to the plant—

(a) the requirements set out in paragraph (2) are met ("the metering requirements"); or

(b) the metering requirements in paragraph (2)(a) are met and the Authority is satisfied that, were the plant given accreditation, no participant would, as a consequence of the failure to meet the other metering requirements, be entitled to receive RHI payments which are materially greater than would be the case were all the metering requirements met.

(2) The requirements referred to in paragraph (1)(a) are that—

(a) a certified installer was responsible—

(i) for the installation of any eligible meter installed before, on or after the relevant date; or

(ii) in the case of any eligible meter installed before the relevant date, for checking that it was properly installed;

(b) each eligible meter—

(i) is positioned in accordance with the requirements specified in regulation 15 if the plant is a biomass plant or regulation 16 if the plant is a heat pump;

(ii) is properly calibrated;

(iii) is properly installed and in good working order; and

(iv) bears a label which identifies the meter using a unique reference number which enables the meter to be consistently identified when the information recorded by the meter is submitted to the Authority.

Positioning of meters when recording heat generated by biomass plants

15.—(1) For the purposes of regulation 14(2)(b)(i), where the plant ("plant A") is a biomass plant, meters must be positioned in accordance with paragraph (2), (3) or (4).

(2) Meters are positioned in accordance with this paragraph if one or more eligible heat meters are installed to record the heat output delivered by a liquid from plant A.

(3) Meters are positioned in accordance with this paragraph if one or more eligible heat meters are installed to record separately—

(a) the combined heat output of plant A and any other plant ("plant B"); and

(b) the heat output of plant B.

(4) Meters are positioned in accordance with this paragraph if one or more eligible meters are installed to record separately—

(a) the combined heat output of plant A and plant B; and

(b) any energy consumption by plant B.

Positioning of meters when recording heat generated by heat pumps

16.—(1) For the purposes of regulation 14(2)(b)(i), where the plant ("plant A") is a heat pump, meters must be positioned in accordance with paragraph (2), (3), (4), or (5).

(2) Meters are positioned in accordance with this paragraph if one or more eligible meters are installed to record separately—

(a) the heat output from any component of plant A which is a compressor, and any other components of plant A which the owner of plant A will be seeking to be included in the calculation of eligible metered heat ("the metered components"); and

(b) any relevant energy consumption by the components of plant A that are metered under this paragraph.

(3) Meters are positioned in accordance with this paragraph if one or more eligible meters are installed to record separately—

(a) the combined heat output of the metered components and any other plant ("plant B");

(b) the heat output of plant B; and

(c) any relevant energy consumption by the metered components.

(4) Meters are positioned in accordance with this paragraph if one or more eligible meters are installed to record separately—

(a) the combined heat output of the metered components and plant B;

(b) any energy consumption by plant B; and

(c) any relevant energy consumption by the metered components.

(5) Meters are positioned in accordance with this paragraph if plant A is capable of providing heating as well as cooling and one or more eligible meters are installed to record sufficient information about plant A to enable the eligible metered heat generated by plant A to be determined.

(6) In this regulation, "relevant energy consumption" means consumption of energy which is not energy from—

(a) a liquid filled flat plate or evacuated tube solar collector; or

(b) a source other than heat from the air, water or the ground.

PART 3

Accreditation of plants

Accreditation applications

17.—(1) An owner of a plant which meets the eligibility criteria may apply to the Authority for that plant to be given accreditation if that person owns or occupies the property to which the plant provides heat.

(2) Accreditation applications must include—

(a) all of the information specified in Part 1 of Schedule 4;

(b) such of the information specified in Part 2 of Schedule 4 as the Authority may require;

(c) any declarations by the applicant which the Authority may require;

(d) if regulation 13 requires that the heat generated by the plant for which accreditation is sought must be metered—

(i) confirmation from a certified installer who was responsible for, or checked, the installation of the meters, that eligible meters are installed in accordance with the metering requirements; and

(ii) a statement from that installer as to whether eligible meters are installed in accordance with paragraph (2), (3) or (4) of regulation 15, or paragraph (2), (3), (4) or (5) of regulation 16;

(e) if eligible meters are positioned in accordance with paragraph (3) or (4) of regulation 15 or paragraph (3), (4) or (5) of regulation 16, an authorisation application;

(f) if the plant is a heat pump and regulation 13 requires that the heat it generates must be metered, a statement as to which components of the heat pump the applicant is seeking to be included in the calculation of eligible metered heat; and

(g) if the plant is owned by more than one person, such evidence as the Authority may require that the accreditation application is made by only one of those owners and that the owner who is making the accreditation application has the authority from all other owners to be the participant.

(3) Where the plant is a heat pump for which the first commissioning date is earlier than the relevant date and the applicant does not want the seasonal performance factor for the plant to be deemed to be 2.5, the applicant must provide a request that the plant's seasonal performance factor be calculated in accordance with the heat emitter guide.

(4) An accreditation application must be received by the Authority within 12 months of—

(a) the first commissioning date for the plant if that date is on or after the relevant date; or

(b) the relevant date if the first commissioning date for the plant is earlier than the relevant date.

(5) Where an RHPP grant has been paid for the plant, an accreditation application for that plant cannot be made earlier than the date—

(a) three months after the relevant date if the application for the RHPP grant was made earlier than 20 May 2013; or

(b) six months after the relevant date if the application for the RHPP grant was made on or after 20 May 2013.

Powers of the Authority when considering an accreditation application

18.—(1) The Authority may by notice request—

(a) that information about the plant or any eligible meters installed in relation to it be provided—

(i) by the certified installer who was responsible for the installation of the plant;

(ii) by the certified installer who was responsible for, or checked, the installation of the meters; or

(iii) by the applicant and verified by the relevant certified installer referred to in paragraph (i) or (ii) as applicable;

(b) that the applicant provide details of a further Energy Performance Certificate for the eligible property if the Authority has reason to believe that the applicant has not provided details of the most recent Energy Performance Certificate;

(c) that the applicant provide details of a further Energy Performance Certificate for the eligible property if—

(i) the applicant declares that loft insulation or cavity wall insulation cannot be installed in the property because of a reason set out in paragraph 1(4) of Schedule 3; and

(ii) the Authority is not satisfied that the loft insulation or cavity wall insulation recommended in the recommendation report cannot be installed and has requested a new Energy Performance Certificate in which that insulation is no longer recommended in the recommendation report; and

(d) that the applicant provide such other information specified in Part 2 of Schedule 4 as the Authority may require.

(2) The Authority may arrange for a site inspection to be carried out in order to satisfy itself that the plant should be given accreditation.

Time limits for provision of information

19. Where the Authority gives a notice under regulation 18(1), the applicant must comply with that request within—

(a) three months of the date of the notice if the information is a new Energy Performance Certificate and regulation 18(1)(c) applies;

(b) three months of the date of the notice if the heat generated by the plant for which accreditation is being sought must be metered under regulation 13 and the information is evidence that the metering requirements are met;

(c) 28 days of the date of the notice in any other case.

Conditions of accreditation

20. The Authority may make an accreditation subject to any conditions it considers to be appropriate.

Accreditation

21.—(1) Where paragraph (2) applies, subject to regulation 22, the Authority must—

(a) give accreditation for the plant;

(b) notify the participant that the accreditation application has been successful;

(c) enter on the central register the participant's name and such other information as the Authority considers necessary for the proper administration of the domestic RHI scheme;

(d) notify the participant of any conditions attached to the accreditation;

(e) provide the participant with a written statement (a "statement of eligibility") including the following information—

(i) the RHI date for the plant;

(ii) the applicable initial tariff and details of how subsequent tariffs will be calculated;

(iii) details of the frequency and timetable for payments;

(iv) the tariff lifetime and tariff end date;

(v) if the plant is a heat pump, the seasonal performance factor for the heat pump; and

(vi) the deemed annual heat generation for the plant; and

(f) where regulation 13 requires that the heat generated by the plant must be metered, provide the participant with a statement containing the following information (a "metering statement")—

(i) confirmation that the heat generated by the plant must be metered;

(ii) notification as to whether eligible meters must be positioned in accordance with paragraph (2), (3) or (4) of regulation 15 or paragraph (2), (3), (4) or (5) of regulation 16;

(iii) if eligible meters are positioned in accordance with paragraph (3) or (4) of regulation 15 or paragraph (3), (4) or (5) of regulation 16, confirmation as to the details of the metering arrangement for which the Authority has given authorisation;

(iv) if the plant is a heat pump, confirmation as to which components of the heat pump will be included in the calculation of eligible metered heat; and

(v) the process and timing for providing meter readings in accordance with regulation 43(4).

(2) This paragraph applies where—

(a) an accreditation application has, in the Authority's opinion, been properly made in accordance with regulation 17;

(b) the Authority is satisfied that the plant meets the eligibility criteria; and

(c) the Authority has given authorisation where regulation 13 requires that the heat generated by the plant must be metered and the accreditation application includes a statement that meters are positioned in accordance with paragraph (3) or (4) of regulation 15 or paragraph (3), (4) or (5) of regulation 16.

(3) Where, at the time the Authority is giving accreditation for a plant which does not meet the metering requirements but the requirements in regulation 14(1)(b) are met, the Authority considers that the RHI payments for that plant are likely to be materially less than would be the case if the metering requirements were met, it must notify the participant of this.

Rejection of accreditation applications

22.—(1) The Authority may reject an accreditation application if—

(a) the Authority is not satisfied that the accreditation application has been properly made in accordance with regulation 17;

(b) the Authority is not satisfied that the plant meets the eligibility criteria;

(c) the Authority has reason to believe that one or more of the applicable ongoing obligations will not be complied with; or

(d) subject to paragraph (2), information requested by the Authority is not provided within the time limit specified in regulation 19.

(2) The Authority must not reject an accreditation application on the basis that information has not been provided in accordance with regulation 19(c) if—

(a) the applicant contacted the Authority before the 28 day period expired—

(i) stating that the information sought is not yet available;

(ii) stating that the information cannot be provided; or

(iii) providing alternative information; and

(b) fewer than three months have passed since the date of the first notice in which the Authority requested the information.

(3) Where the Authority decides to reject an accreditation application it must notify the applicant that the application has been rejected, giving reasons.

PART 4

Authorisation of metering arrangements

Authorisation applications

23.—(1) Where the owner of a plant ("plant A") is required by regulation 17(2)(e) or 46(4) to make an authorisation application, that application must be made in accordance with this regulation.

(2) An authorisation application in respect of plant A must not be made before an accreditation application is made for plant A.

(3) A person who makes an authorisation application must provide to the Authority—

(a) details of the metering arrangement;

(b) if eligible meters are positioned in accordance with paragraph (3) or (4) of regulation 15 or paragraph (3) or (4) of regulation 16, evidence from the certified installer who was responsible for, or checked, the installation of the meters explaining why the heat output from plant A cannot be metered separately from the heat output from another plant ("plant B");

(c) if eligible meters are positioned in accordance with paragraph (4) of regulation 15 or paragraph (4) of regulation 16, evidence from the certified installer who was responsible

for, or checked, the installation of the meters explaining why the heat output from plant B cannot be metered separately from the heat output from plant A;

(d) if eligible meters are positioned in accordance with paragraph (5) of regulation 16, evidence that plant A is a heat pump which is capable of providing heating as well as cooling; and

(e) any other information which the Authority may request in order to enable it to consider the authorisation application.

Powers of the Authority when considering an authorisation application

24. The Authority may—

(a) arrange for a site inspection to be carried out by the Authority or its authorised agent;

(b) request that information about the meters be provided from a certified installer who was responsible for, or checked, the installation of the meters;

(c) if information is provided by the person making the authorisation application, request evidence that the accuracy of the information is verified by the certified installer who was responsible for, or checked, the installation of the meters.

Authorisation

25.—(1) Where paragraph (2) applies, the Authority must—

(a) give authorisation for the metering arrangement; and

(b) notify the applicant that the authorisation application has been successful.

(2) This paragraph applies if the Authority is satisfied that—

(a) all eligible meters located in accordance with the metering arrangement are positioned in accordance with the relevant paragraph of regulation 15 or 16;

(b) the requirements set out in paragraph (3) are met; and

(c) the requirements set out in paragraphs (4) to (6) are met as applicable.

(3) The requirements set out in this paragraph are that the location and type of eligible meters identified in the metering arrangement will or would if the plant ("plant A") were given accreditation, enable sufficient information to be gathered for the Authority to calculate plant A's eligible metered heat in a way that will not result in RHI payments which are materially greater than if eligible meters were installed in accordance with regulation 15(2) (for biomass plants) or 16(2) (for heat pumps).

(4) The requirements set out in this paragraph are that, if eligible meters are positioned in accordance with paragraph (3) or (4) of regulation 15 or paragraph (3) or (4) of regulation 16, the heat output from plant A cannot be metered separately from the heat output from another plant ("plant B").

(5) The requirements set out in this paragraph are that, if eligible meters are installed in accordance with paragraph (4) of regulation 15 or paragraph (4) of regulation 16—

(a) eligible meters cannot be installed to record separately the heat output from plant B; and

(b) other measurements recorded by eligible meters can be used to calculate the heat output from plant A.

