Draft Regulations laid before Parliament under section 105(3) of the Energy Act 2008, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2017 No. 0000

ENERGY

The Renewable Heat Incentive Scheme Regulations 2017

Laid before Parliament ***

Coming into force in accordance with regulation 1

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The Secretary of State, in exercise of the powers conferred by sections 100 and 104(2) of the Energy Act 2008(**a**), makes the following Regulations.

In accordance with section 105(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.—(1) These Regulations may be cited as the Renewable Heat Incentive Scheme Regulations 2017 and come into force on the day after the day on which they are made.

Interpretation

2.—(1) In these Regulations—

"accreditation" means accreditation of an eligible installation by the Authority(**b**)following an application under regulation 30;

"accredited RHI installation" means an eligible installation which has been given accreditation;

"additional biomethane" has the meaning given in regulation 77;

"additional RHI capacity" has the meaning given in regulation 76;

"air source heat pump" means a plant which generates heat by absorbing energy stored in the form of heat in the ambient air;

"anaerobic digestion" means the bacterial fermentation of biomass in the absence of oxygen;

"approved sustainable fuel" means solid biomass which is listed under a scheme approved by the Secretary of State in accordance with regulation 51;

"biogas production plant" means a plant which produces biogas by anaerobic digestion, gasification or pyrolysis;

"building" means any permanent or long-lasting building or structure of whatever kind and whether fixed or moveable which, except for doors and windows, is wholly enclosed on all sides with a roof or ceiling and walls;

(**a**) 2008 c. 32; section 100 was amended by S.I. 2011/2195 and section 51 of the Infrastructure Act 2015 (c.7). Section 51 also amended section 105 of the Energy Act 2008 (Parliamentary control of subordinate legislation) and inserted subsections (3A) to (3I) concerning provisions which require the affirmative resolution procedure.

(**b**) The "Authority" means the Gas and Electricity Markets Authority; see section 100(3) of the Energy Act 2008.

"certified installer" means a person who is certified by the Microgeneration Certification Scheme(**a**) or a scheme which is—

(a) equivalent to that scheme; and

(b) under which installers are certified to that scheme's standards by a certification body or organisation accredited to EN 45011(**b**) or EN ISO/IEC 17065:2012(**c**);

"CHP system" means a system which generates power and is (or may be) operated for purposes including the supply to any premises (using liquid or steam) of heat produced in association with that power;

"CHPQA" means, except in regulation 27, the Combined Heat and Power Quality Assurance Standard, Issue 6, October 2016(**d**);

"class 2 heat meter" means a heat meter which—

(a) complies with the relevant requirements set out in Annex I to the Measuring Instruments Directive;

(b) complies with the specific requirements listed in Annex VI (Thermal energy meters (MI-004)) to that Directive; and

(c) falls within accuracy class 2 as defined in Annex VI (Thermal energy meters (MI-004)) to that Directive;

"coefficient of performance" means the ratio of the amount of heating or cooling in kilowatts provided by a heat pump to the kilowatts of power consumed by the heat pump;

"combustion unit" means—

(a) a boiler which uses solid biomass or solid biomass contained in waste as fuel; or

(b) a boiler, turbine or engine which uses biogas as fuel;

"commissioned" means, in relation to an eligible installation, the completion of such procedures and tests as constitute, at the time they are undertaken, the usual industry standards and practices for commissioning that type of eligible installation in order to demonstrate that it is capable of operating and delivering heat to the premises or process for which it was installed;

"connection agreement" means an agreement between a person who proposes to inject biomethane into a pipe-line system and the operator of the pipe-line system which provides for the design and construction of a connection whereby the biomethane may be injected into the pipe-line system;

"consumer prices index" means—

(a) the consumer prices index calculated and published by the Statistics Board (also known as the Office for National Statistics); or

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

"date of accreditation", in relation to an accredited RHI installation, means the later of—

(a) the first day which falls on or after the date of receipt by the Authority of the application for accreditation on which, in the Authority's opinion, both—

(i) the application was properly made, and

(ii) the plant met the eligibility criteria; and

(b) the day on which the plant was first commissioned;

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

(**b**) The ISBN for the English language version of this standard is ISBN 0 580 29415 3. This standard was published by the British Standards Institution on 15th July 1990 and copies can be obtained at www.bsigroup.com.

(**c**) The ISBN for the English language version of this standard is ISBN 978 0 580 78472 9. This standard was published by the British Standards Institution on 31st October 2012 and copies can be obtained at www.bsigroup.com.

(**d**) This standard was published by the Department for Business, Energy and Industrial Strategy and is available at www.gov.uk/guidance/combined-heat-power-quality-assurance-programme.

"date of registration", in relation to a producer of biomethane for injection, means the first day which falls on or after the date of receipt by the Authority of the application for registration on which the application was, in the Authority's opinion, properly made;

"deep geothermal" in relation to energy, means naturally occurring energy located and extracted from at least 500 metres beneath the surface of solid earth, and a "deep geothermal plant" means a plant which generates heat using such energy;

"design heat load" means, in relation to ground source heat pumps that are capable of heating and cooling, the heat flow required to achieve the planned heating requirements for that plant;

"domestic premises" means single, self-contained premises used wholly or mainly as a private residential dwelling where the fabric of the building has not been significantly adapted for non-residential use;

"eligibility criteria" has the meaning given by regulation 4;

"eligible biomethane" has the meaning given in regulation 73;

"eligible installation" means a plant which meets the eligibility criteria;

"eligible purpose" means a purpose specified in regulation 3(2);

"energy content" means the energy contained within a substance (whether measured by a calorimeter or determined in some other way) expressed in terms of the substance's gross calorific value within the meaning of BS 7420:1991 (Guide for the determination of calorific values of solid, liquid and gaseous fuels (including definitions))(**a**);

"energy crop" means—

(a) a perennial crop planted at high density, the stems of which are harvested above ground level at intervals of less than 20 years and which is one of the following—

(i) Acer pseudoplatanus (also known as sycamore);

(ii) Alnus (also known as alder);

(iii) Betula (also known as birch);

(iv) Castanea sativa (also known as sweet chestnut);

(v) Corylus avellana (also known as hazel);

(vi) Fraxinus excelsior (also known as ash);

(vii) Populus (also known as poplar);

(viii) Salix (also known as willow);

(ix) Tilia cordata (also known as small-leaved lime); or

(b) a perennial crop which is one of the following—

(i) Arundo donax (also known as giant reed);

(ii) Bambuseae, where the crop was planted after 31st December 1989 and is grown primarily for the purpose of being used as fuel;

(iii) Miscanthus;

(iv) Panicum;

(v) Pennisetum, other than Pennisetum setaceum (also known as fountain grass), Pennisetum clandestinum (also known as kikuyu grass) and Pennisetum villosum (also known as feathertop grass);

(vi) Phalaris;

(**a**) The ISBN for the English language version of this standard is ISBN 0 580 19482 5. This standard was published by the British Standards Institution on 28 June 2011 and copies can be obtained at www.bsigroup.com.

"environmental permit" means a permit issued in accordance with the provisions of the Environmental Permitting (England and Wales) Regulations 2010(**a**) or the Pollution Prevention and Control (Scotland) Regulations 2012(**b**);

"environmental quality assurance scheme" means a voluntary scheme which establishes environmental or social standards in relation to the production of biomass or matter from which biomass is derived;

"EPC" means energy performance certificate, as defined 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(**c**);

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

"GWh" means gigawatt hours;

"gasification" means the substoichiometric oxidation or steam reformation of a substance to produce a gaseous mixture containing two or all of the following: carbon, methane or oxides of carbon;

"gas transporter" means the holder of a licence granted under section 7 of the Gas Act 1986(**e**);

"ground loop" means, in relation to a shared ground loop system, the equipment which absorbs energy stored in the form of heat in the ground, including heat in water in the ground, or in surface water;

"ground source heat pump" means—

(a) in the case of a shared ground loop system, the piece of equipment installed in each premises which generates heat in those premises using the heat energy provided by the ground loop;

(b) in all other cases, a plant which generates heat by absorbing energy stored in the form of heat in the ground, including water in the ground, or in surface water, but does not include a plant which is a deep geothermal plant;

"guaranteed tariff" means the initial tariff which would have applied in accordance with regulation 60 had the tariff start date been the date specified by the Authority under regulation 35(5)(d);

"heat loss calculation" means a calculation of heat lost which is carried out in accordance with the guidance issued by the Chartered Institute of Building Services Engineers and contained in CIBSE Guide C- reference data (2007 edition)(**f**);

"heat meter" has the same meaning as that given to "thermal energy meter" in Annex VI (Thermal energy meters (MI-004)) of the Measuring Instruments Directive;

"initial tariff" means the tariff calculated in accordance with regulation 60;

"injection" means the introduction of gas into a pipe-line system operated by a gas transporter;

"installation capacity" means—

(a) in the case of a CHP system to which regulation 12(2)(b) or 13 applies, the capacity determined by the formula—

(**a**) S.I. 2010/675; relevant amending instruments are S.I. 2011/988, 2012/630, 2013/390, 2014/255, and 2016/475.
(**b**) S.S.I. 2012/360; amended by S.S.I.2014/267; there are other amending instruments but none is relevant.
(**c**) S.I. 2012/3118; amended by S.I. 2016/284; there are other amending instruments but none is relevant.
(**d**) S.S.I. 2008/309, to which there are amendments not relevant to these Regulations.
(**e**) 1986 c.44; section 7 was amended by the Utilities Act 2000 (c.27), sections 3(2) and 76 and Schedule 6, Part 1, paragraph 4 and Schedule 8, paragraph 1 and the Energy Act 2004 (c.20), section 149(5).
(**f**) The ISBN for the English language version of this standard is ISBN 978 1903287 804. This standard was published by the Chartered Institute of Building Services Engineers in 2007 and copies can be obtained at www.cibse.org.

$$\frac{x}{y} \times p$$

where—

(i) X is the total installed peak heat output capacity of all the combustion units to which regulation 12(2)(b) or 13 applies which use the same source of energy;

(ii) Y is the total installed peak heat output capacity of all the combustion units forming part of the CHP system; and

(iii) P is the total installed peak heat output capacity of the CHP system;

(b) in the case of a shared ground loop system, the sum of the total installed peak heat output capacities of each of the ground source heat pumps which forms part of the shared ground loop system;

(c) for any other plant, the total installed peak heat output capacity of the plant;

"kWh" means kilowatt hours;

"kWhth" means kilowatt hours thermal;

"kWth" means kilowatt thermal;

"maximum additional capacity" has the meaning given in regulation 77;

"maximum initial capacity" means the maximum volume of biomethane, expressed in cubic metres per quarterly period which a participant is entitled to supply for injection under the network entry agreement applicable to the biomethane in relation to which an application for registration under regulation 32 is made;

"Measuring Instruments Directive" means Directive 2014/32/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of measuring instruments (recast)(**a**);

"MWth" means megawatt thermal;

"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;

"network entry agreement" means an agreement between a person who injects biomethane and a gas transporter under which the person who injects biomethane is entitled to inject biomethane into the pipe-line system operated by that gas transporter;

"new solid biomass CHP system" means a CHP system which meets the requirements in regulation 13;

"new-build property" means a property which is supplied with heat by a plant in respect of which an accreditation application has been made, and where the date on which the property was first occupied is after the date on which the plant was first commissioned;

"NOx" means oxides of nitrogen;

"ongoing obligations" means the obligations specified in Part 4;

"original biomethane" means biomethane which is produced by a relevant producer (within the meaning given in regulation 56) and which falls within that producer's maximum initial capacity;

"participant" means—

(a) the owner of an accredited RHI installation or, where there is more than one such owner, the owner with authority to act on behalf of all owners in accordance with regulation 30(3); or

(b) a producer of biomethane for injection who has been registered under regulation 32;

"periodic support payments" has the meaning given in regulation 3;

(**a**) OJ No L 96, 29.3.2014, p149

"pipe-line system" has the same meaning as in section 5(10) of the Gas Act 1986(**a**);

"PM" means particulate matter;

"process" means any process other than the generation of electricity;

"properly insulated" means—

(a) in respect of piping which is situated below the ground, insulated in accordance with—

(i) BS EN 253 (2009)(**b**);

(ii) BS EN 15632:2 and 3 (2010) and 15632:4 (2009)(**c**); or

(iii) BS EN 15698:1 (2009)(**d**); or

(b) in respect of piping which is situated above the ground, insulated so that the relevant maximum permissible heat losses set out in BS 5422:2009(**e**) are not exceeded;

"properly made" in relation to an application means—

(a) in the case of an application made under regulation 30, an application which provides the information required by regulation 30(2) and (3);

(b) in the case of an application made under regulation 32, an application which provides the information required by regulation 32(2) and (4); and

(c) in the case of an application made under regulation 35, an application which provides the information required by regulation 35(3) or (4).