(6) The requirements set out in this paragraph are that, if eligible meters are installed in accordance with paragraph (5) of regulation 16, plant A is a heat pump which is capable of providing heating as well as cooling.

PART 5

RHI payments

Duty to make RHI payments

26.—(1) Subject to Parts 8 and 10, the Authority must make payments, referred to in these Regulations as "RHI payments", to a participant ("P") in respect of the heat generated by P's accredited domestic plant.

(2) RHI payments accrue for seven years from the tariff start date.

(3) The Authority—

(a) must calculate the amount of RHI payments in accordance with regulation 27 or 28 and make RHI payments in arrears;

(b) may decide on the frequency of any RHI payments.

(4) Where—

(a) the Authority does not have all of the data it requires to calculate an RHI payment; and

(b) is unable to obtain any missing data under regulation 43(4), the Authority may estimate that data in order to make that calculation.

Calculation of RHI payments where metering is not required

27. Subject to regulation 48(6)(b), where the Authority has not provided a metering statement for an accredited domestic plant, the RHI payment for that plant for any quarterly period is calculated in accordance with the following formula—

$$\left(\mathrm{A}\times\frac{\mathrm{B}}{4}\right)-\mathrm{C}$$

where—

(a) A is the applicable initial tariff or subsequent tariff for the accredited domestic plant;

(b) B is the deemed annual heat generation for the plant; and

(c) C is the grant funding deduction for the accredited domestic plant for the quarterly period.

Calculation of RHI payments where heat generated by a plant must be metered

28.—(1) Where the Authority has provided a metering statement for an accredited domestic plant, the RHI payment for that plant for any quarterly period is calculated in accordance with this regulation.

(2) Subject to paragraph (3), the RHI payment for the quarterly period commencing on the tariff start date is R, where R is calculated in accordance with the following formula—

$$\left(\mathrm{A}\times\mathrm{B}\right)-\mathrm{C}+\mathrm{D}$$

where—

(a) A is the applicable initial tariff or subsequent tariff for the accredited domestic plant;

(b) B is—

(i) subject to paragraph (ii), the eligible metered heat for the plant for the quarterly period; or

(ii) 0 if the eligible metered heat is less than 0;

(c) C is the grant funding deduction for the plant for the quarterly period; and

(d) D is—

(i) 0 if the quarterly period commences on the tariff start date;

(ii) 0 if the quarterly period commences on any subsequent date and PR is 0 or greater; or

(iii) PR if the quarterly period commences on any subsequent date and PR is less than 0.

(3) Where R is a figure which is less than 0, the RHI payment for the quarterly period is 0.

(4) Where in any quarterly period, R is a figure which is 0 or higher and the sum of that figure and AP is greater than MaxP, the RHI payment for the quarterly period is calculated in accordance with the following formula—

$$\text{MaxP} - \text{AP}$$

(5) In this regulation—

"AP" is the sum of all RHI payments payable for heat generated by the accredited domestic plant for the applicable period other than the RHI payment for that quarterly period;

"applicable period" means—

(a) the 12 month period commencing on the tariff start date or the anniversary of the tariff start date and which includes the quarterly period; or

(b) the period commencing on the tariff start date or the anniversary of the tariff start date for which the Authority has received four quarterly meter readings and which includes the quarterly period; and

"MaxP" means the figure calculated in accordance with the following formula—

$$\left(\text{E} \times \text{F}\right) - \text{G}$$

where—

(a) E is the applicable initial tariff or subsequent tariff for the accredited domestic plant;

(b) F is the deemed annual heat generation for the plant for the applicable period; and

(c) G is the grant funding deduction for the plant for the quarterly period, multiplied by 4; and

"PR" is the value of R for the accredited domestic plant for the quarterly period immediately preceding the period for which RHI payments are being calculated.

Calculation of deemed annual heat generation

29.—(1) The amount of heat in kWh which an accredited domestic plant is deemed to generate every 12 months (the "deemed annual heat generation") is calculated in accordance with this regulation.

(2) If the accredited domestic plant is a biomass plant which provides space heating (but not heating for domestic hot water) to the RHI property, the deemed annual heat generation is the heat demand for space heating specified in the relevant EPC for that property.

(3) If the accredited domestic plant is a biomass plant which provides both space heating and domestic hot water heating to the RHI property, the deemed annual heat generation is the heat demand for space heating and water heating specified in the relevant EPC for that property.

(4) If the accredited domestic plant is a heat pump which provides space heating (but not heating for domestic hot water) to the RHI property, the deemed annual heat generation is calculated in accordance with the following formula—

$$\text{A} \times \left(1 - \frac{1}{\text{B}}\right)$$

where—

(a) A is the heat demand for space heating specified in the relevant EPC for that property;

(b) B is the seasonal performance factor for the heat pump.

(5) If the accredited domestic plant is a heat pump which provides both space heating and domestic hot water heating to the RHI property, the deemed annual heat generation is calculated in accordance with the following formula—

$$A \times \left(1 - \frac{1}{B} \right)$$

where—

(a) A is the heat demand for space heating and water heating specified in the relevant EPC for that property;

(b) B is the seasonal performance factor for the heat pump.

(6) If the accredited domestic plant is a solar thermal plant and its first commissioning date is on or after the relevant date, its deemed annual heat generation is the total heat generated by that plant on an annual basis calculated in accordance with version 1.0 of the document entitled "Microgeneration Installation Standard: MCS 024 Solar Domestic Hot Water Energy Calculation" published on 1st October 2013(**a**).

(7) If the accredited domestic plant is a solar thermal plant and its first commissioning date is earlier than the relevant date, the deemed annual heat generation is the total heat which the Authority estimates, at the time it gives accreditation, that the accredited domestic plant will generate on an annual basis, having regard to any relevant information about the accredited domestic plant on the MCS register.

Calculation of eligible metered heat generated by biomass plants

30.—(1) The eligible metered heat in kWh for an accredited domestic plant which is a biomass plant for any quarterly period is calculated in accordance with the following formula—

$$A \times (B - C - D - E)$$

where—

(a) A is calculated in accordance with paragraph (2);

(b) B is calculated in accordance with paragraph (3);

(c) C is calculated in accordance with paragraph (5);

(d) D is calculated in accordance with paragraph (7); and

(e) E is calculated in accordance with paragraph (8).

(2) A is—

(a) 1 if the accredited domestic plant is a biomass boiler; or

(b) 1.2 if the accredited domestic plant is a biomass stove.

(3) Subject to paragraph (4), B is the heat in kWh recorded by eligible meters positioned in accordance with regulation 15 generated by—

(a) the accredited domestic plant; or

(b) the accredited domestic plant and any additional plants if the heat generated by the accredited domestic plant is recorded together with the heat generated by such additional plants.

(4) Where any heat referred to in paragraph (3) is recorded at the point where it leaves a domestic hot water cylinder, the heat recorded at that point is multiplied by 1.43 before being included (with the heat recorded at any other point) in B.

(5) C is—

(**a**) Published on www.microgenerationcertification.org.

(a) subject to paragraph (6), the heat in kWh generated by any additional plants included in B if the relevant metering statement specifies that eligible meters must be positioned in accordance with regulation 15(3); or

(b) 0 in any other case.

(6) Where any heat generated by any additional plants included in B is generated by an air source heat pump for the purposes of defrosting, all heat generated by that air source heat pump is multiplied by 0.97 before being included in C.

(7) D is—

(a) the electricity consumption in kWh by any additional plants if the relevant metering statement specifies that eligible meters must be positioned in accordance with regulation 15(4); or

(b) 0 in any other case.

(8) E is—

(a) if B includes heat generated by any additional plants which use a fuel when generating heat, the energy content of that fuel in kWh if the relevant metering statement specifies that eligible meters must be positioned in accordance with regulation 15(4); or

(b) 0 in any other case.

(9) In this regulation, "relevant metering statement" means the metering statement for the accredited domestic plant.

Calculation of eligible metered heat generated by heat pumps

31.—(1) Subject to paragraph (10), the eligible metered heat in kWh for an accredited domestic plant which is a heat pump for any quarterly period is calculated in accordance with the following formula—

$$A \times \left(B - C - D\right) - E$$

where—

(a) A is calculated in accordance with paragraph (2);

(b) B is calculated in accordance with paragraph (3);

(c) C is calculated in accordance with paragraph (5);

(d) D is calculated in accordance with paragraph (7); and

(e) E is calculated in accordance with paragraph (8).

(2) A is—

(a) 0.97 if any of the heat referred to in paragraph (3) is generated by an accredited domestic plant which is an air source heat pump for the purposes of defrosting; or

(b) 1 in any other case.

(3) Subject to paragraph (4), B is the heat in kWh recorded by eligible meters positioned in accordance with regulation 16 generated by—

(a) the components of the accredited domestic plant specified in the metering statement as being included in this calculation; or

(b) the components referred to in sub-paragraph (a) and any additional plants if the heat generated by the accredited domestic plant is recorded together with the heat generated by such additional plants.

(4) Where any of the heat referred to in paragraph (3) is recorded at the point where it leaves a domestic hot water cylinder, the heat recorded at that point is multiplied by 1.43 before being included (with the heat recorded at any other point) in B.

(5) C is—

(a) subject to paragraph (6), the heat in kWh generated by any additional plants included in B if the relevant metering statement specifies that eligible meters must be installed in accordance with regulation 16(3), or if it specifies that eligible meters must be installed in accordance with regulation 16(5) and the authorised metering arrangement provides for eligible meters to be located to record such heat; or

(b) 0 in any other case.

(6) Where any heat generated by any additional plants included in B is generated by an air source heat pump for the purposes of defrosting, all heat generated by that air source heat pump is multiplied by 0.97 before being included in C.

(7) D is—

(a) the energy content in kWh of any fuel which is used by the accredited domestic plant or any additional plants when generating the heat included in B if the relevant metering statement specifies that eligible meters must be installed in accordance with—

(i) regulation 16(4); or

(ii) regulation 16(5) and the authorised metering arrangement provides for eligible meters to be located to record such relevant energy consumption; or

(b) 0 in any other case.

(8) E is—

(a) subject to paragraph (9), the electricity consumption in kWh by the accredited domestic plant and any additional plants used to generate the heat referred to in paragraph (3) if the relevant metering statement specifies that eligible meters must be installed in accordance with—

(i) regulation 16(2), (3) or (4); or

(ii) regulation 16(5) and the authorised metering arrangement provides for eligible meters to be located to record such relevant energy consumption; or

(b) 0 in any other case.

(9) Any electricity consumed when providing cooling is excluded from the electricity consumption referred to in paragraph (8)(a) before that consumption is included in E if—

(a) the relevant metering statement states that eligible meters must be installed in accordance with regulation 16(5); and

(b) the authorised metering arrangement provides for eligible meters to be located to record—

(i) electricity consumption by the accredited domestic plant while the plant is providing cooling to the RHI property separately from any other electricity consumption; or

(ii) sufficient information about the accredited domestic plant to enable the electricity consumption when providing cooling to be determined.

(10) Where the plant is a ground source heat pump, its eligible metered heat is the heat extracted from the ground (including water in the ground), surface water or both if—

(a) the relevant metering statement states that eligible meters must be installed in accordance with regulation 16(5); and

(b) the authorised metering arrangement provides for eligible meters to be located to record such heat.

(11) In this regulation—

"relevant energy consumption" has the same meaning as in regulation 16; and

"relevant metering statement" means the metering statement for the accredited domestic plant.

Calculation of grant funding deduction

32.—(1) The grant funding deduction for an accredited domestic plant for any quarterly period is—

(a) if none of the plant's purchase or installation costs are funded by a grant from public funds, 0;

(b) if some or all of the plant's purchase or installation costs are funded by a grant from public funds, calculated in accordance with the following formula—

$$\frac{A}{28}$$

where A is calculated in accordance with paragraph (2).

(2) For the purposes of paragraph (1)(b), A is—

(a) for the quarterly period commencing on the tariff start date, the figure that the Authority believes represents the total value of any grants from public funds which were received by the participant or any other owner, or former owner, of the accredited domestic plant for the costs of the purchase or installation of the accredited domestic plant;

(b) for any subsequent quarterly period that—

(i) does not include 1st April of any calendar year, the value of A in the previous quarterly period; or

(ii) includes 1st April of any calendar year, the value of A in the previous quarterly period adjusted by the percentage increase or decrease in the retail prices index for the calendar year ending on 31st December immediately preceding that 1st April (the resulting figure being stated to two decimal places and rounded to the nearest hundredth of a penny with any two hundredth of a penny being rounded upwards).

PART 6

Calculation of tariffs and cost control

Duty to calculate and publish tariffs

33.—(1) The Authority must calculate in accordance with this Part and publish on its website, by the dates specified in paragraphs (2) and (3), tables specifying in relation to each tariff category—

(a) the initial tariffs for accredited domestic plants with a tariff start date in the tariff period immediately following the date on which the table is published; and

(b) the subsequent tariffs for accredited domestic plants for the financial year which commences on or after the date on which the table is published.

(2) The tables of initial tariffs must be published by 15th September 2014 and 15th December 2014, and in each subsequent calendar year by 15th March, 15th June, 15th September and 15th December.

(3) The tables of subsequent tariffs must be published by—

(a) 1st April 2014, but only where the relevant date is earlier than that date; and

(b) 1st January 2015 and 1st January of each subsequent calendar year.

Calculation of initial tariffs

34.—(1) The initial tariff for an accredited domestic plant is calculated in accordance with this regulation.

(2) Where the first commissioning date for the accredited domestic plant is earlier than the relevant date or its tariff start date is earlier than 1st October 2014, the initial tariff is the tariff for the plant's tariff category set out in Schedule 5.

(3) In any other case, the initial tariff is calculated in accordance with the following formula—

$$A \times B$$

where—

(a) A is calculated in accordance with regulation 35; and

(b) B is calculated in accordance with regulation 36.

Calculation of initial tariffs: calculation of A

35.—(1) This regulation provides for the calculation of A for the purposes of regulation 34(3)(a).

(2) If the accredited domestic plant's tariff start date is in a tariff period commencing on—

(a) 1st October 2014, A is the tariff for the tariff category for the accredited domestic plant ("the relevant tariff category") set out in Schedule 5;

(b) any date other than 1st October 2014 or 1st April of any year, A is the initial tariff for plants in the relevant tariff category with a tariff start date in the immediately preceding tariff period, published by the Authority under regulation 33(1)(a) ("C"); or

(c) 1st April (other than 1st April 2014), A is C multiplied by the percentage increase or decrease in the retail prices index for the immediately preceding calendar year (the resulting figure being stated to two decimal places and rounded to the nearest hundredth of a penny with any two hundredth of a penny being rounded upwards).

Calculation of initial tariffs: calculation of B

36.—(1) This regulation provides for the calculation of B for the purposes of regulation 34(3)(b).

(2) B is 1 if—

(a) the expenditure threshold is not exceeded on the relevant assessment date;

(b) the previous value of B is 0.9 and neither the super expenditure threshold nor the growth threshold is exceeded on the relevant assessment date; or

(c) the previous value of B is 0.8 and the super growth threshold is not exceeded on the relevant assessment date.

(3) B is 0.9 if—

(a) the previous value of B is 1 and the expenditure threshold is exceeded on the relevant assessment date but the super expenditure threshold is not exceeded on that date;

(b) the previous value of B is 0.9 and on the relevant assessment date—

(i) the expenditure threshold is exceeded but the super expenditure threshold is not exceeded; and

(ii) the growth threshold is exceeded but the super growth threshold is not exceeded; or

(c) the previous value of B is 0.8 and on the relevant assessment date—

(i) the expenditure threshold is exceeded; and

(ii) the growth threshold is exceeded but the super growth threshold is not exceeded.

(4) B is 0.8 if—

(a) the previous value of B is 1 or 0.9 and the super expenditure threshold is exceeded on the relevant assessment date; or

(b) the previous value of B is 0.8 and both the super expenditure threshold and the super growth threshold are exceeded on the relevant assessment date.

(5) In this regulation—

(a) the expenditure threshold is exceeded on an assessment date if the forecast for expenditure for the relevant tariff category in relation to that date exceeds the figure specified for that tariff category and assessment date in the second column of the table in the relevant Part of Schedule 6;

(b) the growth threshold is exceeded on an assessment date if the increase in expenditure forecast for the relevant tariff category in relation to that date exceeds the figure specified in relation to that tariff category and date in the third column of the table in the relevant Part of Schedule 6;

(c) the super expenditure threshold is exceeded on an assessment date if the forecast for expenditure for the relevant tariff category in relation to that date exceeds the figure specified in relation to that date in the fourth column of the table in the relevant Part of Schedule 6;

(d) the super growth threshold is exceeded on an assessment date if the increase in expenditure forecast for the relevant tariff category in relation to that date exceeds the figure specified in relation to that tariff category and date in the fifth column of the table in the relevant Part of Schedule 6;

(e) the previous value of B is, if the accredited domestic plant's tariff start date is in the tariff period commencing—

(i) on 1st October 2014, 1; or

(ii) after 1st October 2014, the value of B when the Authority calculated the initial tariffs for plants in the relevant tariff category with a tariff start date in the immediately preceding tariff period.

(6) For the purposes of this regulation—

"relevant assessment date" means the assessment date immediately preceding the commencement of the relevant tariff period;

"relevant tariff category" means the tariff category for the accredited domestic plant; and

"relevant tariff period" means the tariff period that the tariff start date for the accredited domestic plant is in.

Calculation of subsequent tariffs

37.—(1) The subsequent tariff for an accredited domestic plant is calculated in accordance with this regulation.

(2) For the financial year ("FY1") commencing immediately following the end of the initial tariff period, the subsequent tariff is, if FY1—

(a) commences on 1st April 2014, the tariff set out in Schedule 5;

(b) does not commence on 1st April 2014, calculated in accordance with the following formula—

$$A \times C$$

the resulting figure being stated to two decimal places and rounded to the nearest hundredth of a penny with any two hundredth of a penny being rounded upwards.

(3) For each financial year after FY1, the subsequent tariff is calculated in accordance with the following formula—

$$B \times C$$

the resulting figure being stated to two decimal places and rounded to the nearest hundredth of a penny with any two hundredth of a penny being rounded upwards.

(4) In paragraphs (2) and (3)—

(a) A is the initial tariff for the accredited domestic plant;

(b) B is the subsequent tariff for the accredited domestic plant in the immediately preceding financial year; and

(c) C is the percentage increase or decrease in the retail prices index for the calendar year ending on 31st December immediately preceding the commencement of the financial year for which the subsequent tariff is being calculated.

Expenditure forecast statement and tariff change notice

38.—(1) The Secretary of State must publish on the GOV.UK website a statement (an "expenditure forecast statement") in accordance with this regulation.

(2) For that purpose, the Secretary of State must determine as at the latest assessment date—

(a) for each tariff category, the forecast for expenditure in relation to the relevant plants that are in that tariff category; and

(b) the increase in expenditure forecast in relation to each tariff category.

(3) An expenditure forecast statement must set out, as at the latest assessment date—

(a) each of the forecasts for expenditure referred to in paragraph (2)(a); and

(b) each of the increase in expenditure forecasts referred to in paragraph (2)(b).

(4) Paragraph (5) applies to a tariff where—

(a) the tariff is the initial tariff for accredited domestic plants with a tariff start date in the tariff period immediately following the publication of the expenditure forecast statement ("tariff period A");

(b) the tariff differs from the initial tariff for plants in the same tariff category with a tariff start date in the tariff period immediately preceding tariff period A; and

(c) the reason for that difference is not solely due to an increase or decrease in the retail prices index.

(5) Where this paragraph applies, the Secretary of State must also publish with the expenditure forecast statement a notice ("the tariff change notice") setting out that tariff and identifying the tariff period and tariff category to which it relates.

(6) The expenditure forecast statement, and if applicable the tariff change notice, must be published by 1st September 2014 and 1st December 2014 and subsequently by 1st March, 1st June, 1st September and 1st December in each calendar year.

(7) In this regulation—

"estimated spend", in relation to a relevant plant and an assessment date, means—

$$(A \times B \times C) - D$$

where—

(a) A is—

(i) if the relevant plant is an accredited domestic plant, the deemed annual heat generation; or

(ii) in any other case, the amount of heat in kWh that will be the deemed annual heat generation for the plant if accreditation is given;

(b) B is—

(i) if the property to which the relevant plant provides heat was occupied for less than 183 days in the 12 month period ending on the RHI date for the plant, or the participant has notified the Authority that the property is occupied for less than 183 days in a 12 month period, the number of days the Secretary of State estimates that the property will be occupied in the 12 month period commencing on the assessment date divided by 365; or

(ii) in any other case, 1;

(c) C is—

(i) if the relevant plant is an accredited domestic plant, the tariff applicable to that plant on the assessment date; or

(ii) in any other case, the tariff that will be the initial tariff for the relevant plant if accreditation is given; and

(d) D is—

(i) if the relevant plant is an accredited domestic plant, the grant funding deduction for the relevant plant for the quarterly period that includes the assessment date, multiplied by 4; or

(ii) if the relevant plant is not an accredited domestic plant, the total value of any grants from public funds for the costs of the purchase or installation of the relevant plant which were disclosed by the person making the accreditation application at the time the application was made divided by 7, or 0 if no such grant was disclosed;

"forecast for expenditure" means the sum of the estimated spend at an assessment date for each relevant plant which is in a tariff category;

"increase in expenditure forecast" means the difference between the forecast for expenditure for a tariff category—

(a) as at that assessment date; and

(b) as at the assessment date immediately preceding that assessment date; and

"relevant plant" means a plant for which the first commissioning date is on or after the relevant date and where the plant is—

(a) an accredited domestic plant; or

(b) a plant for which an accreditation application has been made and has not been rejected by the Authority.

PART 7

Ongoing obligations for participants

Ongoing obligations: general

39. A participant ("P") must comply with the following ongoing obligations, as applicable—

(a) if the accredited domestic plant is a biomass plant, upon a request by the Authority P must provide to the Authority evidence as to the type of fuel purchased and used in that plant for any period specified in the request during which P was a participant;

(b) P must not receive any grant from public funds for any of the costs of the purchase or installation of the accredited domestic plant other than any grant which was notified to the Authority when the accreditation application was made;

(c) P must ensure that the accredited domestic plant continues to meet the eligibility criteria;

(d) P must comply with any condition attached to P's accreditation;

(e) P must keep the accredited domestic plant in good working order;

(f) if P is not the owner of the RHI property, P must provide a copy of any notification under regulation 40(1)(i) or 40(1)(j) to the owner or owners of that property;

(g) P must repay any overpayment in accordance with any notice served under regulation 60;

(h) P must not move the accredited domestic plant to a new location;

(i) P must comply with such other administrative requirements that the Authority may specify in relation to the effective administration of the domestic RHI scheme;

(j) on receipt of a request for access under regulation 56 or regulation 63(3)(b), P must—

(i) allow the Secretary of State, the Authority or the Authority's authorised agent, as applicable, access to the RHI property to carry out any of the activities described in those regulations; and

(ii) offer reasonable cooperation to that person;

(k) P must comply with any other requests by the Secretary of State under regulation 63(3)(c);

(l) if P does not live in the RHI property P must have, at all times, agreement from all occupants of the property that those occupants will allow the Secretary of State, the Authority or the Authority's authorised agent reasonable access in the event of a request under regulation 56 or regulation 63(3)(b) and will co-operate with such a request; and

(m) P must not seek accreditation under the Renewable Heat Incentive Scheme Regulations 2011(**a**) for an accredited domestic plant, or any other plant which provides heat to the same RHI property as an accredited domestic plant.

Ongoing obligations: changes affecting accredited domestic plants

40.—(1) A participant ("P") must notify the Authority if, at any time in the tariff lifetime—

(a) P becomes aware that any of the information provided in support of the accreditation application for P's accredited domestic plant is incorrect;

(b) the accredited domestic plant no longer generates heat for the RHI property;

(c) a replacement plant is installed which generates heat for the RHI property;

(d) any other plant is installed which generates heat for the RHI property;

(e) the RHI property is occupied for less than 183 days in any 12 month period after the RHI date for the plant, unless the Authority has provided a metering statement for the plant;

(f) the accredited domestic plant no longer provides heat for an eligible purpose;

(g) P becomes aware that P will not be able to comply with an ongoing obligation;

(h) P ceases to comply with an ongoing obligation;

(i) P, or another owner of the accredited domestic plant, intends to transfer ownership of all or part of the accredited domestic plant within 28 days;

(j) any change in ownership of all or part of the accredited domestic plant has taken effect;

(k) there is any other change in circumstances which may affect P's eligibility to receive RHI payments; or

(l) any meter which is required under a metering statement for the accredited domestic plant is moved, is replaced, is reset or ceases to operate, be in good working order or be an eligible meter, or any eligible meters are added or removed.

(2) A notification under this regulation must be made within 28 days of P becoming aware of the circumstances to which the notification relates.

Ongoing obligations: annual declarations

41. A participant ("P") must submit a declaration each year to the Authority, at such time and in such form as the Authority may request, confirming—

(a) that P continues to own the accredited domestic plant;

(b) that, to the best of P's knowledge and belief, no owner or previous owner of the accredited domestic plant has received—

(i) any grant from public funds for the cost of the purchase or installation of the accredited domestic plant other than any grant which was notified to the Authority before the accreditation application was determined; or

(ii) funding from any other source (other than under a loan or a Green Deal Plan for which an owner is liable to make, or has made, payments) which reimbursed all of the costs incurred by P, any other owner or any previous owner for the cost of the purchase or installation of the accredited domestic plant;

(**a**) S.I. 2011/2860, amended by S.I. 2012/1999, S.I. 2013/1033, S.I. 2013/2410 and S.I. 2013/3179.