"pyrolysis" means the thermal degradation of a substance in the absence of an oxidising agent (other than that which forms part of the substance itself) to produce char and one or both of gas and liquid;

"quarterly period" means, except in regulation 89, the first, second, third or fourth quarter of any year commencing with, or with the anniversary of—

(a) in relation to an accredited RHI installation, the tariff start date for that installation;

(b) in relation to a producer of biomethane who is registered in relation to any original biomethane or additional biomethane, the tariff start date for the original biomethane;

"relevant tariff" means the tariff applicable to the source of energy and technology and installation capacity of an accredited RHI installation, or to the production of biomethane;

"retail prices index" means—

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

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

"RHI emission certificate" means a document which meets the requirements in regulation 6;

"seasonal performance factor" means, in relation to an air source heat pump or a ground source heat pump, the ratio of its heat output to electricity input expressed as an average over a year;

"shared ground loop system" means a system in which a ground loop provides heat energy through a hydraulic connection to two or more ground source heat pumps installed in separate or the same premises, provided that not more than one ground source heat pump is installed in a single domestic premises;

(**a**) 1986 c.44; section 5(6) to (10) was inserted by the Energy Act 2004 (c.20), section 149(3).

(**b**) The ISBN for the English language version of this standard is ISBN 978 20 580 84650 2. This standard was published by the British Standards Institution on 31 January 2009 and copies can be obtained at www.bsigroup.com.

(**c**) The ISBN for the English language versions of these standards are ISBN 978 0 580 83312 0, ISBN 978 0 580 83313 7, and ISBN 978 0 580 58239 4. The first two of these standards were published on 28 February 2010 and the latter on 28 February 2009 by the British Standards Institution and copies can be obtained at www.bsigroup.com.

(**d**) The ISBN for the English language version of this standard is ISBN 978 0 580 58925 6. This standard was published by the British Standards Institution on 31 January 2009 and copies can be obtained at www.bsigroup.com.

(**e**) The ISBN for the English language version of this standard is ISBN 978 0 580 69184 3. This standard was published by the British Standards Institution on 31 December 2008 and copies can be obtained at www.bsigroup.com.

"solar collector" means a liquid filled flat plate or evacuated tube solar collector;

"steam measuring equipment" means all the equipment needed to measure to the Authority's satisfaction the mass flow rate and energy of steam, including at least the following components—

(a) a flow meter;

(b) a pressure sensor;

(c) a temperature sensor; and

(d) a digital integrator or calculator able to determine the cumulative energy in megawatt hours thermal which has passed a specific point;

"subsequent tariff" means the tariff calculated in accordance with regulation 62;

"tariff" means the payment rate per kWhth in respect of an accredited RHI installation and per kWh in respect of biomethane injection;

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

"tariff lifetime" means—

(a) in relation to an accredited RHI installation, the period for which periodic support payments are payable for that installation; or

(b) in relation to a participant who is a producer of biomethane for injection, the period for which that person is eligible to receive periodic support payments;

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

"tariff start date" means—

(a) in relation to an accredited RHI installation, the date of accreditation of that installation;

(b) in relation to original biomethane in respect of which a producer of biomethane is registered, the date of registration for that biomethane; and

(c) in relation to additional biomethane in respect of which a producer of biomethane is registered, the date of registration for that additional biomethane;

"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—

(a) where the installation capacity of the smallest of the plants in the range is less than or equal to 500 kWth, 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; or

(b) where the installation capacity of the smallest of the plants is greater than 500 kWth, then the difference in installation capacity between the smallest and largest of the plants within the type-testing range for which tests are carried out is no more than 500 kWth;

"waste" has the meaning given in Article 3(1) of Directive 2008/98/EC of the European Parliament and of the Council on waste(**a**) and includes excreta produced by animals;

"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 the Banking and Financial Dealings Act 1971.

(**a**) OJ No L 312, 22.11.2008, p3.

(2) Except in regulation 74, where these Regulations provide for a figure to be rounded, that figure must be rounded to the nearest hundredth of a penny, with any two hundredth of a penny being rounded upwards.

Renewable heat incentive scheme

3.—(1) These Regulations make provision for the continuation of the incentive scheme to facilitate and encourage the renewable generation of heat established by the Renewable Heat Incentive Scheme Regulations 2011(**a**) (which are revoked by regulation 92).

(2) Subject to paragraph (3) and Parts 6 and 9, the Authority must make, to participants who are owners of accredited RHI installations, payments (referred to in these Regulations as "periodic support payments") for generating heat that is—

(a) used in a building for any of the following purposes—

(i) heating a space,

(ii) heating water,

(iii) carrying out a process; or

(b) used otherwise than in a building for either of the following purposes carried out on a commercial basis—

(i) cleaning,

(ii) drying.

(3) The Authority must not make periodic support payments for heat that is used on or after the date on which these Regulations come into force to dry digestate and which is generated by accredited RHI installations with a tariff start date—

(a) on or after 14th December 2016 but before the date on which these Regulations come into force, in the case of an installation that generates heat from biogas and where the participant has elected to be subject to the arrangements set out in regulation 74; or

(b) in any other case, on or after the date on which these Regulations come into force.

(4) Subject to Part 9, the Authority must make periodic support payments to participants who are producers of biomethane for injection.

(5) In this regulation, "digestate" means any substance, except for biogas, which is generated from a biogas production plant producing biogas by anaerobic digestion.

PART 2

Eligibility and matters relating to eligibility

CHAPTER 1

Eligible installations

Eligible installations

4.—(1) A plant meets the criteria for being an eligible installation ("the eligibility criteria") if—

(a) regulation 5, 7, 8, 9, 10, 11, 12, 13, 14 or 15 applies; and

(b) the plant satisfies the requirements set out in—

(i) regulation 16(1);

(ii) regulation 17; and

(**a**) S.I. 2011/2860; amended by S.I. 2013/1033, 2013/2410, 2013/3179, 2014/1413, 2015/197, 2015/477, 2016/718 and 2016/1197.

(iii) Chapter 3.

(2) But this regulation is subject to regulations 19 and 20.

CHAPTER 2

Eligibility criteria for technologies

Eligible installations generating heat from solid biomass

5.—(1) This regulation applies if the plant complies with all of the following requirements—

(a) it generates heat from solid biomass, excluding solid biomass contained in waste;

(b) in the case of a plant with an installation capacity of 45kWth or less, the plant meets the requirements in regulation 18;

(c) in the case of a plant for which an application for accreditation is made on or after 24th September 2013—

(i) an environmental permit subsists in relation to that plant, or

(ii) an RHI emission certificate applies to that plant.

(2) Paragraph (1)(c) does not apply to plants in respect of which preliminary accreditation has been granted before 24th September 2013 (and such preliminary accreditation has not been withdrawn).

(3) For the purposes of this regulation, an RHI emission certificate applies to a plant (A) if the information in that certificate is based on testing—

(a) A;

(b) a plant of the same make, model and installation capacity as A; or

(c) any other plant in the same type-testing range as A.

RHI emission certificates

6. An RHI emission certificate is a document that meets the following requirements—

(a) the document must be issued by a testing laboratory;

(b) where the information contained in the document is based on testing carried out on or after 24th September 2013, the testing laboratory that issued the document must be accredited to BS EN ISO/IEC 17025:2005(**a**) at the time of testing; and

(c) the document must contain the information set out in Schedule 1.

Eligible installations generating heat from solid biomass contained in waste

7. This regulation applies if the plant generates heat from solid biomass contained in waste.

Eligible installations generating heat using solar collectors

8. This regulation applies if the plant complies with all of the following requirements—

(a) it generates heat using a solar collector;

(b) it has an installation capacity of less than 200kWth;

(c) in the case of a plant with an installation capacity of 45kWth or less, the plant meets the requirements in regulation 18.

(**a**) The ISBN for the English language version of this standard is ISBN 0 580 46330 3. This standard was published by the British Standards Institution on 29 June 2005 and copies can be obtained at www.bsigroup.com.

Eligible installations generating heat using ground source heat pumps

9.—(1) This regulation applies if the plant complies with all of the following requirements—

(a) it is a ground source heat pump;

(b) where the tariff start date of the plant is on or after the date on which these Regulations come into force, it does not form part of a shared ground loop system;

(c) it generates heat using naturally occurring energy;

(d) in the case of a plant with an installation capacity of 45kWth or less, the plant meets the requirements in regulation 18;

(e) it has a coefficient of performance of at least 2.9; and

(f) in the case of a plant in respect of which an application for accreditation is made on or after 28th May 2014—

(i) the plant is designed and installed to operate with a seasonal performance factor of at least 2.5; and

(ii) where the plant is capable of heating and cooling, a design heat load for the plant has been calculated in accordance with BS EN 12831:2003(**a**).

(2) Paragraph (3) applies where—

(a) an application for accreditation in respect of the plant is made on or after 28th May 2014; and

(b) the plant was first commissioned on or after 4th December 2013.

(3) Where this paragraph applies, the requirement in paragraph (1)(c) is deemed to be satisfied where, in addition to using naturally occurring energy in the form of heat, the plant uses—

(a) solar energy which has been gathered by any means (other than by a solar collector which is an accredited RHI installation) and is stored in the ground in the form of heat;

(b) heat from space cooling or process cooling; or

(c) heat from processes other than the generation of heat.

Eligible installations generating heat using air source heat pumps

10. This regulation applies if the plant complies with all of the following requirements—

(a) it is an air source heat pump;

(b) in the case of a plant with an installation capacity of 45kWth or less, the plant meets the requirements in regulation 18;

(c) it has a coefficient of performance of at least 2.9;

(d) it has been designed and installed to operate with a seasonal performance factor of at least 2.5;

(e) it is not designed to provide cooling; and

(f) it is not designed to use heat in air which has been expelled—

(i) from a building; or

(ii) directly from a process which generates heat.

Eligible installations which are shared ground loop systems

11.—(1) This regulation applies if the plant is a shared ground loop system which complies with the requirements in paragraphs (2) and (4).

(**a**) The ISBN for the English language version of this standard is ISBN 978 0 580 84107 1. This standard was published by the British Standards Institution on 22 August 2003 and copies can be obtained at www.bsigroup.com.

(2) Each ground source heat pump which forms part of the shared ground loop system must comply with the following requirements—

(a) it was first commissioned as part of the shared ground loop system on or after 14th December 2016;

(b) it generates heat using naturally occurring energy;

(c) in the case of a ground source heat pump with an installed peak heat output capacity of 45kWth or less, it meets the requirements in regulation 18;

(d) it has a coefficient of performance of at least 2.9;

(e) it is designed and installed to operate with a seasonal performance factor of at least 2.5;

(f) where it is capable of heating and cooling and is not installed in domestic premises, a design heat load for the ground source heat pump has been calculated in accordance with BS EN 12831:2003;

(g) where it is installed in domestic premises, an EPC must have been issued for that premises and one of the following requirements must be met—

(i) the property is a new-build property; or

(ii) the period commencing with the date on which the EPC was issued and ending on the date of application under regulation 30 is less than 24 months and the requirements in paragraph (5) are met.

(3) The requirement in paragraph (2)(b) is deemed to be satisfied where, in addition to using naturally occurring energy in the form of heat, the ground source heat pump uses—

(a) solar energy which has been gathered by any means (other than by a solar collector which is an accredited RHI installation) and is stored in the ground in the form of heat;

(b) heat from space cooling or process cooling; or

(c) heat from processes other than the generation of heat.

(4) The shared ground loop system must be designed and installed to operate with a seasonal performance factor of at least 2.5.

(5) For the purposes of paragraph (2)(g), the requirements in this paragraph are met if the EPC—

(a) does not include a recommendation report;

(b) includes a recommendation report which does not recommend that loft insulation or cavity wall insulation is installed; or

(c) includes a recommendation report which recommends that loft insulation or cavity wall insulation is installed, but that insulation cannot be installed as its installation—

(i) 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;

(ii) would otherwise be unlawful; or

(iii) is not feasible due to local environmental conditions or the structure of the property.

Eligible installations which are CHP systems

12.—(1) This regulation applies if the plant is a CHP system which complies with the requirements in paragraphs (2) and (3).

(2) The requirements in this paragraph are that the CHP system generates heat and power from—

(a) one of the sources of energy set out in paragraph (5) alone, or

(b) solid biomass, solid biomass contained in waste or biogas, alone or in any combination or with any other source of energy provided that—

(i) the combustion unit in which that solid biomass, solid biomass contained in waste or biogas is burned was first commissioned as part of a CHP system on or after 4th December 2013;

(ii) the combustion unit was new at the time of installation;

(iii) (except in relation to the use of solid biomass contaminated with fossil fuel) the combustion unit in which that solid biomass, solid biomass contained in waste or biogas is burned is a separate combustion unit from that in which any other fuel is burned.