(c) that the accredited domestic plant is in good working order and has not been replaced with another plant, unless P has notified the Authority of the installation of that plant under regulation 40(1);

(d) the number of days on which the RHI property was occupied in the 12 month period ending on the date the declaration is given and the number of days on which P expects the property to be occupied in the next 12 months;

(e) if P does not live in the RHI property, that all occupants of the property have agreed to permit access to the property by the Authority, the Secretary of State or the Authority's authorised agent for the purposes of carrying out any function under these Regulations; and

(f) where the Authority has provided a metering statement for the accredited domestic plant, that each eligible meter which is required under that statement is in good working order.

Ongoing obligations: emissions from biomass

42. Where an accredited domestic plant is a biomass plant to which an RHI emission certificate applies, a participant must—

(a) use fuel of a type specified in the RHI emission certificate;

(b) use fuel with a moisture content which is no greater than the maximum moisture content specified in the RHI emission certificate; and

(c) operate the plant in accordance with the manufacturer's instructions for that plant in relation to the control of emissions of PM and NOx.

Ongoing obligations: metering

43.—(1) This regulation applies to a participant ("P") where the Authority has provided a metering statement for an accredited domestic plant.

(2) P must ensure that—

(a) the heat generated by the plant is metered from the date on which the Authority provides the metering statement until the tariff end date;

(b) eligible meters are positioned in accordance with the paragraph of regulation 15 or 16 specified in the metering statement; and

(c) if the Authority has authorised a metering arrangement, each eligible meter identified in that arrangement is located as identified in that arrangement.

(3) P must keep each eligible meter which is required under a metering statement for the accredited domestic plant—

(a) in good working order; and

(b) positioned in accordance with the paragraph of regulation 15 or 16 specified in the metering statement.

(4) The Authority may request that P provide meter readings and other data from all eligible meters required by these Regulations.

(5) Any meter readings or other data requested under paragraph (4) must be provided by P—

(a) in such form as the Authority may request; and

(b) by the date (if any) specified by the Authority or at such regular intervals as the Authority may request to enable it to discharge its functions under these Regulations.

(6) Nothing in this regulation prevents the Authority from accepting further data from a participant, if the Authority considers it appropriate to do so.

Ongoing obligations: provision of information

44.—(1) A participant ("P") must provide to the Authority on request any information which P holds and which the Authority requires in order to discharge its functions under these Regulations.

(2) P must retain a copy of—

(a) any information relied on when making any accreditation application or, if P did not make that application, given to P by the person who made the application; and

(b) any other evidence which verifies that the accredited domestic plant meets the eligibility criteria and that P is continuing to comply with the ongoing obligations,

whether or not copies of that documentation have been supplied to the Authority.

(3) P must comply with any request for information under paragraph (1) within 28 days of the request or such later date as the Authority may specify.

PART 8

Changes affecting accredited domestic plants

Review of accreditation following notification of a change in circumstances

45.—(1) This regulation applies where the Authority receives a notification under regulation 40 and regulations 47 and 48 do not apply.

(2) Where this regulation applies, subject to regulation 46(2)(b), no RHI payment may be made for the accredited domestic plant until the requirements set out in paragraph (4) are met.

(3) On receipt of the notification, the Authority may—

(a) require the participant to 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; and

(b) review the accreditation of the accredited domestic plant to ensure that it continues to meet the eligibility criteria.

(4) The requirements referred to in paragraph (2) are that the Authority has notified the participant that—

(a) it is satisfied that the matters to which the notification relates are such that it is unnecessary to review the accreditation of the plant; or

(b) it has carried out a review and is satisfied that the plant may continue to be an accredited domestic plant.

(5) Following a notification under paragraph (4) the Authority must resume payment of RHI payments in accordance with these Regulations.

Changes affecting whether accredited domestic plants must be metered

46.—(1) This regulation applies where—

(a) a metering statement has not been provided for an accredited domestic plant;

(b) the Authority has reviewed the accreditation of an accredited domestic plant under regulation 45 or has carried out an investigation under Part 10; and

(c) the Authority considers that, were an accreditation application made in respect of the accredited domestic plant on the date on which the Authority concluded its review or investigation, regulation 13 would require the heat generated by the plant to be metered.

(2) Where this regulation applies—

(a) the heat generated by the plant must be metered; and

(b) no RHI payment may be made for the accredited domestic plant until the Authority has provided the participant with a metering statement under paragraph (5).

(3) The Authority may require the participant to provide a statement from a certified installer who was responsible for, or checked, the installation of any meters installed in respect of the plant—

(a) confirming that each eligible meter is installed in accordance with the metering requirements; and

(b) stating whether the eligible meters are installed in accordance with paragraph (2), (3) or (4) of regulation 15, or paragraph (2), (3), (4) or (5) of regulation 16.

(4) If eligible meters are positioned in accordance with paragraph (3) or (4) of regulation 15 or paragraph (3), (4) or (5) of regulation 16, the participant must make an authorisation application.

(5) The Authority must provide the participant with a metering statement if it—

(a) is satisfied that the requirements in regulation 14 are met; and

(b) has given authorisation, if applicable.

(6) RHI payments for the accredited domestic plant are calculated in accordance with—

(a) regulation 27 for the period commencing on the tariff start date and ending on the date on which the Authority received the notification under regulation 40 or commenced its investigation under Part 10;

(b) regulation 28 for the period commencing on the date on which the Authority provides the participant with a metering statement and ending on the tariff end date.

(7) No RHI payments are payable for the period commencing on the day after the date on which the Authority received the notification under regulation 40 which led to the review under that regulation, or commenced its investigation under Part 10, and ending on the day before the date on which the Authority provides the participant with a metering statement.

Replacement plants

47. Where a replacement plant is installed—

(a) an accreditation application for that plant may be made by the owner of the replacement plant if that person is a participant in relation to the original plant; and

(b) no RHI payments are payable for the period commencing on the date on which the original plant ceased to provide heat to the property and ending on the day before the date on which the Authority received the accreditation application for the replacement plant.

Changes in ownership of accredited domestic plants

48.—(1) This regulation applies where a participant transfers ownership of all or part of an accredited domestic plant to another person ("the new owner").

(2) Once the Authority becomes aware of the transfer of ownership, no RHI payment may be made until—

(a) the new owner has notified the Authority of the change in ownership and has confirmed, if the plant is owned by more than one person, that they have the authority from all owners to be the new participant; and

(b) the Authority has taken the steps set out in paragraph (5).

(3) On receipt of a notification under paragraph (2), the Authority may—

(a) require the new owner to provide such of the information specified in Schedule 4 and any declarations as the Authority considers necessary for the proper administration of the domestic RHI scheme; and

(b) review the accreditation of the accredited domestic plant to ensure that it continues to meet the eligibility criteria.

(4) In carrying out the review referred to in paragraph (3)(b) the Authority may, in order to satisfy itself that the accredited domestic plant continues to meet the eligibility criteria, take any of the steps set out in regulation 18.

(5) Where the Authority is satisfied that the accredited domestic plant continues to meet the eligibility criteria or has decided not to carry out a review it must—

(a) update the central register; and

(b) send the new owner a statement of eligibility setting out the information specified in regulation 21(1)(e).

(6) If the Authority becomes aware of the transfer of ownership and, within a period of 12 months from the transfer of ownership of the accredited domestic plant taking effect,—

(a) no notification is made by the new owner in accordance with paragraph (2)(a); or

(b) any information required under paragraph (3)(a) is not provided to the Authority,

the plant shall on the expiry of that period cease to be an accredited domestic plant and accordingly no further RHI payments are to be paid for the plant.

(7) The period specified in paragraph (6) may be extended by the Authority where the Authority considers it is just and equitable to do so.

(8) Subject to paragraph (9) and Part 10, RHI payments are calculated from the date of completion of the steps set out in paragraph (5) for the remainder of the tariff lifetime of that accredited domestic plant.

(9) Where—

(a) a transfer of ownership of all or part of an accredited domestic plant takes place; and

(b) that accredited domestic plant is then owned by more than one person,

the Authority may require any person claiming to have the authority from all owners to be the new participant to provide to the Authority, in such manner and form as the Authority may request, evidence of this authority.

PART 9

Metering and monitoring agreements

Additional payments where a registered metering and monitoring agreement relates to an accredited domestic plant

49.—(1) The Authority must determine registration applications in accordance with this Part.

(2) Subject to regulations 53 and 55, where the Authority has given registration for a metering and monitoring agreement, the Authority must make metering and monitoring payments to the participant who is a party to that agreement.

(3) Metering and monitoring payments accrue from the date on which registration is given and continue to accrue until the earliest of the following dates—

(a) the tariff end date for the accredited domestic plant to which the metering and monitoring agreement relates;

(b) the date on which the metering and monitoring agreement comes to an end or is terminated; or

(c) the date on which registration is withdrawn under regulation 55.

(4) The Authority may—

(a) decide on the frequency of any metering and monitoring payments; and

(b) make metering and monitoring payments in advance, in arrears, or partly in advance and partly in arrears.

(5) Schedule 7 has effect.

Registration applications

50.—(1) A registration application for a metering and monitoring agreement may be made by—

(a) a participant, if the agreement relates to that participant's accredited domestic plant; or

(b) an owner of a plant which is the subject of an accreditation application, if the agreement relates to that plant.

(2) A registration application must be made to the Authority and be supported by—

(a) a copy of the agreement;

(b) confirmation by the metering and monitoring installer that—

(i) measuring instruments have been installed under the agreement in accordance with the requirements of the agreement set out in paragraph 3 or 4 of Schedule 7;

(ii) any eligible meters and temperature sensors installed under the agreement meet the requirements of the agreement in relation to accuracy set out in paragraph 5 of Schedule 7;

(c) a declaration that all information provided in support of the registration application is accurate to the best of the applicant's knowledge and belief;

(d) if the applicant is a landlord, a declaration confirming that all occupiers of the RHI property have consented—

(i) to the installation of any measuring instruments under the metering and monitoring agreement;

(ii) to the collection of information relating to the use of the plant under that agreement; and

(iii) on receipt of a request for access under regulation 56 or regulation 63, to allow the Secretary of State, the Authority or the Authority's authorised agent, as applicable, access to the RHI property to carry out any of the activities described in that regulation and to co-operate with such a request; and

(e) such other declarations or information about the metering and monitoring agreement or the plant as the Authority may require, which may include evidence to support any declarations.

(3) In order to determine whether to give registration, the Authority may—

(a) arrange for a site inspection to be carried out; and

(b) verify any information provided by the applicant against any other information available to it, including any information provided by the metering and monitoring installer or available to it on the MCS register.

Conditions of registration

51.—(1) When giving registration, the Authority must make that registration subject to the following conditions—

(a) the participant must, on receipt of a request for access under regulation 56 or 63 allow the Secretary of State, the Authority or the Authority's authorised agent, as applicable, access to the RHI property to carry out any of the activities described in that regulation and co-operate with such a request;

(b) the participant must submit a declaration each year to the Authority, at such time and in such form as the Authority may request, confirming that—

(i) the metering and monitoring agreement is still in force and its terms are being adhered to;

(ii) there has been no change to the agreement which could affect whether the requirements specified in Schedule 7 continue to be met;

(iii) if the participant is a landlord, the participant has ensured that all occupiers of the RHI property have consented to the collection of information relating to the use of the accredited domestic plant under the metering and monitoring agreement;

(c) the participant must notify the Authority if any change is made to the metering and monitoring agreement, including if the agreement is assigned by the metering and monitoring installer or the participant, or if the metering and monitoring agreement comes to an end or is terminated; and

(d) the participant must give the Authority access to the information collected under the metering and monitoring agreement on receipt of a request from the Authority.

(2) The Authority may make registration subject to any additional conditions it considers to be appropriate.

Registration

52.—(1) Where paragraph (2) applies, subject to regulation 53, the Authority must—

(a) give registration;

(b) notify the applicant that the registration application has been successful;

(c) enter on the central register the details of the metering and monitoring agreement, the applicant's name and such other information as the Authority considers necessary for the proper administration of the domestic RHI scheme; and

(d) notify the applicant of any conditions attached to the registration.

(2) This paragraph applies where—

(a) a registration application has been properly made in accordance with regulation 50;

(b) the Authority has given accreditation for the plant under regulation 21 or will give accreditation at the same time as it gives registration;

(c) the Authority is satisfied that the metering and monitoring agreement meets the requirements specified in Schedule 7 (or, if the plant has not yet been given accreditation, the agreement will meet the requirements when the plant is given accreditation and the owner becomes a participant); and

(d) the Authority has no reason to believe that—

(i) the terms of the agreement are not being or will not be complied with;

(ii) measuring instruments have not been installed in accordance with the requirements in paragraph 3 or 4 of Schedule 7; or

(iii) any eligible meters or temperature sensors installed under the agreement do not meet the accuracy requirements in paragraph 5 of Schedule 7.

Exceptions to duty to give registration

53.—(1) The Authority must not give registration if paragraph (2), (3) or (4) applies.