(3) Where energy is supplied to the CHP system from a combustion unit in which solid biomass (excluding solid biomass contained in waste) is burned, the requirements in this paragraph are that where an application for accreditation relating to the combustion unit is made on or after 24th September 2013, that combustion unit complies with the requirements in regulation 5(1)(c)(i) or (ii).

(4) The requirements in paragraph (2)(b)(i) and (ii) are deemed to be satisfied where the combustion unit was previously supplying energy for the generation of power only and the plant to which it supplies energy is first commissioned as a CHP system on or after 4th December 2013.

(5) The sources of energy referred to in paragraph (2)(a) are—

(a) solid biomass (excluding solid biomass contained in waste);

(b) solid biomass contained in waste;

(c) biogas, provided that the combustion unit in which the biogas is burned does not generate heat from solid biomass;

(d) deep geothermal energy.

(6) In the case of CHP systems which generate heat and power from biogas, references in this regulation to "combustion unit" include the biogas production plant which produces the biogas which is used in the combustion unit.

Eligible installations which are new solid biomass CHP systems

13.—(1) This regulation applies if the plant is a CHP system which complies with the requirements in paragraphs (2) and (3).

(2) The requirement in this paragraph is that the CHP system is certified under CHPQA.

(3) The requirements in this paragraph are that the CHP system generates heat and power from solid biomass (excluding solid biomass contained in waste) alone or in combination with any other source of energy provided that the combustion unit in which that solid biomass is burned—

(a) was first commissioned as part of a CHP system on or after 4th December 2013;

(b) was new at the time of installation;

(c) except in relation to the use of solid biomass contaminated with fossil fuel, is a separate combustion unit from that in which any other fuel is burned; and

(d) complies with the requirements in regulation 5(1)(c)(i) and (ii).

(4) The requirements in paragraph (3)(a) and (b) are deemed to be satisfied where the combustion unit was previously supplying energy for the generation of power only and the plant to which it supplies energy is first commissioned as a CHP system on or after 4th December 2013.

Eligible installations generating heat using geothermal sources

14. This regulation applies if the plant generates heat using naturally occurring energy located and extracted from at least 500 metres beneath the surface of solid earth.

Eligible installations generating heat using biogas

15. This regulation applies if the plant generates heat from biogas alone.

Other eligibility requirements for technologies

16.—(1) The requirements referred to in regulation 4(b)(i) are—

(a) except where regulation 12(2)(b) or 13 applies—

(i) in the case of a plant generating heat using biogas combustion with an installation capacity of 200kWth or above or an air source heat pump, the plant was first commissioned on or after 4th December 2013;

(ii) in all other cases, installation of the plant was completed and the plant was first commissioned on or after 15th July 2009;

(b) except where regulation 12(2)(b) or 13 applies, the plant was new at the time of installation;

(c) the plant uses liquid or steam as a medium for delivering heat to the space, water or process or to any of the purposes in regulation 3(2)(b); and

(d) the heat generated by the plant is used for an eligible purpose.

(2) In the case of a CHP system—

(a) the requirements of paragraphs (1)(a)(i) and (b) are deemed to be satisfied where a plant was previously generating electricity only, using biogas, and was first commissioned as a CHP system on or after 4th December 2013; and

(b) the requirements of paragraphs (1)(a)(ii) and (b) are deemed to be satisfied where the plant was previously generating electricity only, using solid biomass, solid biomass contained in waste, or biogas, and was first commissioned as a CHP system on or after 15th July 2009.

(3) But the requirements of paragraph (1)(a) and (b) are not satisfied where the plant was previously generating heat only and was first commissioned as a CHP system on or after 15th July 2009.

Planning permission

17. The requirement referred to in regulation 4(b)(ii) is that, where an application for accreditation is made on or after the date on which these Regulations come into force, any necessary planning permission has been granted in relation to the plant.

Certification for installation of microgeneration heating equipment

18.—(1) A plant meets the requirements set out in this regulation if it is certified under—

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

(b) a scheme where—

(i) installers are certified to that scheme's standards by a certification body or organisation accredited to EN 45011(**b**) or EN ISO/IEC 17065:2012(**c**);

(ii) the plant is installed in accordance with the installation requirements applicable to the plant under that scheme on the plant's first commissioning date and which are equivalent to a relevant installation standard; and

(iii) that scheme is equivalent to the Microgeneration Certification Scheme.

(2) In paragraph (1), if the first commissioning date for the plant is on or after the date on which these Regulations come into force, "relevant installation standard" means—

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

(**b**) The ISBN for the English language version of this standard is ISBN 0 580 29415 3. This standard was published by the British Standards Institution on 15 July 1998 and copies can be obtained at www.bsigroup.com.

(**c**) The ISBN for the English language version of this standard is ISBN 978 0 580 78472 9. This standard was published by the British Standards Institution on 31 October 2012 and copies can be obtained at www.bsigroup.com.

(a) where the plant generates heat from solid biomass or solid biomass contained in waste, version 4.2 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 6th May 2015(**a**);

(b) where the plant is a ground source heat pump or air source heat pump, version 5.0 of the document entitled "Microgeneration Installation Standard: MIS 3005 requirements for MCS contractors undertaking the supply, design, installation, set to work, commissioning and handover of microgeneration heat pump systems" published on 28th April 2017(**b**); or

(c) where the plant generates heat using a solar collector, version 4.2 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 1st May 2015(**c**).

(3) In paragraph (1), if the first commissioning date for the plant is earlier than the date on which these Regulations come into force, "relevant installation standard" means any installation requirements applicable to the plant under the Microgeneration Certification Scheme on the plant's first commissioning date.

Plants comprised of more than one plant

19.—(1) Subject to paragraphs (2) and (3), the eligibility criteria are not met if the plant in respect of which eligibility is being determined is comprised of more than one plant.

(2) A plant does not comprise more than one plant for the purposes of paragraph (1) where it comprises two or more plants ("component plants") which—

(a) use the same source of energy and technology,

(b) form part of the same heating system,

(c) are not accredited RHI installations, and

(d) meet the eligibility criteria, but the requirements in regulation 18 do not need to be met where the combined installation capacity of the component plants is over 45kWth.

(3) Additional RHI capacity is not to be regarded as a separate plant for the purpose of this regulation.

Excluded plants

20.—(1) The eligibility criteria are not met if the plant—

(a) is generating heat solely for the use of one domestic premises;

(b) is, in the Authority's opinion, generating heat solely for a purpose which is not an eligible purpose; or

(c) is a plant which—

(i) is additional RHI capacity and was first commissioned more than 12 months after the original installation (within the meaning of regulation 76) was first commissioned;

(ii) generates heat using a solar collector or in the case of additional RHI capacity commissioned before 4th December 2013, using biogas;

(iii) has an installation capacity which, together with the installation capacities of all related plants, is 200kWth or above.

(2) For the purposes of this regulation, "related plant" means any plant for which an application for accreditation has been made (whether or not it has been accredited) which uses the same

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

source of energy and technology and forms part of the same heating system as the plant referred to in paragraph (1)(c).

CHAPTER 3

Eligibility criteria in relation to metering and steam measuring

Metering of plants in simple systems where application for accreditation of the plant is made before 24th September 2013

21. A class 2 heat meter must be installed to measure the heat in kWhth generated by a plant where—

(a) the plant is generating and supplying heat solely for one or more eligible purposes within one building;

(b) no heat generated by the plant is delivered by steam;

(c) the plant is not a CHP system; and

(d) the application for accreditation of the plant is made before 24th September 2013.

Metering of plants in complex systems where application for accreditation of the plant is made before 24th September 2013

22.—(1) This regulation applies to a plant where regulation 21 does not apply and the application for accreditation of the plant is made before 24th September 2013.

(2) Subject to regulation 27—

(a) where heat generated by the plant is delivered by liquid, class 2 heat meters must be installed to measure both the kWhth of heat generated by that plant and the kWhth of heat used for eligible purposes by the heating system of which that plant forms part; and

(b) where heat generated by the plant is delivered by steam, the following must be installed—

(i) steam measuring equipment to measure both the heat generated in the form of steam by the plant and the heat in the form of steam used for eligible purposes; and

(ii) a class 2 heat meter or steam measuring equipment to measure any condensate or steam which returns to the plant.

(3) Where this regulation applies, and more than one plant is supplying heat to the heating system supplied by the plant, steam measuring equipment or class 2 heat meters must be installed, as appropriate, to measure the heat generated in kWhth by all plants supplying heat to that heating system.

Metering in respect of applications for accreditation made on or after 24th September 2013

23.—(1) Subject to regulation 24, this regulation applies to any plant in respect of which an application for accreditation is made on or after 24th September 2013.

(2) Subject to paragraph (3) and regulation 27—

(a) where heat generated by the plant is delivered by liquid—

(i) one class 2 heat meter, and

(ii) such other class 2 heat meters as may be necessary,

must be installed so as to enable the kWhth of heat generated by that plant which is used for eligible purposes to be determined;

(b) where heat generated by the plant is delivered by steam—

(i) such steam measuring equipment as may be necessary, and

(ii) such class 2 heat meters to measure any condensate returning to the plant as may be necessary,

must be installed so as to enable the kWhth of heat generated by that plant which is used for eligible purposes to be determined.

(3) For the purposes of determining the heat generated by a plant which is used for eligible purposes it is not necessary to measure heat loss—

(a) which may be disregarded in accordance with regulation 75(2), or

(b) for which a heat loss calculation may be provided in accordance with regulation 75(4) or (5).

Metering in respect of shared ground loop systems

24.—(1) Subject to paragraph (2), regulation 23 applies in respect of each ground source heat pump which forms part of a shared ground loop system.

(2) But where a ground source heat pump which forms part of a shared ground loop system is installed in domestic premises, regulation 23 only applies if one or more of the following conditions is met—

(a) the ground source heat pump provides heat to the same property as another plant ("plant B"), unless plant B—

(i) is a solar thermal plant;

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

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

(iv) 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

(v) is a supplementary electric heater which is controlled by the same control system as the control system governing the ground source heat pump;

(b) the property to which the ground source heat pump provides heat was occupied for less than 183 days in the 12 month period ending with the tariff start date for the shared ground loop system and is not a new-build property; or

(c) the ground source heat pump is capable of using a fuel when generating heat for an eligible purpose.

(3) Where a ground source heat pump which forms part of a shared ground loop system is installed in domestic premises and one or more of the conditions in paragraph (2) is met, a certified installer must have been responsible for the installation of any heat meter required by these Regulations.

Electricity metering in respect of ground source and air source heat pumps in respect of which the application for accreditation is made on or after 28th May 2014 and shared ground loop systems

25.—(1) This regulation applies to any ground source heat pump or air source heat pump in respect of which an application for accreditation is made on or after 28th May 2014 and to shared ground loop systems.

(2) Where this regulation applies to a ground source heat pump or air source heat pump, the following meters must be installed—

(a) such electricity meters as will enable the seasonal performance factor of the heat pump to be determined to the satisfaction of the Authority;

(b) in the case of a ground source heat pump, where that heat pump is capable of simultaneous heating and cooling, such metering as will enable the heat drawn from the ground, including water in the ground, or from surface water, to be measured.

(3) Where this regulation applies to a shared ground loop system—

(a) paragraph (2)(a) applies in respect of each ground source heat pump which forms part of the shared ground loop system for which heat is required to be metered under regulation 24;

(b) where heat generated by a ground source heat pump which forms part of the shared ground loop system is not required to be metered under regulation 24, such electricity meters must be installed as will enable the electrical input into each of those ground source heat pumps to be metered;

(c) paragraph (2)(b) applies in respect of the ground loop where any of the ground source heat pumps which form part of the shared ground loop system is capable of simultaneous heating and cooling;

(d) where a ground source heat pump is installed in domestic premises—

(i) such electricity meters must be installed as will enable the separate measurement of the electrical input into—

(aa) any supplementary electric heater that is controlled by the same control system which governs the ground source heat pump; or

(bb) any immersion heater for a domestic hot water cylinder where the heater is controlled by the same control system which governs the ground source heat pump; and

(ii) any electricity meter installed in accordance with paragraph (i) which is not an on-board meter, must—

(aa) be properly calibrated,

(bb) be properly installed by, or under the responsibility of, a certified installer,

(cc) be in good working order, and

(dd) bear a label which identifies the ground source heat pump, supplementary electric heater or immersion heater being metered; and

(e) such electricity meters must be installed as will enable the electrical input into any ground loop circulation pump to be measured, and those which are not on-board meters must—

(i) be properly calibrated,

(ii) be properly installed,

(iii) be in good working order, and

(iv) bear a label which identifies the circulation pump being metered.

(4) An electricity meter installed in accordance with paragraph (3) in domestic premises must, except in the case of an on-board meter, meet the relevant requirements set out in Annex 1 to the Measuring Instruments Directive, the specific requirements listed in Annex V (Active electrical energy meters (MI-003)) to that Directive and the requirements for accuracy class A as defined in Annex V to that Directive.

(5) In this regulation, "on-board meter" means an electricity meter which is integrated into a ground source heat pump and is able to display the electricity consumption, in kWh, of the ground source heat pump, including where applicable, the electricity consumption of a ground loop circulation pump contained within it.

Shared meters

26.—(1) The heat generated by a plant must be individually metered.

(2) But the heat generated by two or more plants may be metered using one meter provided that—

(a) the plants use the same source of energy and technology;

(b) the plants will, once given accreditation, be eligible to receive the same tariff;

(c) the plants will then share the same tariff start date and tariff end date; and

(d) it is the Authority's opinion that a single meter is capable of metering the heat generated by all of those plants.

Metering of CHP systems generating electricity only before commissioning as a CHP system

27.—(1) This regulation applies where the plant is a CHP system and the requirements of regulation 16(1)(a) and (b) are deemed to be satisfied in accordance with regulation 16(2).

(2) Where this regulation applies, any existing heat meter or steam measuring equipment installed before 28th November 2011 may continue to be used by a participant to measure the heat generated by the CHP system and used for eligible purposes, provided that the CHP system was registered under the CHPQA before that date.

(3) For the purpose of this regulation, "the CHPQA" means the Combined Heat and Power Quality Assurance Standard, Issue 3, January 2009, as published by the Department of Energy and Climate Change(**a**).

Matters relating to all heat meters and steam measuring equipment

28.—(1) All heat meters installed or used in accordance with these Regulations must, where applicable—

(a) be calibrated prior to use;

(b) be calibrated correctly for any water/ethylene glycol mixture;

(c) be (or have been) properly installed in accordance with the manufacturer's instructions; and

(d) be positioned to provide accurate measurements.

(2) All steam measuring equipment installed or used in accordance with these Regulations must be—

(a) calibrated prior to use;

(b) capable of displaying measured steam pressure and temperature;

(c) capable of displaying the current steam mass flow rate and the cumulative mass of steam which has passed through it since it was installed;

(d) properly installed in accordance with the manufacturer's instructions; and

(e) positioned to provide accurate measurements.

(3) The requirements in paragraphs (1)(c) and (2)(d) are deemed to be met where the Authority is satisfied that, were the plant to be accredited, the participant would not as a consequence of the failure to install in accordance with the manufacturer's instructions, be entitled to receive periodic support payments which were materially different from those which would have been payable had the manufacturer's instructions been complied with.

Additional metering requirements for plants generating heat from biogas

29. Where a plant is generating heat from biogas, the following additional metering requirements apply—

(a) a class 2 heat meter must be installed to meter any heat directed from the plant combusting the biogas to the biogas production plant; and

(b) a class 2 heat meter must be installed to meter any heat supplied to the biogas production plant from any source other than—

(i) the plant combusting the biogas; and

(ii) where the biogas has been produced by anaerobic digestion, the feedstock from which it was produced.

(**a**) A copy is available on www.gov.uk

PART 3

Accreditation, registration and tariff guarantees

Applications for accreditation

30.—(1) An owner of a plant, including a plant which is additional RHI capacity, may apply for it to be accredited.

(2) All applications for accreditation must be made in writing to the Authority and must be supported by—

(a) such of the information specified in Schedule 2 as the Authority may require;

(b) a declaration that the information provided by the applicant is accurate to the best of the applicant's knowledge and belief;

(c) a declaration that the applicant is the owner, or one of the owners, of the plant for which accreditation is being sought;

(d) if the plant is a large installation, a declaration as to the total heat in kWhth which the applicant expects that plant to generate each year for eligible purposes; and

(e) any other declarations which the Authority reasonably requires in order to allow the application to be determined.

(3) The Authority must, where the plant is owned by more than one person, require that—

(a) an application submitted under this regulation is made by only one of those owners;

(b) the applicant has the authority from all other owners to be the participant for the purposes of the scheme; and

(c) the applicant provides to the Authority, in such manner and form as the Authority may request, evidence of that authority.

(4) Where the Authority considers that further information is necessary for the purpose of determining an application it may by notice—

(a) specify further information which the applicant is required to provide under Schedule 2;

(b) specify a period of no less than 12 weeks starting with the date of the notice within which that information must be provided; and

(c) inform the applicant that failure to provide the requested information within that period may result in the application being rejected.

(5) The Authority may by notice extend the period specified in a notice under paragraph (4)(b) where it is satisfied that it is reasonable to do so.

(6) The Authority may reject an application for accreditation if, within the period specified under paragraph (4)(b) or, where applicable, paragraph (5), the applicant has failed to provide the information specified in a notice given under paragraph (4).

(7) Before accrediting a plant, the Authority may arrange for a site inspection to be carried out in order to satisfy itself that a plant should be accredited.

(8) The Authority may, in granting accreditation, attach such conditions as it considers to be appropriate.

(9) Where an application for accreditation has, in the Authority's opinion, been properly made and the Authority is satisfied that the plant is an eligible installation the Authority must (subject to paragraphs (12) to (14) and regulations 31 and 81(4))—

(a) accredit the eligible installation;

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

(c) enter on a central register maintained by the Authority the applicant's name and such other information as the Authority considers necessary for the proper administration of the scheme;

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

(e) in relation to an applicant who is or will be generating heat from solid biomass or solid biomass contained in waste, having regard to the information provided by the applicant, specify by notice to the applicant which of regulation 37, 38 or 39 applies;

(f) provide the applicant with a written statement ("statement of eligibility") including the following information—

(i) the date of accreditation;

(ii) the tariff which will apply;

(iii) the process and timing for providing meter readings;

(iv) details of the frequency and timetable for periodic support payments; and

(v) the tariff lifetime and tariff end date.

(10) Where the Authority does not accredit a plant it must notify the applicant in writing that the application for accreditation has been rejected, giving reasons.

(11) Once a specification made in accordance with paragraph (9)(e) has been notified to an applicant, it cannot be changed except where the Authority considers that an error has been made or on the receipt of new information by the Authority which demonstrates that the specification should be changed.

(12) The Authority must not accredit an eligible installation if it has not been commissioned.

(13) The Authority may refuse to accredit an eligible installation where it considers that one or more of the applicable ongoing obligations will not be complied with.

(14) The Authority must not accredit a plant if—

(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(**a**);

(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;

(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.

Treatment of grants from public funds

31.—(1) Subject to paragraphs (2) and (6), the Authority must not accredit an eligible installation or register a producer of biomethane for injection in respect of any original biomethane or additional biomethane unless the applicant has given notice (which the Authority has no reason to believe is incorrect) that, as applicable—

(a) no grant from public funds has been paid or will be paid in respect of any of the costs of purchasing or installing the eligible installation or any of the equipment used to produce the biomethane for which the applicant is intending to claim periodic support payments; or

(b) such a grant was paid and has been repaid to the person or authority who made it.

(2) Where some or all of the purchase or installation costs of the eligible installation or the equipment used to produce any original biomethane were funded by any grant from public funds and—

(a) the applicant demonstrates to the satisfaction of the Authority that the person or authority who made the grant has—

(i) refused to accept repayment of the grant, or

(ii) ceased to exist; or

(b) paragraph (3) applies,

(**a**) S.I. 2014/928 to which there are amendments not relevant to these Regulations.

the Authority may accredit the eligible installation or register the producer of biomethane for injection (as the case may be), but a grant funding deduction must be deducted from each quarterly periodic support payment in accordance with paragraphs (4) and (5).

(3) This paragraph applies where—

(a) a grant originates from funds raised by the National Lottery; and

(b) on or after 15th July 2009 but not later than 28th November 2014—

(i) installation of the plant was completed and the plant was first commissioned; or

(ii) installation of the equipment used to produce biomethane was completed and injection of biomethane produced by that applicant has commenced.

(4) A grant funding deduction for each quarterly period is calculated in accordance with the following formula—

$$\frac{A}{80}$$

where A is—

(a) for the quarterly period commencing on the tariff start date, the figure that the Authority believes, based on all relevant information available to the Authority at the time, represents the total value of any grants from public funds to which paragraph (2) refers;

(b) for any subsequent quarterly period that does not include 1st April of any year, the value of A in the previous quarterly period;

(c) for any subsequent quarterly period that includes 1st April of any year, the value of A in the previous quarterly period adjusted by the percentage increase or decrease in—

(i) the retail prices index for the previous calendar year, if the tariff start date is earlier than 1st April 2016; or

(ii) the consumer prices index for the previous calendar year, if the tariff start date is on or after 1st April 2016,

the resulting figure being rounded.

(5) Where a grant funding shortfall arises, the Authority must deduct from the periodic support payments ("P") payable in the subsequent quarterly period and any quarterly period thereafter, the grant funding deduction for that period together with such part of the grant funding shortfall as remains outstanding provided that the total amount so deducted does not exceed P.

(6) Where an application for registration in respect of additional biomethane is made under regulation 77 (additional capacity for biomethane production)—

(a) a reference to a grant in paragraph (1) does not include a grant in respect of equipment used to produce that additional biomethane if the equipment is also used to produce original biomethane and a grant funding deduction is already being made in respect of the grant; and

(b) paragraphs (2) to (4) do not apply in respect of the application.

(7) In this regulation—

"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 shortfall" means the amount by which the grant funding deduction exceeds the periodic support payment in any quarterly period;

"National Lottery" means the National Lottery as referred to in the National Lottery Act 1993(**a**).

(**a**) 1993 c.39; section 1 was amended by section 3 of the National Lottery Act 2006 (c.23).

Producers of biomethane

32.—(1) A producer of biomethane for injection may apply to the Authority to be registered as a participant.

(2) Applications for registration must be in writing and supported by—

(a) such of the information specified in Schedule 2 as the Authority may require;

(b) a declaration that the information provided by the applicant is accurate to the best of the applicant's knowledge and belief;

(c) details of the process by which the applicant proposes to produce biomethane for injection; and

(d) a declaration as to the volume in cubic metres of biomethane which the applicant expects to produce for injection each year.

(3) Before registering a producer of biomethane for injection as a participant, the Authority may arrange to carry out an inspection of any equipment which is being used to produce the biomethane for which the applicant is intending to claim periodic support payments (including equipment used to produce the biogas from which that biomethane is made) in order to satisfy itself that the applicant should be registered.

(4) Where the applicant is not also the person producing the biogas used to make the biomethane in respect of which that application is made, the Authority may require—

(a) that the applicant has the authority from all persons who produce the biogas from which the biomethane is made to be the participant; and

(b) that the applicant provides to the Authority, in such manner and form as the Authority may request, evidence of that authority.

(5) Where the Authority considers that further information is necessary for the purpose of determining an application, it may by notice—

(a) specify further information which the applicant is required to provide;

(b) specify a period of no less than 12 weeks starting with the date of the notice within which that information must be provided; and

(c) inform the applicant that failure to provide the requested information within that period may result in the application being rejected.

(6) The Authority may by notice extend the period specified in a notice under paragraph (5)(b) where it is satisfied that it is reasonable to do so.

(7) The Authority may refuse to register an applicant if, within the period specified under paragraph (5)(b) or, where applicable, (6), the applicant has failed to provide the information specified in a notice given under paragraph (5).

(8) The Authority may in registering an applicant attach such conditions as it considers appropriate.

(9) The Authority must specify the maximum initial capacity in respect of which the participant is registered.

(10) Where the application for registration has, in the Authority's opinion, been properly made, the Authority must (subject to paragraphs (11) to (14) and regulations 31 and 81(4))—

(a) notify the applicant in writing that registration has been successfully completed and the applicant is a participant;

(b) enter on a central register maintained by the Authority the date of registration and the applicant's name;

(c) notify the applicant of any conditions attached to their registration as a participant; and

(d) send the applicant a statement of eligibility including such of the information specified in regulation 30(9)(f) as the Authority considers applicable.

(11) The Authority may refuse to register an applicant where it considers that one or more of the applicable ongoing obligations will not be complied with.

(12) Where an application for registration is made on or after the date on which these Regulations come into force, the Authority must not register an applicant unless any necessary planning permission has been granted in respect of the processes by which the biogas which is used to produce the biomethane is produced, the biogas is converted into biomethane, or the biomethane is injected.

(13) The Authority must not register an applicant if it would result in periodic support payments being made to more than one participant for the same biomethane.

(14) The Authority must not register an applicant unless at the time of making the application, injection of biomethane produced by that applicant has commenced.

(15) Where the Authority does not register an applicant it must notify the applicant in writing that the application for registration has been rejected, giving reasons.