(2) This paragraph applies if the giving of registration would cause the total cost of all metering and monitoring payments payable for—

(a) the period commencing on the relevant date and ending on 31st March 2015 to exceed £0.58 million; or

(b) the period commencing on 1st April 2015 and ending on 31st March 2016, or any subsequent period commencing on 1st April and ending on the subsequent 31st March, to exceed £2.42 million.

(3) This paragraph applies if the agreement for which registration is sought relates to an accredited domestic plant for which another metering and monitoring agreement has been given registration which has not been withdrawn.

(4) This paragraph applies if 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 it was last requested.

(5) Where the Authority does not give registration it must notify the applicant that the registration application has been rejected, giving reasons.

Changes affecting registration

54. Once the Authority becomes aware that a participant has transferred to another person ("a new owner") ownership of all or part of the accredited domestic plant to which a registered metering and monitoring agreement relates, no metering and monitoring payment may be made until—

(a) the new owner has notified the Authority under regulation 48(2)(a);

(b) the Authority has taken the steps set out in regulation 48(5);

(c) if the Authority requests that the new owner provide further information about the metering and monitoring agreement, that information has been provided;

(d) if the Authority decides to review the registration, the Authority is satisfied that—

(i) the metering and monitoring agreement continues to meet the requirements specified in Schedule 7; and

(ii) the terms of the metering and monitoring agreement are being complied with; and

(e) the Authority has updated the central register and notified the new owner of this.

Withdrawal of registration

55.—(1) The Authority may withdraw registration if it—

(a) is no longer satisfied that the metering and monitoring agreement meets the requirements specified in Schedule 7;

(b) considers that the metering and monitoring agreement is no longer in force or that its terms are not being complied with;

(c) is satisfied that a condition of registration is not being complied with or is likely to be breached; or

(d) is satisfied that registration was given wholly or partly as a result of the provision of information which is incorrect in a material particular and that, if the correct information had been provided, registration would not have been given.

(2) Where the Authority decides to withdraw registration—

(a) it must notify the participant and update the central register; and

(b) no metering and monitoring payments are payable in respect of any period on or after the date on which the Authority updates the central register.

PART 10

Inspection and enforcement

Inspection

56.—(1) The Authority or its authorised agent may request entry at any reasonable hour to inspect an accredited domestic plant and its associated infrastructure and to do one or more of the following—

(a) verify that the participant is complying with all applicable ongoing obligations;

(b) verify meter readings;

(c) take samples and remove them from the premises for analysis;

(d) take photographs, measurements or video or audio recordings of the accredited domestic plant and its associated infrastructure;

(e) verify that a participant who is a party to a registered metering and monitoring agreement is complying with any conditions imposed under regulation 51 in relation to the agreement and that the terms of the agreement are being complied with.

(2) Where the Authority is satisfied that a request made under paragraph (1) has been unreasonably refused by the participant or an occupant of the RHI property, or that the participant or occupant has unreasonably failed to cooperate with the Authority or its authorised agent, the Authority must send a notice to the participant specifying—

(a) details of—

(i) the request for entry and the reason why the refusal is considered unreasonable; or

(ii) the manner in which the participant or occupant has failed to cooperate and why that failure is considered unreasonable; and

(b) the action the Authority proposes to take under this Part, if any.

Power to withhold RHI payments during investigation

57.—(1) Where the Authority has reasonable grounds to suspect—

(a) that a participant has failed or is failing to comply with an ongoing obligation; or

(b) that an accredited domestic plant has been given accreditation wholly or partly as a result of the provision of information which is incorrect in a material particular,

and the Authority requires time to investigate, it may withhold all or part of that participant's RHI payments pending the outcome of that investigation.

(2) Within 21 days of a decision to withhold RHI payments under paragraph (1), the Authority must send a notice to the participant which—

(a) specifies—

(i) the respect in which the Authority suspects the participant has failed or is failing to comply with an ongoing obligation; or

(ii) a description of the information suspected to be incorrect and upon which the accreditation was based; and

(b) sets out the date from which RHI payments will be withheld and the next steps in the investigation.

(3) The Authority's investigation must be commenced and completed as soon as is reasonably practicable.

(4) Immediately upon conclusion of its investigation under this regulation, the Authority must inform the participant of—

(a) the outcome of the investigation;

(b) the action the Authority proposes to take under this Part, if any; and

(c) the participant's right of review.

(5) Subject to regulation 46, where the Authority concludes that there has been no material breach of an ongoing obligation or provision of incorrect information, it must resume payment of RHI payments in accordance with these Regulations and pay to the participant any RHI payments withheld during the course of its investigation.

(6) Within 6 months of sending of a notice under paragraph (2), the Authority must either resume payment of RHI payments or must send the participant a notice under regulation 58, 59 or 60.

Power to withhold RHI payments in the case of non-compliance

58.—(1) Where the Authority is satisfied—

(a) that a participant is failing to comply with an ongoing obligation; or

(b) that an accredited domestic plant has been given accreditation wholly or partly as a result of the provision of information which is incorrect in a material particular,

it may withhold all or part of that participant's RHI payments.

(2) Within 21 days of a decision to withhold RHI payments the Authority must send a notice to the participant specifying—

(a) where there is a failure to comply with an ongoing obligation, the respect in which the Authority is satisfied that the participant is failing to comply;

(b) where the accredited domestic plant was given accreditation as a result of the provision of incorrect information, details of the respect in which the information is incorrect;

(c) the amount of RHI payments that will be withheld, to the extent this is known to the Authority;

(d) the date from which RHI payments will be withheld;

(e) where applicable, the steps that the participant must take to satisfy the Authority that it is complying with the ongoing obligation;

(f) where applicable, the steps that the participant must take to satisfy the Authority that, notwithstanding the provision of incorrect information, the accredited domestic plant should continue to be an accredited domestic plant;

(g) the date by which the steps referred to in sub-paragraph (e) or (f) must be completed;

(h) the consequences of the participant failing to take the steps required under sub-paragraph (e) or (f) by that date; and

(i) details of the participant's right of review.

(3) Subject to regulation 46(2)(b) and (7), where the Authority is satisfied that the participant has taken the steps specified in paragraph (2)(e) or (f), as applicable, within the time specified, it must resume payment of RHI payments in accordance with these Regulations.

(4) The Authority may extend the time specified in paragraph (2)(g) where it is satisfied that it is reasonable to do so.

(5) If, within 3 months of receipt by the participant of a notice served under paragraph (2), the Authority is satisfied that the participant has taken the steps specified in that notice, the Authority may pay, within 28 days of being so satisfied, all RHI payments withheld under this regulation.

Revocation of accreditation

59.—(1) Where the Authority is satisfied that—

(a) there is or has been a serious or repeated failure by a participant to comply with an ongoing obligation;

(b) there has been a failure to comply with a notice under regulation 58(2); or

(c) an accredited domestic plant has been given accreditation wholly or partly as a result of the provision of information which was incorrect in a material particular,

the Authority may take one or more of the steps set out in paragraph (2).

(2) Where paragraph (1) applies the Authority may—

(a) revoke the accreditation for the relevant accredited domestic plant; or

(b) revoke the accreditation for any other accredited domestic plants owned by that participant.

(3) Before revoking accreditation the Authority must send the participant a notice specifying—

(a) the reason for the intended revocation of accreditation including details of the respect in which the participant has failed to comply or details of the incorrect information;

(b) an explanation of the effect of the revocation; and

(c) details of the participant's right of review.

(4) Where accreditation of an accredited domestic plant has been revoked, the Authority—

(a) may reject any further accreditation application for a plant owned by the same person; and

(b) must, if the Authority has given registration relating to the accredited domestic plant, withdraw that registration.

Overpayment notices and offsetting

60.—(1) The Authority may take one of the steps set out in paragraph (2) where the Authority is satisfied that a participant or former participant has received RHI payments ("overpayments") which—

(a) exceed the amount to which that person was entitled under these Regulations;

(b) were paid whilst there was a failure by that person to comply with an ongoing obligation or following such a failure; or

(c) were paid for an accredited domestic plant which was given accreditation wholly or partly as a result of the provision of information which was incorrect in a material particular.

(2) The steps set out in this paragraph are—

(a) requiring a participant or former participant who has received overpayments to repay a specified sum in relation to some or all of those overpayments; or

(b) offsetting a specified sum in relation to some or all of those overpayments against future RHI payments.

(3) Within 21 days of a decision to take action under paragraph (1) the Authority must send the participant or former participant who has received any overpayments a notice specifying—

(a) the value of any RHI payments which the Authority believes are overpayments;

(b) the specified sum which the Authority is seeking to recover;

(c) whether the specified sum must be repaid or will be offset;

(d) where applicable, the date by which the specified sum must be repaid; and

(e) the participant's or former participant's right of review.

(4) Where a participant or former participant who is required to repay a specified sum under this regulation fails to make payment in full by the date specified under paragraph (3)(d), the Authority may recover any outstanding sum as a civil debt.

(5) The Authority must not require a participant or former participant to repay, or offset, a specified sum which exceeds any overpayments received by that person.

Revocation of sanctions

61.—(1) The Authority may at any time revoke a sanction imposed in accordance with this Part if it is satisfied that—

(a) there was an error involved in the original imposition of the sanction; or

(b) it is just and equitable in the particular circumstances of the case to do so.

(2) Where, as a result of the imposition of a sanction to which—

(a) paragraph (1)(a) applies, a participant or former participant has been deprived of RHI payments to which the participant or former participant was entitled, the Authority must repay to the participant or former participant a sum equivalent to those payments;

(b) paragraph (1)(b) applies, a participant or former participant has been deprived of RHI payments which the participant or former participant would otherwise have received, the Authority may repay to the participant or former participant a sum equivalent to those payments if in the Authority's view it is just and equitable in the particular circumstances of the case to do so.

(3) Within 21 days of a decision to revoke a sanction, the Authority must send a notice to the participant or former participant specifying—

(a) the sanction which has been revoked;

(b) the reason for the revocation; and

(c) where paragraph (2) applies, the amount which will be repaid.

(4) In this regulation, "sanction" means an action taken by the Authority under regulation 57(1), 58(1), 59(2), 59(4) or 60(2).

Right of review

62.—(1) Any prospective, current or former participant aggrieved by a decision by the Authority in the exercise of its functions under these Regulations (other than a decision made in accordance with this regulation) may have that decision reviewed by the Authority.

(2) An application for review must be made by notice in such format as the Authority may require and must—

(a) be received by the Authority within 28 days of the date of receipt of notification of the decision being reviewed;

(b) specify the decision which that person wishes to be reviewed; and

(c) specify the grounds on which the application is made.

(3) A person who has made an application in accordance with paragraph (2) must provide the Authority with such information which is in that person's possession as the Authority may reasonably request to allow it to discharge its functions under this regulation.

(4) A review under this regulation may not be carried out by any person who was involved in the decision which is being reviewed.

(5) On review the Authority may—

(a) affirm its decision;

(b) revoke or vary its decision.

(6) Within 21 days of completing a review under this regulation, the Authority must send the person who made the application a notice setting out its decision and giving reasons for that decision.

PART 11

Powers and functions of the Secretary of State

Scheme review and evaluation

63.—(1) The Secretary of State must keep the operation of the domestic RHI scheme under review.

(2) The Secretary of State may decide to select an accredited domestic plant for monitoring for the purpose of that review ("evaluation monitoring").

(3) Where the Secretary of State makes a decision to select an accredited domestic plant for evaluation monitoring—

(a) the Secretary of State must write to the participant who owns the accredited domestic plant to advise that it has been selected for evaluation monitoring; and

(b) the Secretary of State may request entry at any reasonable hour to—

(i) inspect the accredited domestic plant and its associated infrastructure;

(ii) install any measuring instruments and related equipment ("metering equipment") which the Secretary of State may consider necessary;

(iii) inspect any metering equipment installed under this regulation;

(iv) carry out meter readings or download any information recorded by the metering equipment;

(v) check, repair or replace any metering equipment;

(c) the Secretary of State may request that the participant—

(i) assist with the maintenance of the meters or the taking of readings;

(ii) keep any records specified by the Secretary of State;

(iii) provide any information held by the participant that is required by the Secretary of State, including any information prepared by the certified installer who was responsible for the installation of the accredited domestic plant.

Right of review of decisions by the Secretary of State

64.—(1) Any participant aggrieved by a decision by the Secretary of State in the exercise of a function under regulation 63 may have that decision reviewed by the Secretary of State.

(2) An application for review must be made by notice in such format as the Secretary of State may require and must—

(a) be received by the Secretary of State within 28 days of the date of receipt of notification of the decision being reviewed;

(b) specify the decision which that person wishes to be reviewed; and

(c) specify the grounds on which the application is made.

(3) A person who has made an application in accordance with paragraph (2) must provide the Secretary of State with such information which is in that person's possession as the Secretary of State may reasonably request to allow the discharge of the Secretary of State's functions under this regulation.

(4) On review the Secretary of State may—

(a) affirm the decision;

(b) revoke or vary the decision.

(5) Within 21 days of completing a review under this regulation, the Secretary of State must send the person who made the application a notice setting out its decision and giving reasons for that decision.

PART 12

Additional powers and functions of the Authority

Provision of information to the Authority

65. Where the Authority requests any information or declarations from an applicant or a participant under these Regulations, or an applicant or participant is otherwise required to provide any information or declarations—

(a) that information and those declarations must be provided in such manner and form as the Authority may reasonably request and must be accurate to the best of the applicant's or participant's knowledge and belief; and

(b) the costs of providing the information are to be borne by that applicant or participant.

Reliance on declarations and other information available to the Authority

66. When exercising any functions under these Regulations, the Authority may—

(a) treat any declarations provided to it by an applicant in support of any application under these Regulations, or by a participant, as conclusive as to the matters to which they relate, unless the Authority has reason to believe that any such declaration is not accurate;

(b) verify any information provided by an applicant or participant against any information on the MCS register and any other information available to the Authority;

(c) treat inclusion of a plant on the MCS register as evidence that the plant has been certified on the basis that the plant is installed in accordance with a relevant installation standard or a standard which is equivalent to a relevant installation standard; and

(d) treat any information about a plant on the MCS register as conclusive as to the matters to which it relates.

Duty to maintain a central register

67. The Authority must maintain a register of—

(a) all accredited domestic plants;

(b) all registered metering and monitoring agreements.

Duty to publish guidance

68. The Authority must publish procedural guidance to participants in connection with the administration of the domestic RHI scheme.

Duty to report to the Secretary of State

69.—(1) The Authority must provide to the Secretary of State monthly reports containing the following information, as applicable—

(a) for each accredited domestic plant given accreditation in the period covered by the report—

(i) such of the information specified in Schedule 4 as the Authority may hold and the Secretary of State may require regarding the accredited domestic plant;

(ii) details of the plant it has replaced, if any;

(iii) the total amount of RHI payments made for the accredited domestic plant for the period covered by the report;

(iv) the eligible metered heat in kWh generated by the accredited domestic plant in the period covered by the report if the Authority has provided a metering statement for the plant or the deemed annual heat generation for the accredited domestic plant if a metering statement has not been provided;

(v) the full address of the RHI property; and

(b) such other information as the Authority may hold in relation to its functions under these Regulations as the Secretary of State may require.

(2) Monthly reports must be provided in such manner and form as the Secretary of State may request and must, in particular, be presented in a way that separately identifies the information specified in paragraph (1)(a) for each accredited domestic plant.

(3) The first monthly report must cover the period from the relevant date and ending on 30th April 2014 and each subsequent monthly report must cover each subsequent month and must be sent to the Secretary of State within 7 working days of the end of that month.

(4) The Authority must provide to the Secretary of State quarterly and annual reports in such manner and form as the Secretary of State may request containing the information specified in

paragraph (1) in aggregate form both for the period covered by the report and since the relevant date.

(5) The first annual report must be published by 31st July 2015 and must cover the period from the relevant date and ending on 31st March 2015, and in each subsequent calendar year the annual report must be published by 31st July for the 12 month period ending on 31st March of that year.

(6) The first quarterly report must be published by 31st August 2014 and must cover the period from the relevant date and ending on 31st July 2014, and each subsequent quarterly report must cover each subsequent three month period commencing on 1st August, 1st November, 1st February or 1st May and must be published within one month of the end of the relevant period.

(7) The Authority must publish the following information on its website—

(a) the quarterly and annual reports provided in accordance with this regulation;

(b) information in aggregate form as to—

(i) the number of accredited domestic plants;

(ii) the number of those plants which are biomass plants, air source heat pumps, ground source heat pumps or solar thermal plants;

(iii) the amount of eligible metered heat in kWh generated by accredited domestic plants for which the Authority has provided a metering statement and deemed annual heat generation for other accredited domestic plants in the relevant period; and

(iv) the total amount of RHI payments made under each tariff.

Duty to provide additional information to the Secretary of State

70.—(1) On request from the Secretary of State, the Authority must provide to the Secretary of State in such manner and form and by such date as the Secretary of State may request such additional information as the Authority may hold which relates to a function of the Authority under these Regulations.

(2) The information which the Secretary of State may request under paragraph (1) includes any information—

(a) recorded by a meter installed under these Regulations; or

(b) about a participant except for the participant's bank account details.

PART 13

Miscellaneous provisions

Notices, notifications and applications

71. All notices, notifications and applications under these Regulations—

(a) must be in writing; and

(b) may be transmitted by electronic means.

Consequential amendments

72.—(1) The Renewable Heat Incentive Scheme Regulations 2011(**a**) are amended as follows.

(2) In regulation 23 (exceptions to duty to accredit), after paragraph (5) insert—

"(6) The Authority must not accredit an eligible plant if—

(**a**) S.I. 2011/2860, amended by S.I. 2012/1999, S.I. 2013/1033, S.I. 2013/2410 and S.I. 2013/3179.

(a) it is, or at any time has been, an accredited domestic plant within the meaning given by regulation 2 of the Domestic Renewable Heat Incentive Scheme Regulations 2014;

(b) an application for accreditation of the plant has been made under those Regulations and that application has not been withdrawn by the applicant or rejected by the Authority; or

(c) it provides heat to the same property as an accredited domestic plant or a plant for which an application for accreditation under those Regulations has been made which has not been withdrawn or rejected.".

Name
Minister of State
Date Department of Energy and Climate Change

SCHEDULE 1

Regulations 4 to 6

Standards relevant to plants

1.—(1) This Schedule specifies standards for plants.

(2) The standards for biomass boilers are: EN 303-5:2012(**a**), EN 12809:2001+A1:2004(**b**) or EN 303-5:1999(**c**).

(3) The standard for biomass stoves is EN 14785:2006(**d**).

(4) The standards for heat pumps are—

(a) EN 14511-1: 2013(**e**), EN 14511-2: 2013(**f**), EN 14511-3:2013(**g**) and EN 14511-4: 2013(**h**);

(b) EN 14511-1: 2011(**i**), EN 14511-2: 2011(**j**), EN 14511-3: 2011(**k**) and EN 14511-4: 2011(**l**);

(**a**) The ISBN for the English language version of this standard is ISBN 978 0 580 71785 7. Copies can be obtained from the British Standards Institution at www.bsigroup.com.

(**b**) The ISBN for the English language version of this standard is ISBN 978 0 580 60014 2. Copies can be obtained from the British Standards Institution at www.bsigroup.com.

(**c**) The ISBN for the English language version of this standard is ISBN 0 580 32356 0. Copies can be obtained from the British Standards Institution at www.bsigroup.com.

(**d**) The ISBN for the English language version of this standard is ISBN 0 580 49039 4. Copies can be obtained from the British Standards Institution at www.bsigroup.com.

(**e**) The ISBN for the English language version of this standard is ISBN 978 0 580 80674 2. Copies can be obtained from the British Standards Institution at www.bsigroup.com.

(**f**) The ISBN for the English language version of this standard is ISBN 978 0 580 80675 9. Copies can be obtained from the British Standards Institution at www.bsigroup.com.

(**g**) The ISBN for the English language version of this standard is ISBN 978 0 580 80735 0. Copies can be obtained from the British Standards Institution at www.bsigroup.com.

(**h**) The ISBN for the English language version of this standard is ISBN 978 0 580 80676 6. Copies can be obtained from the British Standards Institution at www.bsigroup.com.

(**i**) The ISBN for the English language version of this standard is ISBN 978 0 580 68416 6. Copies can be obtained from the British Standards Institution at www.bsigroup.com.

(**j**) The ISBN for the English language version of this standard is ISBN 978 0 580 68417 3. Copies can be obtained from the British Standards Institution at www.bsigroup.com.

(**k**) The ISBN for the English language version of this standard is ISBN 978 0 580 68418 0. Copies can be obtained from the British Standards Institution at www.bsigroup.com.

(**l**) The ISBN for the English language version of this standard is ISBN 978 0 580 68419 7. Copies can be obtained from the British Standards Institution at www.bsigroup.com.

(c) EN 14511-1: 2007(**a**), EN 14511-2: 2007(**b**), EN 14511-3: 2007(**c**) and EN 14511-4: 2007(**d**); or

(d) EN 14511-1: 2004(**e**), EN 14511-2: 2004(**f**), EN 14511-3: 2004(**g**) and EN 14511-4: 2004(**h**).

(5) The standards for solar thermal plants are—

(a) EN 12975-1:2006+A1:2010(**i**) and EN 12975-2:2006(**j**);

(b) EN 12975-1:2006+A1:2010(**k**) and EN ISO 9806:2013(**l**); or

(c) EN 12976-1:2006(**m**) and EN 12976-2:2006(**n**).

SCHEDULE 2

Regulation 4

Requirements for RHI emission certificates

1. The requirements set out in this Schedule are that a document (an "RHI emissions certificate")—

(a) is issued by a testing laboratory which is accredited to EN ISO/IEC 17025:2005(**o**) at the time of testing; and

(b) contains the information specified in paragraph 2.

2. The information referred to in paragraph 1(b) is—

(a) the name and address of the testing laboratory by which tests have been carried out;

(b) the name and signature of the person authorised by the testing laboratory to issue the certificate;

(c) the date of issue of the certificate together with a certificate reference number;

(**a**) The ISBN for the English language version of this standard is ISBN 978 0 580 58327 8. Copies can be obtained from the British Standards Institution at www.bsigroup.com.

(**b**) The ISBN for the English language version of this standard is ISBN 978 0 580 58328 5. Copies can be obtained from the British Standards Institution at www.bsigroup.com.

(**c**) The ISBN for the English language version of this standard is ISBN 978 0 580 64207 4. Copies can be obtained from the British Standards Institution at www.bsigroup.com.

(**d**) The ISBN for the English language version of this standard is ISBN 978 0 580 58330 8. Copies can be obtained from the British Standards Institution at www.bsigroup.com.

(**e**) The ISBN for the English language version of this standard is ISBN 0 580 43801 5. Copies can be obtained from the British Standards Institution at www.bsigroup.com.

(**f**) The ISBN for the English language version of this standard is ISBN 0 580 43802 3. Copies can be obtained from the British Standards Institution at www.bsigroup.com.

(**g**) The ISBN for the English language version of this standard is ISBN 0 580 43803 1. Copies can be obtained from the British Standards Institution at www.bsigroup.com.

(**h**) The ISBN for the English language version of this standard is ISBN 0 580 43800 7. Copies can be obtained from the British Standards Institution at www.bsigroup.com.

(**i**) The ISBN for the English language version of this standard is ISBN 978 0 580 70583 0. Copies can be obtained from the British Standards Institution at www.bsigroup.com.

(**j**) The ISBN for the English language version of this standard is ISBN 0 580 48131 X. Copies can be obtained from the British Standards Institution at www.bsigroup.com.

(**k**) The ISBN for the English language version of this standard is ISBN 978 0 580 70583 0. Copies can be obtained from the British Standards Institution at www.bsigroup.com.

(**l**) The ISBN for the English language version of this standard is ISBN 978 0 580 79003 4. Copies can be obtained from the British Standards Institution at www.bsigroup.com.

(**m**) The ISBN for the English language version of this standard is ISBN 0 580 47841 6. Copies can be obtained from the British Standards Institution at www.bsigroup.com.

(**n**) The ISBN for the English language version of this standard is ISBN 0 580 47842 4. Copies can be obtained from the British Standards Institution at www.bsigroup.com.

(**o**) The ISBN for the English language version of this standard is ISBN 0 580 46330 3. Copies can be obtained from the British Standards Institute at www.bsigroup.com.

(d) the date of the accreditation of the testing laboratory to EN ISO/IEC 17025:2005 and the accreditation number;

(e) the name, model, manufacturer and installation capacity of the plant tested;

(f) the date of the testing;

(g) confirmation that—

(i) emissions of NOx and PM have been tested on the same occasion;

(ii) the testing was in accordance with the requirements set out in paragraph 3 or 4; and

(iii) the test was carried out at no less than 85% of the installation capacity of the plant;

(h) confirmation that when tested as specified in sub-paragraph (g)—

(i) emissions of PM from the plant did not exceed 30 grams of PM per gigajoule net heat input; and

(ii) emissions of NOx did not exceed 150 grams of NOx per gigajoule net heat input;

(i) the actual emissions of PM and NOx measured when the plant was tested as specified in sub-paragraph (g);

(j) a list of—

(i) the types of fuel used during the testing; and

(ii) the types of fuel which can be used so as to ensure that the emission limits referred to in sub-paragraph (h) are not exceeded;

(k) the moisture content of the fuel used during testing and the maximum moisture content which can be used so as to ensure that the emission limits referred to in sub-paragraph (h) are not exceeded;

(l) a statement indicating whether or not the plant tested was a manually stoked natural draught plant;

(m) a list of plants, other than the plant tested, in the type-testing range of plants for the certificate, if any.

3. For the purposes of paragraph 2(g), the requirements set out in this paragraph are that testing is carried out in accordance with the provisions relevant to emissions of PM and NOx in EN 303-5:1999(**a**) or EN 303-5:2012(**b**), whichever standard is current at the time of testing.