Preliminary accreditation

33.—(1) Subject to paragraphs (2) and (3), the Authority may, upon the application by a person who proposes to construct or operate an eligible installation which has not yet been commissioned, grant preliminary accreditation in respect of that eligible installation.

(2) The Authority must not grant preliminary accreditation to any plant under this regulation unless evidence has been provided from the relevant planning authority that—

(a) any necessary planning permission has been granted; or

(b) planning permission is not required.

(3) The Authority must not grant preliminary accreditation to any plant under this regulation if, in its opinion, that plant is unlikely to generate heat for which periodic support payments may be paid.

(4) An application for preliminary accreditation must be in writing and supported by such of the information specified in Schedule 2 as the Authority may require and declarations as to—

(a) the date on which the applicant expects the plant to be commissioned;

(b) the total heat in kWhth which the applicant expects the plant to generate each year for eligible purposes once the plant has been commissioned; and

(c) the installation capacity of the plant.

(5) The Authority may attach such conditions as it considers appropriate in granting preliminary accreditation under this regulation.

(6) Where a plant has been granted preliminary accreditation (and such preliminary accreditation has not been withdrawn) and an application for accreditation is made under this Part, the Authority must, subject to paragraphs (3) and (12) to (14) of regulation 30, and regulations 31 and 81(4), grant that application unless it is satisfied that—

(a) there has been a material change in circumstances since the preliminary accreditation was granted such that, had the application for preliminary accreditation been made after the change, it would have been refused;

(b) any condition attached to the preliminary accreditation has not been complied with;

(c) the information on which the decision to grant the preliminary accreditation was based was incorrect in a material particular such that, had the Authority known the true position when the application for preliminary accreditation was made, it would have been refused; or

(d) there has been a change in applicable legislation since the preliminary accreditation was granted such that, had the application for preliminary accreditation been made after the change, it would have been refused.

(7) Where any of the circumstances mentioned in paragraph (8) apply in relation to a preliminary accreditation which the Authority has granted and having regard to those circumstances the Authority considers it appropriate to do so, the Authority may—

(a) withdraw the preliminary accreditation;

(b) amend the conditions attached to the preliminary accreditation;

(c) attach conditions to the preliminary accreditation.

(8) The circumstances referred to in paragraph (7) are as follows—

(a) in the Authority's view there has been a material change in circumstances since the preliminary accreditation was granted;

(b) any condition attached to the preliminary accreditation has not been complied with;

(c) the Authority considers that the information on which the decision to grant the preliminary accreditation was based was incorrect in a material particular;

(d) there has been a change in the applicable legislation since the preliminary accreditation was granted such that, had the application for preliminary accreditation been made after the change, it would have been refused.

(9) The Authority must send the applicant a notice setting out—

(a) its decision on an application for preliminary accreditation of a plant or on the withdrawal of any preliminary accreditation;

(b) any condition attached to the preliminary accreditation or any amendment to those conditions,

specifying the date on which the grant or withdrawal of preliminary accreditation is to take effect and, where applicable, the date on which any conditions (or amendments to those conditions) attached to the preliminary accreditation are to take effect.

(10) In paragraph (1), the reference to a person who proposes to construct an eligible installation includes a person who arranges for the construction of the eligible installation.

(11) This regulation does not apply to a plant which will generate heat using—

(a) a solar collector;

(b) a ground source heat pump with an installation capacity below 100kWth or an air source heat pump with an installation capacity below 45kWth;

(c) a shared ground loop system with an installation capacity below 100kWth; or

(d) solid biomass or solid biomass contained in waste, provided that the plant will have an installation capacity below 200kWth.

(12) In this regulation, "change in applicable legislation" does not include the introduction of the requirement in regulation 5(1)(c) by the Renewable Heat Incentive Scheme (Amendment)(No 2) Regulations 2013(**a**).

Preliminary registration of biomethane producers

34.—(1) The Authority may grant preliminary registration to a person who—

(a) proposes to produce biomethane for injection; and

(b) has not yet started production.

(2) The Authority must not grant preliminary accreditation to any plant under this regulation unless evidence has been provided from the relevant planning authority that—

(a) any necessary planning permission has been granted in respect of the processes by which the biogas which is used to produce the biomethane is produced, the biogas is converted into biomethane, or the biomethane is injected; or

(b) planning permission is not required.

(3) An application for preliminary registration must be in writing and supported by such of the information specified in Schedule 2 as the Authority may require and declarations as to—

(a) the date on which the applicant expects that injection will commence;

(**a**) S.I. 2013/2410

(b) the volume in cubic metres of biomethane which the applicant expects to produce for injection each year once injection has commenced; and

(c) the expected maximum initial capacity.

(4) The Authority may attach such conditions as it considers appropriate in granting preliminary registration under this regulation.

(5) The Authority must not grant preliminary registration unless it is satisfied that a connection agreement in relation to the proposed production of biomethane has been entered into.

(6) Where a person has been granted preliminary registration (and such preliminary registration has not been withdrawn) and an application for registration is made under this Part, the Authority must, subject to regulations 31 and 32(4) and (11) to (14), grant that application unless it is satisfied that—

(a) there has been a material change in circumstances since the preliminary registration was granted such that, had the application for preliminary registration been made after the change, it would have been refused;

(b) any condition attached to the preliminary registration has not been complied with;

(c) the information on which the decision to grant the preliminary registration was based was incorrect in a material particular such that, had the Authority known the true position when the application for preliminary registration was made, it would have been refused;

(d) there has been a change in applicable legislation since the preliminary registration was granted such that, had the application for preliminary registration been made after the change, it would have been refused.

(7) Where any of the circumstances mentioned in paragraph (8) apply in relation to the preliminary registration which the Authority has granted, and having regard to those circumstances the Authority considers it appropriate to do so, the Authority may—

(a) withdraw the preliminary registration;

(b) amend the conditions attached to the preliminary registration;

(c) attach conditions to the preliminary registration.

(8) The circumstances referred to in paragraph (7) are as follows—

(a) in the Authority's view there has been a material change in circumstances since the preliminary registration was granted;

(b) any condition attached to the preliminary registration has not been complied with;

(c) the Authority considers that the information on which the decision to grant the preliminary registration was based was incorrect in a material particular;

(d) there has been a change in the applicable legislation since the preliminary registration was granted such that, had the application for preliminary registration been made after the change, it would have been refused.

(9) The Authority must send the applicant a notice setting out—

(a) its decision on an application for preliminary registration or on the withdrawal of any preliminary registration;

(b) any condition attached to the preliminary registration or any amendment to those conditions,

specifying the date on which the grant or withdrawal of preliminary registration is to take effect and, where applicable, the date on which any conditions (or amendments to those conditions) attached to the preliminary registration are to take effect.

Tariff guarantees

35.—(1) A person who proposes to—

(a) construct and operate a plant to which paragraph (2) applies and which has not yet been commissioned; or

(b) produce biomethane for injection but has not yet started production,

may apply for a tariff guarantee in accordance with this regulation.

(2) This paragraph applies in respect of a plant which, when commissioned, will—

(a) generate heat from solid biomass or solid biomass contained in waste with an installation capacity of 1MWth or above;

(b) generate heat using geothermal sources;

(c) generate heat from biogas with an installation capacity of 600kWth or above;

(d) be a ground source heat pump with an installation capacity of 100kWth or above;

(e) be a new solid biomass CHP system; or

(f) be a shared ground loop system with an installation capacity of 100kWth or above.

(3) In the case of an applicant who proposes to construct and operate a plant to which paragraph (2) applies, an application must be in writing and include the following information—

(a) the plant's source of energy and technology;

(b) the date on which the applicant expects the plant to be commissioned;

(c) the total heat in kWhth which the applicant expects the plant to generate each year for eligible purposes;

(d) the installation capacity of the plant;

(e) in the case of a plant which will be, or which will form part of a new solid biomass CHP system, the power efficiency (within the meaning of regulation 68(4)) which the applicant expects the plant to achieve;

(f) the location of the plant;

(g) evidence as to the proposed heat use;

(h) the applicant's name and business address;

(i) a declaration that the plant will be owned or jointly owned by the applicant;

(j) evidence from the relevant planning authority that—

(i) any necessary planning permission has been granted; or

(ii) planning permission is not required;

(k) any further information which the Authority may require.

(4) In the case of an applicant who proposes to produce biomethane for injection, the application must be in writing and include the following information—

(a) the date on which the applicant expects the injection of biomethane to commence;

(b) the expected maximum initial capacity;

(c) the location of the place where biomethane will be injected in accordance with the network entry agreement applicable to that biomethane;

(d) evidence that a connection agreement has been entered into;

(e) the applicant's name and business address;

(f) the volume in cubic metres of eligible biomethane which the applicant intends to inject each year;

(g) evidence from the relevant planning authority that—

(i) any necessary planning permission has been granted in respect of the processes by which the biogas which is used to produce the biomethane is produced, the biogas is converted into biomethane, or the biomethane is injected; or

(ii) planning permission is not required;

(h) any further information which the Authority may require.

(5) Where the application has, in the Authority's opinion, been properly made, it must issue a notice ("a provisional tariff guarantee notice") stating—

(a) that a tariff guarantee will be granted if the Authority is satisfied that financial close has been reached;

(b) the evidence which is required for the purposes of paragraph (a);

(c) the date, which must be no later than 3 weeks from the date on which the provisional tariff guarantee notice is issued, by which such evidence must be provided; and

(d) the date on which the properly made application was received by the Authority; and

(e) the guaranteed tariff which will apply if the plant becomes accredited under regulation 30 or the producer of biomethane for injection becomes registered under regulation 32.

(6) Where the Authority is satisfied that the applicant has provided the information specified in the provisional tariff guarantee notice within the time limit stated in the notice, the Authority must grant a tariff guarantee by notice in writing to the applicant stating—

(a) the guaranteed tariff which will apply if the plant becomes accredited under regulation 30 or the producer of biomethane for injection becomes registered under regulation 32;

(b) the date by which, for the purposes of the tariff guarantee, the plant must be commissioned or injection of biomethane must commence;

(c) a description of the plant or equipment used to produce biomethane to which the tariff guarantee applies;

(d) the information which the applicant must supply to the Authority during the period of the tariff guarantee, and the frequency with which that information must be supplied; and

(e) any further conditions which the Authority thinks fit in relation to the tariff guarantee.

(7) The Authority may revoke a tariff guarantee at any time before the applicant is notified in accordance with regulation 30(9) or 32(10) if—

(a) there has been a material change in circumstances such that, had the application for the tariff guarantee been made after the change, it would have been refused;

(b) the applicant fails to comply with conditions imposed in accordance with paragraph (6)(b), (d) or (e);

(c) the Authority considers that the information on which the decision to grant the tariff guarantee was based was incorrect in a material particular; or

(d) the Authority considers that the plant or the production and injection of biomethane is materially different from the plant or production and injection of biomethane which was proposed under paragraph (3) or (4).

(8) Subject to paragraphs (9) and (10), where a plant in respect of which a tariff guarantee has been granted becomes accredited, or a producer of biomethane for injection in respect of which a tariff guarantee has been granted becomes registered, the initial tariff applicable at the tariff start date is the guaranteed tariff.

(9) Where in any 12 month period commencing with the tariff start date or the anniversary of the tariff start date—

(a) the heat produced by the accredited RHI installation and used for eligible purposes exceeds 250GWh; or

(b) the biomethane injected by a producer of biomethane exceeds 250GWh,

the guaranteed tariff will apply to the first 250GWh of such heat or biomethane only.

(10) The guaranteed tariff will not apply where—

(a) the tariff start date in relation to an accredited RHI installation is earlier than the date given under paragraph (3)(b) or the tariff start date for a producer of biomethane for injection is earlier than the date given in accordance with paragraph (4)(a);

(b) the tariff guarantee has been revoked; or

(c) the tariff start date in relation to an accredited RHI installation or producer of biomethane is after—

(i) 183 days commencing with the date given in accordance with paragraph (3)(b) or (4)(a); or

(ii) 31st December 2019,

whichever is the earlier.

(11) Where the Authority revokes a tariff guarantee, it must send a notice to the participant specifying—

(a) the reason for the revocation;

(b) details of the applicant's right of review.

(12) For the purposes of paragraph (7)(d)—

(a) the Authority may take into account such matters as are, in the Authority's opinion, relevant, including —

(i) the location of the plant or place where biomethane is injected;

(ii) the installation capacity of the plant or maximum initial capacity of biomethane;

(iii) the source of energy and technology or design of the plant; and

(b) but a plant is materially different in a case where—

(i) the installation capacity is at least 10% greater or smaller than the installation capacity proposed under paragraph (3);

(ii) the installation capacity is such that a different tariff would apply.

(13) In this regulation "financial close" means the date on which the applicant has entered into all financing agreements in relation to all the funding required for the construction of the proposed plant, or the production and injection of biomethane.

PART 4

Ongoing obligations for participants

CHAPTER 1

Ongoing obligations relating to the use of solid biomass to generate heat

Interpretation

36. In this Part—

"allocating authority" has the same meaning as in section 24 of the Waste and Emissions Trading Act 2003(**a**);

"landfill gas" means gas formed by the digestion of material in a landfill;

"municipal waste" has the same meaning as in section 21 of the Waste and Emissions Trading Act 2003(**b**);

"standby generation" means the generation of electricity by equipment which is not used frequently or regularly to generate electricity and where all the electricity generated by that equipment is used by the accredited RHI installation;

"waste collection authority" has the same meaning as in section 30(3) of the Environmental Protection Act 1990(**c**);

(**a**) 2003 c.33; section 24(1) was amended by regulation 3(4) of the Waste and Emissions Trading Act 2003 (Amendment etc.) Regulations 2013 (S.I. 2013/141).

(**b**) 2003 c.33.

(**c**) 1990 c.43; section 30(3) was amended by the Local Government (Wales) Act 1994 (c.19), paragraph 17(3) of Schedule 9, and subsection (3)(c) was substituted by the Local Government etc. (Scotland) Act 1994 (c.39), paragraph 167(3) of Schedule 13.

"waste disposal authority" has the same meaning as in section 30(2) of the Environmental Protection Act 1990(**a**).

Participants using solid biomass contained in waste

37.—(1) This regulation applies to participants generating heat in an accredited RHI installation from solid biomass contained in waste.

(2) The proportion of solid biomass contained in the waste must be a minimum of 10%.

(3) For the purposes of paragraph (2)—

(a) the proportion of solid biomass contained in the waste is to be determined by the Authority for every quarterly period;

(b) it is for the participant to provide, in such form as the Authority may require, evidence to demonstrate to the Authority's satisfaction the proportion of the energy content of the waste used in any quarterly period which is composed of fossil fuel, to enable the Authority to determine the proportion of solid biomass in accordance with sub-paragraph (c);

(c) the proportion of solid biomass is the energy content of the waste used in any quarterly period to generate heat less the energy content of any fossil fuel of which that waste is in part composed, expressed as a percentage of the energy content of that waste.

(4) The participant may use fossil fuel (other than fossil fuel mentioned in paragraph (3)(c)) in an accredited RHI installation for the following permitted ancillary purposes only—

(a) cleansing other fuels from the accredited RHI installation's combustion system prior to using fossil fuel to heat the combustion system to its normal temperature;

(b) the heating of the accredited RHI installation's combustion system to its normal operating temperature or the maintenance of that temperature;

(c) the ignition of fuels of low or variable calorific value;

(d) emission control;

(e) in relation to accredited RHI installations which are CHP systems, standby generation or the testing of standby generation capacity.

(5) The energy content of the fossil fuel used during any quarterly period for the permitted ancillary purposes specified in paragraph (4) must not exceed 10% of the energy content of all the fuel used by that accredited RHI installation or where the installation is a CHP system, by a combustion unit which supplies energy to that installation from solid biomass contained in waste, to generate heat during that quarterly period.

(6) Without prejudice to paragraph (3)(b), when determining the proportion of solid biomass contained in waste, the Authority may have regard to any information (whether or not produced to it by the participant) if, in its opinion, that information indicates what proportion of the energy content of the waste is composed of fossil fuel.

(7) Where the participant produces to the Authority—

(a) data published by an allocating authority, a waste disposal authority or a waste collection authority, demonstrating that the proportion of municipal waste used by that participant which is composed of fossil fuel is unlikely to exceed 50%; and

(b) evidence that the municipal waste used has not been subject to any process before being used that is likely to have materially increased that proportion,

the Authority may accept this as sufficient evidence for the purposes of paragraph (3)(b) of the fact that the proportion of the municipal waste used which is composed of fossil fuel is no more than 50%.

(**a**) 1990 c.43; section 30(2)(f) was substituted by the Local Government (Wales) Act 1994 (c.19), paragraph 17(2) of Schedule 9, and paragraph (g) was amended by the Local Government etc. (Scotland) Act 1994 (c.39), paragraph 167(3) of Schedule 13.

(8) Where the Authority so requests, the participant must arrange for samples of the waste used (or to be used) in the accredited RHI installation, or of any gas or other substance produced as the result of the use of such waste, to be taken by a person (and analysed in a manner) specified by the Authority, and for the results of that analysis to be made available to the Authority in such form as the Authority may require.

Participants using solid biomass in accredited RHI installations with an installation capacity of 1MWth or above

38.—(1) This regulation applies to participants generating heat from solid biomass, not being solid biomass contained in waste, in an accredited RHI installation with an installation capacity of 1MWth or above.

(2) The participant may use solid biomass contaminated with fossil fuel only where the proportion of fossil fuel contamination does not exceed 10%.

(3) Such contaminated biomass may not be used unless the fossil fuel is present because—

(a) the solid biomass has been subject to a process, the undertaking of which has caused the fossil fuel to be present in, on or with the biomass even though that was not the object of the process; or

(b) the fossil fuel is waste and was not added to the solid biomass with a view to its being used as a fuel.

(4) For the purposes of paragraph (2)—

(a) the proportion of fossil fuel contamination is to be determined by the Authority for every quarterly period;

(b) it is for the participant to provide, in such form as the Authority may require, evidence to demonstrate to the Authority's satisfaction the proportion of fossil fuel contamination; and

(c) the proportion of fossil fuel contamination is the energy content of the fossil fuel with which the solid biomass used in any quarterly period is contaminated expressed as a percentage of the energy content of all solid biomass (contaminated or otherwise) used in that quarterly period to generate heat other than fossil fuel used in accordance with paragraphs (5) and (6).

(5) The participant may use fossil fuel (other than fossil fuel mentioned in paragraph (2)) in an accredited RHI installation for the following permitted ancillary purposes only—

(a) cleansing other fuels from the accredited RHI installation's combustion system prior to using fossil fuel to heat the combustion system to its normal temperature;

(b) the heating of the accredited RHI installation's combustion system to its normal operating temperature or the maintenance of that temperature;

(c) the ignition of fuels of low or variable calorific value;

(d) emission control;

(e) in relation to accredited RHI installations which are CHP systems, standby generation or the testing of standby generation capacity.

(6) The energy content of the fossil fuel used during a quarterly period for the permitted ancillary purposes specified in paragraph (5) must not exceed 10% of the energy content of all the fuel used by that accredited RHI installation or where the installation is a CHP system, by a combustion unit which supplies energy to that installation from solid biomass, to generate heat during that quarterly period.

(7) Without prejudice to paragraph (4)(b), in determining the proportion of solid biomass composed of fossil fuel the Authority may have regard to any information (whether or not produced to it by the participant) if, in its opinion, that information indicates what proportion of the contaminated solid biomass is composed of fossil fuel.

(8) Where the Authority so requests, the participant must arrange for samples of the fuel used (or to be used) in the accredited RHI installation, or of any gas or other substance produced as the

result of the use of such fuel, to be taken by a person (and analysed in a manner) specified by the Authority, and for the results of that analysis to be made available to the Authority in such form as the Authority may require.

Participants using solid biomass in accredited RHI installations with an installation capacity of between 45kWth and 1MWth

39.—(1) This regulation applies to participants generating heat from solid biomass, not being solid biomass contained in waste, in an accredited RHI installation with an installation capacity of 45kWth and above but below 1MWth.

(2) The participant may use solid biomass contaminated with fossil fuel provided the participant complies with paragraphs (2), (3), (5) and (6) of regulation 38 as well as the requirements of this regulation.

(3) Where solid biomass contaminated with fossil fuel is used in an accredited RHI installation, the participant must keep and provide upon request written evidence including invoices, receipts and such other documentation as the Authority may specify relating to fuel use and fossil fuel used for the permitted ancillary purposes specified in regulation 38(5) and provide this information upon request to the Authority, in such form as the Authority may require, to demonstrate compliance with this regulation.

(4) Without prejudice to paragraph (3), the Authority may have regard to any information (whether or not produced to it by the participant) if, in its opinion, that information indicates what proportion of the contaminated solid biomass is composed of fossil fuel.

(5) Where—

(a) the Authority is not satisfied that the proportion of fossil fuel contamination (within the meaning of regulation 38(4)(c)) does not exceed 10%; or

(b) the Authority is not satisfied as to the matters specified in paragraphs (5) and (6) of regulation 38,

the Authority may require the participant to arrange for samples of the fuel used (or to be used) in the accredited RHI installation, or of any gas or other substance produced as the result of the use of such fuel, to be taken by a person (and analysed in a manner) specified by the Authority, and for the results of that analysis to be made available to the Authority in such form as the Authority may require.

CHAPTER 2

Ongoing obligations relating to the use of biogas to generate heat and the production of biomethane for injection

Biogas produced from gasification or pyrolysis

40.—(1) This regulation applies to participants producing biogas using gasification or pyrolysis and generating heat from that biogas in an accredited RHI installation.

(2) The participant may only use solid biomass or waste as feedstock to produce the biogas.

(3) Where the participant uses waste as feedstock—

(a) paragraphs (2), (3), (6) and (7) of regulation 37 apply to the proportion of solid biomass contained in the waste used for feedstock in the same way as for the proportion of solid biomass contained in waste used to generate heat; and

(b) paragraphs (4) and (5) of regulation 37 apply.

(4) Where the participant uses solid biomass (not being solid biomass contained in waste) as feedstock—

(a) paragraphs (2), (3), (4) and (7) of regulation 38 apply to the contamination of solid biomass used for feedstock in the same way as for solid biomass contaminated with fossil fuel used to generate heat; and

(b) paragraphs (5) and (6) of regulation 38 apply.

(5) Where the Authority so requests, the participant must arrange for samples of the waste or solid biomass used (or to be used) as feedstock in the biogas production plant, or of any gas or other substance produced as a result of the use of such waste or solid biomass, to be taken by a person (and analysed in a manner) specified by the Authority, and for the results of that analysis to be made available to the Authority in such form as the Authority may require.

Participants generating heat from biogas

41.—(1) This regulation applies to participants generating heat from biogas in an accredited RHI installation where regulation 40 does not apply.

(2) Subject to regulation 74, a participant using biogas produced by anaerobic digestion may only use biogas which—

(a) was produced from one or more of the following feedstocks—

(i) solid biomass,

(ii) solid waste,

(iii) liquid waste; and

(b) is not landfill gas.

(3) The participant may use fossil fuel in the accredited RHI installation only in accordance with paragraphs (5) and (6) of regulation 38.

Biomethane producers

42.—(1) This regulation applies to participants producing biomethane for injection.

(2) A participant producing biomethane for injection from biogas made by gasification or pyrolysis may only use biogas made using solid biomass or waste as feedstock.

(3) Where waste is used as feedstock, paragraphs (2) and (3)(c) of regulation 37 apply to the proportion of solid biomass contained in waste used as feedstock in the same way as for the proportion of solid biomass contained in waste used to generate heat.

(4) Where solid biomass is used as feedstock, paragraphs (2), (3), and (4)(c) of regulation 38 apply to the contamination of solid biomass used for feedstock in the same way as for solid biomass contaminated with fossil fuel used by participants to generate heat.

(5) A participant producing biomethane for injection from biogas made by anaerobic digestion must comply with regulation 41(2).

(6) The participant must provide measurements in such format as the Authority may request which satisfy the Authority of all of the following—

(a) the gross calorific value and volume of biomethane injected;

(b) the gross calorific value and volume of any propane contained in the biomethane;

(c) the kWh of biomethane injected together with supporting meter readings and calculations;

(d) the kWhth of heat supplied to the biogas production plant (other than heat contained in feedstock to produce biogas by anaerobic digestion) which made the biogas used in any quarterly period to produce biomethane for injection;

(e) any heat supplied to the biomethane production process.

(7) The participant must keep and provide upon request copies or details of agreements with third parties with whom the participant contracts to carry out any of the processes undertaken to turn the biogas into biomethane and to arrange for its injection.

(8) The participant must keep and provide upon request written evidence including invoices, receipts, contracts and such other information as the Authority may specify in relation to biogas purchased and feedstock used in the production of the biogas used to produce biomethane.