4. For the purposes of paragraph 2(g), the requirements set out in this paragraph are that—

(a) testing is carried out in accordance with—

(i) EN 14792:2005(**c**) for NOx emissions, and

(ii) EN 13284-1:2002(**d**) or BS ISO 9096:2003(**e**) for PM emissions;

(b) the emissions of PM represent the average of at least three measurements of emissions of PM, each of at least 30 minutes duration; and

(c) the value for NOx emissions is derived from the average of measurements made throughout the PM emission tests.

5. For the purposes of paragraph 2(h), "net heat input" means the rate of heat (expressed as the amount of heat over time) which is supplied to the plant by the fuel used, based on the net calorific value of that fuel.

(**a**) The ISBN for the English language version of this standard is ISBN 0 580 323560 0. Copies can be obtained from the British Standards Institution at www.bsigroup.com.

(**b**) The ISBN for the English language version of this standard is ISBN 978 0 580 71785 7. Copies can be obtained from the British Standards Institution at www.bsigroup.com.

(**c**) The ISBN for the English language version of this standard is ISBN 0 580 46990 5. Copies can be obtained from the British Standards Institution at www.bsigroup.com.

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(**e**) ISBN 0 580 41276 8. Copies can be obtained from the British Standards Institution at www.bsigroup.com.

SCHEDULE 3

Regulations 4 and 18

Eligible properties

1.—(1) The requirements set out in this Schedule in relation to a property are that an Energy Performance Certificate ("EPC") has been issued for the property on the basis that it consists of a dwelling and—

(a) the property is an eligible new-build property; or

(b) the requirements in—

(i) sub-paragraph (2) are met; and

(ii) either sub-paragraph (3) or (4) are met.

(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 a Green Deal Assessment has been carried out for the property.

(3) The requirements referred to in sub-paragraph (1)(b)(ii) are that the EPC—

(a) does not include a recommendation report; or

(b) includes a recommendation report which does not recommend that loft insulation or cavity wall insulation be installed.

(4) The requirements referred to in sub-paragraph (1)(b)(ii) are that loft insulation or cavity wall insulation is recommended in a recommendation report included in the EPC and cannot be installed in accordance with that recommendation as that installation—

(a) is prevented by restrictions on the building as a consequence of its status as a listed building, its location in a conservation area or the material impact that such installation would have on a protected species;

(b) would otherwise be unlawful; or

(c) is not feasible due to atypical local environmental conditions or the structure of the property.

SCHEDULE 4

Regulations 17, 18, 45, 48 and 69

Information required for accreditation

PART 1

Information required from all applicants making an accreditation application

1. The information referred to in regulation 17(2)(a) is—

(a) the address of the property to which the plant for which accreditation is sought provides heat;

(b) where the applicant is an individual, the name, date of birth, address, e-mail address (if any) and telephone number (if any) of the applicant;

(c) where the applicant is not an individual, the name of the individual making the application on behalf of the applicant, the individual's date of birth, address, e-mail address (if any) and telephone number (if any);

(d) where the applicant is a company, the trading or other name by which the applicant is commonly known, its registration number, and the address of its registered office;

(e) where the applicant is 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(**a**) or registered as a social landlord under section 23 of the Housing (Scotland) Act 2010(**b**), the name by which the applicant is commonly known, the details of its registration, and the address of its registered office;

(f) where the applicant is a local authority, the name by which the applicant is commonly known and its address;

(g) details of a bank account in the applicant's name which accepts pound sterling deposits in the United Kingdom into which any RHI payments may be paid;

(h) the unique reference number or numbers under which the plant for which accreditation is sought is registered on the MCS register;

(i) the unique reference number for the Energy Performance Certificate for the property to which the plant for which accreditation is sought provides heat which is the most recent Energy Performance Certificate for the property on the date on which the application is made; and

(j) the unique reference number for the Green Deal Assessment for the property to which the plant for which accreditation is sought provides heat, unless the property is an eligible new-build property.

PART 2

Additional information which may be required from an applicant for accreditation

2. The information referred to in regulation 17(2)(b) is—

(a) information to enable the Authority to satisfy itself as to the identity of the individual completing the application;

(b) where an individual is making an application on behalf of the applicant, evidence which satisfies the Authority that the individual has authority from that person to make the application on its behalf;

(c) details of the plant for which accreditation is sought, including its make, model and cost;

(d) evidence regarding the value of any grant from public funds and details of the body from which the grant was given;

(e) any information held by the applicant about the plant's certification in accordance with regulation 8;

(f) details of the property to which the plant for which accreditation is sought provides heat, including evidence that the applicant owns or occupies the property;

(g) if the applicant has indicated to the Authority that paragraph 1(4) of Schedule 3 applies to the property, evidence from the local planning authority, the Historic Buildings and Monuments Commission for England, Historic Scotland, Cadw, Natural England, Scottish Natural Heritage, the Natural Resources Body for Wales; a chartered ecologist's report or a chartered surveyor's report;

(h) a copy of any Energy Performance Certificate for the property including, if applicable, any Energy Performance Certificate issued on or after the RHI date for the plant;

(**a**) 1996 c.52.
(**b**) 2010 asp.17.

(i) if the heat generated by the plant for which accreditation is sought must be metered under regulation 13—

(i) in relation to each meter installed under these Regulations, details of the meter's manufacturer, model and serial number;

(ii) any readings from all meters and any other measuring instruments as at the RHI date for the plant or up to two weeks prior to that date;

(iii) evidence, prepared or verified by the certified installer who was responsible for, or checked, the installation of the meters, that the meters meet the metering requirements;

(iv) a schematic or other diagram showing details of the heating arrangements for the property to which the plant for which accreditation is sought provides heat, including all plant providing heat to that property, the location of meters and associated components and such other details as may be specified by the Authority; and

(v) such other information as the Authority may specify to enable it to determine whether the metering requirements are met;

(j) if the plant for which accreditation is sought is a biomass plant—

(i) evidence as to the type of fuel used in the plant;

(ii) such information as the Authority may specify to enable it to satisfy itself that the requirements set out in Schedule 2 have been met;

(k) details regarding any other plant which provides heat to the same property as the plant for which accreditation is sought;

(l) evidence as to any of the other matters for which the applicant has given a declaration; and

(m) such other information as the Authority may require to enable it to consider the applicant's application for accreditation or to enable evaluation of the operation of the domestic RHI scheme.

SCHEDULE 5

Regulations 34, 35 and 37

Tariffs

Table 1

Tariff category	*Tariff (pence/kWh)*
Biomass plants	12.2
Air source heat pumps	7.3
Ground source heat pumps	18.8
Solar thermal plants	19.2

SCHEDULE 6

Regulation 36

Expenditure for individual technologies

PART 1

Biomass plants

Table 1

Assessment date	*Expenditure threshold*	*Growth threshold*	*Super expenditure threshold*	*Super growth threshold*
31st July 2014	£ 2.40m	-	£ 4.80m	-
31st October 2014	£ 4.20m	£ 1.80m	£ 8.40m	£ 3.60m
31st January 2015	£ 6.00m	£ 1.80m	£ 12.00m	£ 3.60m
30th April 2015	£ 8.40m	£ 2.40m	£ 16.80m	£ 4.80m
31st July 2015	£ 11.90m	£ 3.60m	£ 23.90m	£ 7.20m
31st October 2015	£ 15.50m	£ 3.60m	£ 31.10m	£ 7.20m
Any date after 30th January 2016	£ 19.10m	£ 3.60m	£ 38.20m	£ 7.20m

PART 2

Air source heat pumps

Table 2

Assessment date	*Expenditure threshold*	*Growth threshold*	*Super expenditure threshold*	*Super growth threshold*
31st July 2014	£ 2.40m	-	£ 4.80m	-
31st October 2014	£ 4.20m	£ 1.80m	£ 8.40m	£ 3.60m
31st January 2015	£ 6.00m	£ 1.80m	£ 12.00m	£ 3.60m
30th April 2015	£ 8.40m	£ 2.40m	£ 16.80m	£ 4.80m
31st July 2015	£ 11.90m	£ 3.60m	£ 23.90m	£ 7.20m
31st October 2015	£ 15.50m	£ 3.60m	£ 31.10m	£ 7.20m
Any date after 30th January 2016	£ 19.10m	£ 3.60m	£ 38.20m	£ 7.20m

PART 3

Ground source heat pumps

Table 3

Assessment date	*Expenditure threshold*	*Growth threshold*	*Super expenditure threshold*	*Super growth threshold*
31st July 2014	£ 2.40m	-	£ 4.80m	-
31st October 2014	£ 4.20m	£ 1.80m	£ 8.40m	£ 3.60m
31st January 2015	£ 6.00m	£ 1.80m	£ 12.00m	£ 3.60m
30th April 2015	£ 8.40m	£ 2.40m	£ 16.80m	£ 4.80m
31st July 2015	£ 11.90m	£ 3.60m	£ 23.90m	£ 7.20m

Assessment date	*Expenditure threshold*	*Growth threshold*	*Super expenditure threshold*	*Super growth threshold*
31st October 2015	£ 15.50m	£ 3.60m	£ 31.10m	£ 7.20m
Any date after 30th January 2016	£ 19.10m	£ 3.60m	£ 38.20m	£ 7.20m

PART 4

Solar thermal plants

Table 4

Assessment date	*Expenditure threshold*	*Growth threshold*	*Super expenditure threshold*	*Super growth threshold*
31st July 2014	£ 1.20m	-	£ 2.30m	-
31st October 2014	£ 2.10m	£ 0.90m	£ 4.10m	£ 1.80m
31st January 2015	£ 2.90m	£ 0.90m	£ 5.90m	£ 1.80m
30th April 2015	£ 3.90m	£ 1.00m	£ 7.80m	£ 1.90m
31st July 2015	£ 5.00m	£ 1.10m	£ 10.00m	£ 2.20m
31st October 2015	£ 6.10m	£ 1.10m	£ 12.20m	£ 2.20m
Any date after 30th January 2016	£ 7.20m	£ 1.10m	£ 14.40m	£ 2.20m

SCHEDULE 7

Regulations 49 to 52, 54 and 55

Requirements for metering and monitoring agreements

1. The requirements set out in this Schedule are that an agreement between a certified installer and a participant (a "metering and monitoring agreement")—

(a) relates to an accredited domestic plant which is a heat pump or a metering and monitoring biomass boiler;

(b) meets the requirements set out in paragraph 3 or 4 of this Schedule (whichever is applicable to the type of plant); and

(c) meets the requirements set out in paragraphs 5 to 12 of this Schedule.

2. In this Schedule—

"data completeness", in relation to information recorded by measuring instruments over a particular period and presented in a format available for viewing by the installer and participant, is the total number of readings by the instruments and presented over that period divided by the maximum number of readings that could have been recorded at 2 minute intervals by the instruments in that period, expressed as a percentage;

"external temperature" is the temperature measured—

(a) at the RHI property by any temperature sensors if the relevant sensors are installed at the RHI property; or

(b) at a meteorological station which the metering and monitoring installer regards as most likely to measure temperature that represents the external temperature at the RHI property.

Requirements regarding the use of meters and other measuring instruments for metering and monitoring biomass boilers

3. Where the agreement relates to an accredited domestic plant which is a metering and monitoring biomass boiler ("the plant"), the applicable requirements referred to in paragraph 1(b) are that the agreement requires that—

(a) eligible heat meters are installed to record the heat generated by the plant;

(b) eligible heat meters are installed to record the heat generated by any other plant which is connected to the same heat distribution system as the plant or, if it is not feasible to install eligible heat meters for this purpose, any other type of eligible meters which can be used to determine heat generated by the other plant are installed;

(c) temperature sensors are installed which enable the recording of the temperature of the liquid leaving the plant and returning to it, and those temperature sensors must form part of the eligible heat meter measuring the heat generated by the plant or be installed at the same location as that eligible heat meter;

(d) eligible electricity meters are installed to record—

(i) the electricity supplied to any component of the plant which is used to generate the heat which is recorded under sub-paragraph (a); and

(ii) if the plant is used to generate heat for the purpose of heating domestic hot water, the total electricity supplied to the domestic hot water system including the electrical consumption by any immersion element in a domestic hot water cylinder;

(e) temperature sensors are installed to measure—

(i) the indoor temperature in at least one room in the RHI property to which the accredited domestic plant provides heat; and

(ii) the external air temperature; and

(f) measuring equipment is installed to determine the efficiency of the plant.