CHAPTER 3

Ongoing obligations relating to other matters

Ongoing obligations: general

43. Participants must comply with the following ongoing obligations, as applicable—

(a) they must keep and provide upon request by the Authority records of type of fuel used and fuel purchased for the duration of their participation in the scheme;

(b) where they have used solid biomass which is an approved sustainable fuel at the time when it is received by the participant or in respect of which the Secretary of State had made a declaration under regulation 51(5), they must keep and provide upon request by the Authority the authorisation number or other means of identification allocated to that fuel by the scheme under which that fuel is listed;

(c) they must keep and provide upon request by the Authority written records of fossil fuel used for the permitted ancillary purposes specified in Chapters 1 and 2;

(d) they must submit an annual declaration as requested by the Authority confirming, as appropriate, that they are using their accredited RHI installations in accordance with the eligibility criteria and are complying with the relevant ongoing obligations;

(e) they must notify the Authority if any of the information provided in support of their application for accreditation or registration was incorrect;

(f) they must ensure that their accredited RHI installation continues to meet the eligibility criteria;

(g) they must comply with any condition attached to their accreditation or registration;

(h) they must keep their accredited RHI installation maintained to the Authority's satisfaction and keep evidence of this including service and maintenance documents;

(i) participants combusting biogas must not deliver heat by air from their accredited RHI installation to the biogas production plant producing the biogas used for combustion;

(j) they must allow the Authority or its authorised agent reasonable access in accordance with regulation 85;

(k) participants generating heat from solid biomass or solid biomass contained in waste must comply with the regulation specified by the Authority in accordance with regulation 30(9)(e);

(l) they must notify the Authority within 28 days where they have ceased to comply with an ongoing obligation or have become aware that they will not be able so to comply, or where there has been any change in circumstances which may affect their eligibility to receive periodic support payments;

(m) they must notify the Authority within 28 days of the addition or removal of a plant supplying heat to a heating system of which their accredited RHI installation forms part;

(n) they must notify the Authority within 28 days of a change in ownership of all or part of their accredited RHI installation;

(o) they must repay any overpayment in accordance with any notice served under regulation 83;

(p) they must, if requested—

  (i) provide evidence that the heat for which periodic support payments are made is used for an eligible purpose, or

  (ii) where there is heat delivered to a biogas combustion plant, provide evidence to enable the Authority to determine whether the proportion of heat delivered has been correctly calculated;

(q) they must not generate heat for the predominant purpose of increasing their periodic support payments;

(r) where a heat loss calculation is used, they must notify the Authority within 28 days where there are any changes in circumstances which may affect the basis of that calculation;

(s) they must notify the Authority within 28 days where the accredited RHI installation is moved to a new location;

(t) they must comply with such other administrative requirements that the Authority may specify in relation to the effective administration of the scheme;

(u) participants generating heat and power in a CHP system to which regulation 13 applies, must notify the Authority within 28 days where CHPQA certification ceases to apply;

(v) where heat is generated in a combustion unit which forms part of a CHP system and in respect of which periodic support payments are made, participants must—

(i) except for solid biomass contaminated with fossil fuel, use only one source of energy in that combustion unit; and

(ii) keep and provide upon request to the Authority records of the fuel used in every combustion unit which forms part of that CHP system;

(w) participants generating heat using a ground source heat pump for which an application for accreditation is made on or after 28th May 2014 and which is capable of heating and cooling, must keep and provide upon request to the Authority, details of the calculation of the design heat load;

(x) participants to whom regulation 32(12) applies, must ensure that any necessary planning permission continues to be complied with in respect of the processes by which the biogas which is used to produce the biomethane is produced, the biogas is converted into biomethane, and the biomethane is injected;

(y) where regulation 74 applies, the participant must comply with the following obligations in relation to each payment year (within the meaning of regulation 74)—

(i) the participant must provide a declaration to the Authority following the end of each payment year stating the proportion of the total biogas yield for that payment year which is not derived from waste or residue; and

(ii) in the case of a biomethane producer or an accredited RHI installation with an installation capacity of 1MWth or above which generates heat from biogas, the annual report submitted by the participant in accordance with regulation 50 must confirm whether the figure provided by the participant under sub-paragraph (i) is correct, together with supporting evidence to show how it is calculated.

Ongoing obligations: emissions from biomass

44. Participants generating heat from solid biomass in an accredited RHI installation in respect of which an RHI emission certificate is required 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 accredited RHI installation in accordance with the manufacturer's instructions for that plant in relation to the control of emissions of PM and NOx.

Ongoing obligations in relation to metering

45.—(1) Participants must keep all meters and steam measuring equipment required to be used in accordance with these Regulations—

(a) continuously operating;

(b) properly maintained and periodically checked for errors;

(c) re-calibrated every 10 years or within such period of time as may be specified in accordance with manufacturers' instructions where available, whichever is the sooner; and

(d) located in accordance with any conditions attached to their accreditation,

and must retain evidence of this, including service and maintenance invoices, receipts or certificates for the duration of their participation in the scheme.

(2) The Authority may, by the date (if any) specified by it, or at such regular intervals as it may require, to enable it to carry out its functions under these Regulations or to gather data to assess the performance of technologies in the scheme, require participants to provide the following information—

(a) meter readings and other data collected in accordance with these Regulations from all steam measuring equipment, class 2 heat meters, and any other meters used in accordance with these Regulations in such format as the Authority may reasonably require;

(b) in relation to participants using steam measuring equipment, a kWhth figure of both the heat generated and the heat used for eligible purposes together with supporting data and calculations; and

(c) the evidence and service and maintenance documentation specified in paragraph (1).

(3) Participants using heat pumps to provide both heating and cooling must ensure that their meters for those pumps enable them to—

(a) measure heat used for eligible purposes only, and

(b) where appropriate, measure (in order to discount) any cooling generated by the reverse operation of the heat pump,

and must provide upon request an explanation of how their metering arrangements have enabled the cooling in sub-paragraph (b) to be discounted.

(4) The data referred to in paragraph (2)(a) and (b) may be estimated in exceptional circumstances if the Authority has agreed in writing to an estimate being provided and to the way in which those estimates are to be calculated.

(5) 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 in relation to the provision of information

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

(2) A participant must retain a copy of—

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

(b) any other evidence which verifies that the accreditation or registration meets the eligibility criteria and that the participant is continuing to comply with the ongoing obligations.

(3) Information requested under paragraph (1) must be provided within 7 days of the request or such later date as the Authority may specify.

(4) Information provided to the Authority under these Regulations must be—

(a) accurate to the best of the participant's knowledge and belief; and

(b) provided in such manner and form as the Authority may reasonably request.

(5) The costs of providing information under these Regulations are to be borne by the applicant.

PART 5

Sustainable solid biomass etc

Interpretation

47. In this Part—

"greenhouse gas criteria" means the criteria set out in Schedule 3;

"land criteria" means, except in regulation 48(3)(a)—

(a) the criteria set out in Part 2 of Schedule 4 in relation to solid biomass which is wood or wholly derived from wood, except energy crops; or

(b) the criteria set out in Part 3 of Schedule 4 in relation to other solid biomass including energy crops;

"permitted location" means a place—

(a) in respect of which the participant has a right to harvest the solid biomass; and

(b) which is no more than 50 miles from the plant in which the solid biomass is used;

"self-supplied" means—

(a) obtained by or on behalf of the participant from a permitted location; or

(b) waste wood which is obtained by or on behalf of the participant from the place where it first becomes waste;

"sustainable biogas" means—

(a) biogas which—

(i) meets the greenhouse gas criteria, and

(ii) is made wholly from feedstock which is solid biomass which meets the land criteria;

(b) biogas which is made wholly from feedstock which is waste;

(c) biogas which consists of a combination of any of the biogas listed in paragraphs (a) and (b);

"sustainable biomethane" means biomethane which, save for ingredients which are added as part of the biomethane production process—

(a) is made wholly from feedstock which is waste;

(b) meets the greenhouse gas criteria and is made wholly from feedstock which is solid biomass which meets the land criteria; or

(c) consists of a combination of any of the biomethane listed in paragraphs (a) and (b);

"sustainable solid biomass" means—

(a) solid biomass which meets the greenhouse gas criteria and the land criteria;

(b) solid biomass which is—

(i) self-supplied;

(ii) used in an accredited RHI installation with an installation capacity of less than 1MWth; and

(iii) either—

(aa) an approved sustainable fuel; or

(bb) a fuel in respect of which the Secretary of State has made a declaration under regulation 51(5);

(c) solid biomass which is waste, or is wholly derived from waste;

(d) solid biomass which consists of a combination of any of the solid biomass listed in paragraphs (a) to (c).

Ongoing obligation to use sustainable solid biomass or biogas or to produce sustainable biomethane

48.—(1) A participant who generates heat or heat and power from solid biomass or biogas in an accredited RHI installation on or after 5th October 2015 must use only sustainable solid biomass or sustainable biogas.

(2) A participant who produces biomethane for injection on or after 5th October 2015 must produce for injection only sustainable biomethane.

(3) Paragraph (1) is deemed to be complied with in respect of—

(a) any biogas or solid biomass used in an accredited RHI installation—

(i) which is a generating station which is accredited under the Renewables Obligation Order 2009(**a**), the Renewables Obligation Order 2015(**b**) or the Renewables Obligation (Scotland) Order 2009(**c**);

(ii) where the capacity of that generating station is 1MW or above; and

(iii) where—

(aa) in the case of solid biomass used before 24th March 2016, information about that solid biomass is provided to the Authority in accordance with article 54 of either the Renewables Obligation Order 2009(**d**) or the Renewables Obligation (Scotland) Order 2009(**e**);

(bb) in the case of biogas or solid biomass used on or after 24th March 2016 in a generating station in Scotland, the biogas or solid biomass meets the greenhouse gas emission criteria in paragraph 2 of Part 1 of Schedule A1A to the Renewables Obligation (Scotland) Order 2009(**f**) and the relevant land criteria in Schedule A2 to that Order(**g**); or

(cc) in the case of biogas or solid biomass used on or after 24th March 2016 in a generating station in England or Wales, the biogas or solid biomass meets the greenhouse gas criteria in paragraph 2 of Part 1 of Schedule 2 to the Renewables Obligation Order 2015 and the relevant land criteria in Schedule 3 to that Order; or

(b) any solid biomass used in an accredited RHI installation to generate heat (but not heat and power) which—

(i) at the time when it is received by the participant, is an approved sustainable fuel; or

(ii) is a fuel in respect of which the Secretary of State has made a declaration under regulation 51(5).

Information to be provided to the Authority in relation to the use of sustainable solid biomass etc

49.—(1) This regulation applies to participants who—

(a) generate heat or heat and power from solid biomass or biogas in an accredited RHI installation; or

(b) produce biomethane for injection,

on or after 5th October 2015.

(2) A participant to whom this regulation applies must—

(**a**) S.I. 2009/785; relevant amending instruments are S.I. 2010/1107, S.I. 2011/984, S.I. 2013/768, and S.I. 2014/ 893.
(**b**) S.I. 2015/1947.
(**c**) S.S.I. 2009/140; relevant amending instruments are S.S.I. 2010/147, S.S.I. 2011/225, S.S.I. 2013/116, S.S.I. 2014/94, and S.S.I. 2015/384.
(**d**) S.I. 2009/785; relevant amending instruments are S.I. 2010/1107, S.I. 2011/984, S.I. 2013/768, and S.I. 2014/ 893.
(**e**) S.S.I. 2009/140; relevant amending instruments are S.S.I. 2010/147, S.S.I. 2011/225, S.S.I. 2013/116, and S.S.I. 2014/94.
(**f**) Schedule A1A was inserted by S.S.I. 2015/384.
(**g**) Schedule A2 was substituted by S.S.I. 2015/384.

(a) in relation to each consignment of solid biomass used, provide the Authority with a declaration in accordance with paragraph (3);

(b) in relation to each consignment of solid biomass (except solid biomass to which regulation 48(3)(a) or (b) applies) or biogas used or biomethane produced, provide the Authority with a declaration in accordance with paragraphs (4) and (5); and

(c) provide the information specified in paragraph (7).

(3) In respect of solid biomass used to generate heat (but not heat and power) a declaration must state—

(a) whether or not that solid biomass was—

(i) an approved sustainable fuel; or

(ii) a fuel in respect of which the Secretary of State has made a declaration under regulation 51(5); and

(b) where paragraph (a)(i) or (ii) applies, the authorisation number or other means of identification allocated to that fuel by the scheme under which that fuel was listed.

(4) A declaration must state whether or not—

(a) solid biomass used was waste or wholly derived from waste;

(b) biogas used or biomethane produced was made from feedstock which was waste;

(c) solid biomass or biogas used or biomethane produced met the greenhouse gas criteria;

(d) solid biomass used met the land criteria; or

(e) biogas used or biomethane produced was made from feedstock which was solid biomass which met the land criteria.

(5) Where a participant declares in accordance with paragraph (4)(c) that solid biomass, biogas or biomethane met the greenhouse gas criteria, the declaration must specify the lifecycle greenhouse gas emissions for that solid biomass, biogas or biomethane calculated in accordance with paragraph 2 of Schedule 3.

(6) Except where the Authority specifies otherwise, participants must provide declarations and information in accordance with this regulation in respect of the solid biomass or biogas used or biomethane produced in every quarterly period which commences on or after 5th October 2015 within 28 days from the end of each such period.