Requirements regarding the use of meters and other measuring instruments for heat pumps

4. Where the agreement relates to an accredited domestic plant which is a heat pump ("the plant"), the applicable requirements referred to in paragraph 1(b) are that the agreement requires that—

(a) eligible heat meters are installed to record the heat generated by the plant or its components;

(b) eligible heat meters are installed to record the heat generated by any other plant which is connected to the same heat distribution system as the plant or, if it is not feasible to install eligible heat meters for this purpose, any other type of eligible meters which can be used to determine heat generated by the other plant are installed;

(c) temperature sensors are installed which enable the recording of—

(i) the temperature of the liquid leaving the plant to provide space heating; and

(ii) if the heat pump generates heat for the purpose of heating domestic hot water, the temperature of the liquid leaving the plant for the sole purpose of heating domestic hot water or entering the domestic hot water cylinder;

(d) eligible electricity meters are installed to record—

(i) any electricity supplied to any components of the plant included in the heat recorded under sub-paragraph (a);

(ii) if the plant is used for the purpose of heating domestic hot water, the total electricity supplied to the domestic hot water system including the electrical consumption by any immersion element in a domestic hot water cylinder;

(e) temperature sensors are installed to measure the indoor temperature in at least one room in the RHI property to which the plant provides heat;

(f) if the plant is a ground source heat pump, temperature sensors are installed to record the temperature of the liquid in the part of the plant that extracts heat from the ground or water as it enters, and returns from, the ground or water; and

(g) if the plant is an air source heat pump, temperature sensors are installed to measure the external air temperature.

Accuracy requirements for meters and temperature sensors

5. The requirements referred to in paragraph 1(c) are that the agreement requires that—

(a) all meters installed or used under the agreement meet the metering requirements and records information at least every 2 minutes;

(b) all temperature sensors used under the agreement are properly installed and records information at least every 2 minutes;

(c) the smallest amount of energy that eligible heat meters used under the agreement can detect is equal to or less than 1 Wh or, if not, is equal to or less than—

(i) 10 Wh, if the eligible heat meter is measuring the heat in domestic hot water as it leaves a domestic hot water cylinder; or

(ii) 3% of the smallest amount of heat that the plant being measured is designed to produce in two minutes in Wh, if the eligible heat meter is not measuring the heat in domestic hot water as it leaves a domestic hot water cylinder;

(d) the smallest amount of energy that eligible electricity meters used in relation to the components of a heat pump under the agreement can detect is equal to or less than—

(i) 1 Wh; or

(ii) 3% of the smallest amount of electricity that the heat pump compressor, any supplementary electric heater and any electric immersion heater (where the energy consumed by those components is metered) is designed to consume in Wh in two minutes;

(e) the smallest amount of energy that eligible electricity meters used in relation to a metering and monitoring biomass boiler under a metering and monitoring agreement can detect is equal to or less than—

(i) 1 Wh; or

(ii) 7.5% of the smallest amount of electricity that the metering and monitoring biomass boiler is designed to consume in Wh in two minutes;

(f) the smallest volume that eligible gas meters used under a metering and monitoring agreement can detect is equal to or less than 10 litres or the equivalent volume in any other unit;

(g) the smallest volume that eligible oil meters used under a metering and monitoring agreement can detect is equal to or less than 0.1 litres or the equivalent volume in any other unit; and

(h) the data completeness of the information recorded by all measuring instruments under the metering and monitoring agreement over any consecutive 12 month period is at least 75%.

Requirements for presentation of information

6. The requirements referred to in paragraph 1(c) are that the agreement requires that information recorded under the metering and monitoring agreement is—

(a) presented in a format which is automatically available for viewing by the metering and monitoring installer ("the installer view") and the participant ("the participant view"); and

(b) updated automatically within one week of that information being recorded by the relevant measuring instruments.

7. The requirements referred to in paragraph 1(c) are that the agreement requires that the installer view—

(a) includes all of the information recorded by all measuring instruments required under the metering and monitoring agreement over a period which is—

(i) at least the past 12 months; or

(ii) if the agreement has been in force for less than 12 months, the period in which the agreement has been in force;

(b) shows the data as it was recorded in 2 minute intervals or smaller intervals;

(c) indicates the data completeness of the recorded information—

(i) in each three month period for the past 12 months; or

(ii) if the information has been recorded for a period which is shorter than 12 months, in any three month period for which information has been recorded.

8. The requirements referred to in paragraph 1(c) are that the agreement requires that the participant view—

(a) separately identifies, as a minimum, each of the following sets of information recorded under the metering and monitoring agreement—

(i) the energy output of the accredited domestic plant;

(ii) the energy consumption by the accredited domestic plant;

(iii) the internal temperature in any room for which the internal temperature is recorded;

(iv) the external temperature;

(v) if the accredited domestic plant is a ground source heat pump, the temperature of the liquid in the part of the plant that extracts heat from the ground or water as it enters, and returns from, the ground or water;

(vi) the efficiency of the accredited domestic plant over the past 12 months or over any period for which data is available if less than 12 months of data is available ("the efficiency assessment");

(vii) an assessment as to the accuracy of the efficiency assessment; and

(viii) information about the components of the accredited domestic plant which have contributed to the efficiency assessment;

(b) displays the information referred to in sub-paragraph (a) in a way that—

(i) shows the information collected in the immediately preceding week, broken down by hour or by a smaller unit of time; and

(ii) shows the information collected in any other period (at least for data collected in the previous 12 months), broken down by month or by a smaller unit of time; and

(c) identifies the data completeness of the information recorded by the measuring instruments.

Requirements for provision of information and advice to participants

9. The requirements referred to in paragraph 1(c) are that the agreement requires the metering and monitoring installer to provide to the participant, on request,—

(a) at least once every three months, an explanation about the meaning of the information collected under the metering and monitoring agreement;

(b) all of the information collected under the metering and monitoring agreement over the 12 month period ending on the date on which the information is requested; and

(c) any other information relating to the participant or the metering and monitoring agreement which is held by the metering and monitoring installer.

Requirements for provision of information to the Secretary of State or the Authority

10. The requirements referred to in paragraph 1(c) are that the agreement requires the metering and monitoring installer—

(a) to provide to the Secretary of State, the Authority or an agent nominated by the Authority, on request, information relating to—

(i) the metering and monitoring agreement including any data collected, and anything else done, under that agreement; or

(ii) the accredited domestic plant; and

(b) to provide that information in such manner and form and by such date as is specified in the request.

Consumer protection requirements

11. The requirements referred to in paragraph 1(c) are that the agreement requires the metering and monitoring installer to inform the participant—

(a) of the identity of any person who is providing a service under the metering and monitoring agreement and to notify the participant if that person changes;

(b) if any service required under the metering and monitoring agreement is to be delivered by another person on behalf of the metering and monitoring installer.

12. The requirements referred to in paragraph 1(c) are that the agreement permits assignment of all rights and obligations under the agreement—

(a) by the metering and monitoring installer to another certified installer if the participant consents; and

(b) 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.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to Great Britain, establish 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 ("tariffs") when the plant generates heat for that property.

Part 2 (regulations 3 to 16), and Schedules 1 to 3, set out the criteria which must be met before a plant is eligible to participate in the scheme. Regulations 4 to 6 set out the specific requirements for each type of plant. Regulations 7 to 11 set out the requirements for installation, certification, funding of plants and requires that plants have not been previously used to generate heat and have not been accredited under the Renewable Heat Incentive Scheme Regulations 2011 (S.I. 2011/2860) ("the 2011 Regulations"). Regulation 12 sets out requirements where more than one plant heats a property. Regulation 13 identifies the circumstances in which the heat generated by a plant must be metered before the plant is eligible to participate in the scheme ("metered plants"). Regulation 14 sets out the requirements that apply where plants are metered plants, and requires that meters be positioned in accordance with regulation 15 or 16.

Part 3 (regulations 17 to 22) sets out the procedure for applying for accreditation for a plant, the powers of the Gas and Electricity Markets Authority ("the Authority") when considering an application, relevant time limits, the circumstances in which accreditation must, or must not, be given and provides for accreditation to be given subject to conditions. Regulation 17 requires that

where the meters for a metered plant are positioned in accordance with paragraph (3) or (4) of regulation 15, or paragraph (3), (4) or (5) of regulation 16, the application for accreditation of the plant must include an application for authorisation of the location and type of each of the meters used (a "metering arrangement"). Where a metering arrangement is required, regulation 21 prevents the Authority from accrediting the plant unless it has given authorisation for that metering arrangement. Schedule 4 specifies the information which must be provided for an accreditation application.

Part 4 (regulations 23 to 25) sets out the procedure for making an application for authorisation of a metering arrangement and confers powers on the Authority when considering an application and deciding whether to give authorisation.

Part 5 (regulations 26 to 32) confer on the Authority the function of making payments ("RHI payments") to owners of accredited plants ("participants") and sets out how those payments are calculated. Regulation 26 requires the Authority to make RHI payments and provides that RHI payments accrue for seven years from the date of the application for accreditation.

Regulation 27 provides that RHI payments for solar thermal plants, and any other plant which is not metered, are based on the heat which the plant is deemed to have generated, multiplied by the tariff applicable for the plant once any grant from public funds has been deducted.

Regulation 28 provides that RHI payments for metered plants are based on the heat generated by the plant, multiplied by the tariff applicable for the plant once any grant from public funds has been deducted and provided that the RHI payment calculated in that way does not exceed the RHI payment that would have been payable if the plant was not metered.

The remainder of Part 5 sets out, for the purposes of the calculations in regulations 27 and 28, the calculations used to determine how much heat a plant is deemed to generate each year (regulation 29), to determine how much of the heat generated by a metered plant is eligible for the purposes of calculating RHI payments (regulations 30 and 31) and by how much the RHI payment is reduced by reference to grants from public funds (regulation 32).

Part 6 (regulations 33 to 38), and Schedules 5 and 6, provide for the determination of the tariff applicable for a plant for the purposes of the calculations in regulations 27 and 28. Regulation 33 confers on the Authority the function of calculating tariffs and publishing tariff tables. Regulations 34 to 37 set out the calculations used to determine the tariff applicable for a plant upon accreditation and each subsequent financial year. Regulation 38 imposes a duty on the Secretary of State to publish quarterly expenditure forecasts and, if tariffs changes as a result of the forecasts, tariff change notices, for the purposes of the calculation in regulation 36.

Part 7 (regulations 39 to 44) sets out ongoing obligations with which participants must comply, including requirements to give annual declarations, to provide information and to notify the Authority of any relevant change in circumstances.

Part 8 (regulations 45 to 48) sets out the procedures applicable in the event of a change of circumstances affecting accreditation of a plant or whether the plant must be metered and provides for the Authority to review accreditation and authorisation of any metering arrangement where necessary.

Part 9 (regulations 49 to 55) sets out the procedure for registration of any metering and monitoring agreement which relates to an accredited plant and which meets the requirements in Schedule 7. Regulation 49 requires the Authority to make additional payments ("metering and monitoring payments") to participants for registered metering and monitoring agreements and specifies the amount of metering and monitoring payments. Regulation 50 sets out the procedure for making an application for registration and confers powers on the Authority when considering that application. Regulation 51 sets out the conditions to which registration is subject. Regulations 52 to 53 confer powers on the Authority when deciding whether to give registration. Regulation 56 sets out the procedures applicable in the event of a change of circumstances affecting registration. Regulation 55 confers a power on the Authority to withdraw registration.

Part 10 (regulations 56 to 62) sets out the provisions in relation to enforcement. Regulation 56 confers on the Authority or its authorised agent the power to inspect an accredited plant and its associated infrastructure and specifies the manner and circumstances in which this power may be used and the consequences of refusal. Regulations 57 to 58 confer powers on the Authority to temporarily or permanently withhold a participant's RHI payments or reduce an RHI payment. Regulations 59 to 61 confer powers on the Authority to revoke accreditation in certain circumstances, to recover overpayments and to revoke sanctions imposed by it. Regulation 62 confers a right of review on any prospective, current or former participant affected by a decision made by the Authority under these Regulations, sets out the process by which a person may request a review of such decisions and specifies the Authority's powers on review.

Part 11 (regulations 63 to 64) confers functions on the Secretary of State in relation to the review of the scheme. Regulation 63 requires the Secretary of State to keep the scheme under review and confers a power on the Secretary of State or an authorised agent to request entry to the property and to install meters in relation to the accredited plant for the purpose of that review. (Compliance with such a request is an ongoing obligation under regulation 39.) Regulation 64 confers a right of review on any participant affected by a decision made by the Secretary of State under these Regulations, sets out the process by which a person may request a review of such decisions and specifies the Secretary of State's powers on review.

Part 12 (regulations 65 to 70) confer additional administrative functions on the Authority, including duties to maintain a central register of accredited plant and registered metering and monitoring agreements, to publish guidance and to provide information to the Secretary of State. Regulation 65 also imposes obligations on applicants and participants when the Authority requests information, and regulation 66 confers additional powers on the Authority when it carries out functions under these Regulations.

Part 13 (regulations 71 to 72) makes miscellaneous provision. Regulation 71 describes the form and method of communication of notices, notifications and applications under these Regulations. Regulation 72 amends the 2011 Regulations to prevent a plant which is accredited, or for which accreditation has been sought, under this scheme from also obtaining accreditation under those Regulations.

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 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 can also be obtained from the British Standards Institution customer services at 389 Chiswick High Road, London, W4 4AL upon payment of a fee.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Department of Energy and Climate Change at 3 Whitehall Place, London, SW1A 2AW and is published with the Explanatory Memorandum alongside this instrument on www.legislation.gov.uk.

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