(7) Where in the relevant quarterly period a participant—

(a) uses solid biomass (except solid biomass to which regulation 48(3)(a) or (b) applies) to generate heat or heat and power in an accredited RHI installation with an installation capacity of 1MWth or above; or

(b) produces biomethane for injection,

the participant must provide the information in Schedule 5 in relation to that solid biomass or biomethane.

(8) In addition to the declarations in accordance with paragraphs (3) to (5) and information in accordance with paragraph (7), the Authority may from time to time require such further declarations or information in relation to sustainable solid biomass, biogas or biomethane as it thinks fit.

Sustainability audit reports

50.—(1) Subject to paragraph (3) participants to whom regulation 49 applies must submit a report which is prepared in accordance with the requirements in paragraph (4).

(2) In this regulation, "sustainability information" means the information specified in regulation 49(4) and (5).

(3) No report is required in relation to—

(a) any biogas or solid biomass in respect of which regulation 48(1) is deemed to be complied with by virtue of regulation 48(3)(a);

(b) any solid biomass or biogas used to generate heat in an accredited RHI installation with a capacity less than 1MWth;

(c) any solid biomass used in an accredited RHI installation to generate heat (but not heat and power) which—

(i) at the time it was received by the participant, was an approved sustainable fuel; or

(ii) in respect of which a declaration has been made under regulation 51(5).

(4) The requirements in this paragraph are that the report must—

(a) be prepared by a person who is not—

(i) the participant, or

(ii) a connected person;

(b) be prepared in accordance with the International Standard on Assurance Engagements 3000 (Revised): Assurance engagements other than audits or reviews of historical financial information dated 9th December 2013(**a**) or an equivalent standard;

(c) state whether anything has come to the attention of the person preparing the report to indicate that the sustainability information is not accurate; and

(d) consider, in relation to each consignment of solid biomass or biogas used to generate heat or heat and power, or biomethane produced for injection—

(i) whether the systems used to produce the sustainability information are likely to produce information which is reasonably accurate and reliable;

(ii) whether there are controls in place to help protect the sustainability information against material misstatements due to fraud or error;

(iii) the frequency and methodology of any sampling carried out for the purpose of obtaining or checking the data on which the participant relied in preparing the sustainability information; and

(iv) the robustness of the data on which the participant relied in preparing the sustainability information.

(5) Subject to paragraph (6), participants must submit reports under this regulation annually and within 3 months after—

(i) each anniversary of the tariff start date; or

(ii) in the case of participants who are registered as producers of biomethane for injection, each anniversary of the date on which that participant was first registered as a producer of that biomethane.

(6) Where the anniversary of the tariff start date fell on or after 5th October 2015 but before 6th April 2016—

(a) the first annual report submitted in accordance with this regulation must be submitted within 3 months after the next anniversary of the tariff start date which follows 5th October 2016; and

(b) the first annual report must consider and report on each consignment of solid biomass or biogas used, or biomethane produced, in the period between 5th October 2015 and the anniversary of the tariff start date mentioned in paragraph (6)(a).

(7) Except where paragraph (6) applies, the report must consider and report on each consignment of solid biomass or biogas used, or biomethane produced, within the 12 month period preceding—

(a) each anniversary of the tariff start date; or

(**a**) International Standard on Assurance Engagements (ISAE) 3000 (Revised): Assurance Engagements other than Audits or Reviews of Historical Financial Information, published on 9th December 2013 by the International Federation of Accountants. Copies are available at www.ifac.org.

(b) in the case of participants who are registered as producers of biomethane for injection, each anniversary of the date on which that participant was first registered as a producer of that biomethane.

(8) In this regulation, "connected person" means any person connected to the participant within the meaning of section 1122 of the Corporation Tax Act 2010(**a**).

Schemes for listing approved sustainable fuels

51.—(1) Where the Secretary of State is satisfied that a scheme complies with the requirements in paragraph (2), the Secretary of State may approve that scheme for the purpose of these Regulations.

(2) The requirements in this paragraph are that appropriate procedures have been adopted to ensure that the person administering the scheme ("the scheme administrator")—

(a) establishes and maintains an accurate and up to date list of fuels which—

(i) are solid biomass;

(ii) comply with the requirements in paragraph (3) or (4); and

(iii) are available to be supplied to participants;

(b) includes on the list all those fuels in respect of which—

(i) an application has been made to the scheme administrator for that fuel to be included in the list; and

(ii) the supplier is able to demonstrate compliance with the requirements in paragraph (3) or (4);

(c) processes applications by suppliers of solid biomass fuel for the inclusion of fuel in the list promptly and fairly;

(d) ensures that application procedures are clear, proportionate and accessible to suppliers;

(e) ensures that each fuel which is included in the list is allocated an authorisation number or other means of identification which is specific to that fuel;

(f) requires suppliers of listed fuels to—

(i) store listed fuel separately from other fuels supplied by them which are not so listed; and

(ii) provide documentary evidence of the authorisation number or other means of identification when supplying an approved sustainable fuel;

(g) carries out reasonable checks to ensure that fuels which are listed continue to comply with the requirements in sub-paragraph (f) and paragraph (3) or (4);

(h) takes reasonable steps to identify and remove from the list—

(i) any fuel which no longer complies with the requirements in paragraph (3) or (4), or

(ii) any fuel which has ceased (other than temporarily) to be available;

(i) where appropriate, removes from the list those fuels which are supplied by a supplier who breaches the requirements of the scheme; and

(j) deals with complaints by suppliers in relation to the operation of the scheme in a fair and transparent manner.

(3) The requirements in this paragraph are—

(a) that the fuel would, if used in a plant with an efficiency of at least 0.7, meet the greenhouse gas criteria;

(b) that any fuel which is included in the list on or after 6th July 2015 meets the land criteria.

(**a**) 2010 c.4; section 1122 was amended by section 136(6) of the Finance Act 2013 (c. 29) and section 939H(2) of the Corporation Tax Act 2010.

(4) The requirements in this paragraph are that the fuel—

(a) is, or is wholly derived from waste; or

(b) is self-supplied for use in a plant with an installation capacity of less than 1MWth.

(5) Where the Secretary of State approves a scheme under paragraph (1), the Secretary of State may declare that any fuel—

(a) listed under that scheme before the date on which the scheme is approved; and

(b) received by a participant before that date,

shall be deemed to meet the requirement in paragraph (3)(a) and the land criteria.

(6) Where the Secretary of State is no longer satisfied that an approved scheme complies with the requirements in paragraph (2), the Secretary of State may by notice in writing to the scheme administrator, revoke approval with effect from a specified date.

(7) Where approval is revoked in accordance with paragraph (6), any fuel listed under the scheme which has been supplied to a final consumer before the date on which the approval is revoked will be treated as sustainable for the purposes of these Regulations.

(8) In this regulation "efficiency" means

$$\frac{H}{F}$$

where—

H is the heat produced by the plant in the form of liquid or steam, and

F is the energy content of all the fuels used by the plant.

PART 6

Changes affecting accredited RHI installations

Review of accreditation or registration following notification of a change in circumstances

52.—(1) This regulation applies where—

(a) the Authority receives a notification under regulation 43; and

(b) regulations 54 and 55 do not apply.

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

(a) require the participant to provide such information as the Authority considers necessary to enable the Authority to consider whether a review should be carried out in accordance with this regulation and, if appropriate, to carry out such a review; and

(b) either—

(i) review the accreditation of the accredited RHI installation to which the notification relates to ensure that it continues to meet the eligibility criteria; or

(ii) review the registration of the registered biomethane producer to which the notification relates to ensure that the producer continues to meet the requirements under these Regulations.

(3) No periodic support payment may be made from the date on which the Authority receives the notification until the Authority has notified the participant that—

(a) it is satisfied that it is not necessary to review the accreditation of the installation or registration of the biomethane producer; or

(b) it has carried out a review and is satisfied that the installation may continue to be an accredited RHI installation or the biomethane producer may continue to be registered.

(4) Following a notification by the Authority under paragraph (3) the Authority must resume payment of periodic support payments in accordance with these Regulations and pay to the participant any periodic support payments withheld in accordance with paragraph (3).

Change in circumstances for shared ground loop systems

53.—(1) Paragraph (2) applies if, following a review under regulation 52 or an investigation under Part 9 in respect of an accredited shared ground loop system, the Authority considers that—

(a) one of the conditions set out in regulation 24(2) applies to a ground source heat pump which forms part of an accredited shared ground loop system and in respect of which the heat generated has not been metered in accordance with regulation 24; or

(b) the property to which the ground source heat pump provides heat was occupied for less than 183 days in any 12 month period ending with the anniversary of the accredited RHI installation's tariff start date.

(2) Where this paragraph applies the heat generated by the ground source heat pump must be metered in accordance with regulation 24.

(3) No periodic support payment may be made in respect of that ground source heat pump from the date on which the Authority receives the notification under regulation 43, or commences its investigation under Part 9, until the day on which the Authority is provided with evidence that the metering requirements in paragraph (2) have been met.

(4) When payments are resumed in accordance with paragraph (3), such payments must be calculated in accordance with regulation 70(3).

Changes in ownership

54.—(1) This regulation applies where ownership of all or part of an accredited RHI installation is transferred to another person.

(2) No periodic support payment may be made to a new owner until—

(a) that owner has notified the Authority of the change in ownership; and

(b) the steps set out in paragraph (3) have been completed.

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

(a) may require the new owner to provide such information as the Authority considers necessary for the proper administration of the scheme;

(b) may review the accreditation of the accredited RHI installation to ensure that it continues to meet the eligibility criteria and should remain an accredited RHI installation.

(4) Where the Authority has received notification under paragraph (2)(a), such information as has been required under paragraph (3)(a), if any, and, where a review has been carried out, is satisfied as to the matters specified in paragraph (3)(b), it must, subject to paragraph (5)—

(a) update the central register referred to in regulation 30(9)(c);

(b) where the new owner is to become the participant, send the new owner a statement of eligibility setting out the information specified in regulation 30(9)(f); and

(c) where applicable, send the new owner (if the new owner is to become the participant) a notice in accordance with regulation 30(9)(e).

(5) Except where there is a change in ownership of an accredited RHI installation which is a shared ground loop system, where the change in ownership relates to a ground source heat pump which forms part of a shared ground loop system, that ground source heat pump will cease to form part of that accredited RHI installation for the purposes of these Regulations and no further periodic support payments may be made for the heat generated by that ground source heat pump.

(6) If, within a period of 12 months commencing with the transfer of ownership of the accredited RHI installation, no notification is made in accordance with paragraph (2) or paragraph (4) does not apply, the installation will on the expiry of that period cease to be accredited and accordingly no further periodic support payments may be made in respect of the heat it generates.

(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 paragraphs (5) and (9), if the steps required under paragraphs (3) and (4) are completed, the new owner of an accredited RHI installation must be paid periodic support payments calculated from the date of completion of those steps for the remainder of the tariff lifetime of that accredited RHI installation in accordance with these Regulations.

(9) Where a transfer of ownership of all or part of an accredited RHI installation takes place and results in that accredited RHI installation being owned by more than one person, the Authority may require that only one of those owners is the participant for the purposes of the scheme and require that owner to comply with sub-paragraphs (b) and (c) of regulation 30(3).

Changes in location of accredited RHI installations

55.—(1) This regulation applies where an accredited RHI installation is moved to a new location.

(2) No periodic support payment may be made in respect of the accredited RHI installation after the date on which it is moved to a new location until—

(a) the owner has notified the Authority of the change in location; and

(b) the Authority has concluded that the accredited RHI installation should continue to be accredited.

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

(a) may require the owner to provide such information as the Authority considers necessary for the proper administration of the scheme; and

(b) must review the accreditation of the accredited RHI installation to determine whether it continues to meet the eligibility criteria in the new location (except the requirement in regulation 16(1)(b)) and accordingly whether it should continue to be accredited.

(4) Where the Authority concludes that the accredited RHI installation should continue to be accredited it must update the central register referred to in regulation 30(9)(c) if appropriate.

(5) Where the Authority concludes that the accredited RHI installation should continue to be accredited, periodic support payments calculated from the date of that decision and for the remainder of the tariff lifetime of that accredited RHI installation shall be payable in accordance with these Regulations.

PART 7

Periodic support payments

Interpretation

56. In this Part—

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

"average load factor"—

(a) in respect of a relevant installation which is a large biomass plant, means—

(i) if the relevant installation uses or is expected to use heat for the same category of eligible purposes as 10 or more relevant installations which are large biomass plants in respect of which periodic support payments have been received, the average of the load factors of all such installations; or

(ii) if the relevant installation does not use or is not expected to use heat for the same category of eligible purposes as 10 or more relevant installations which are large biomass plants in respect of which periodic support payments have been received,

the average of the load factors of all relevant installations which are large biomass plants in respect of which periodic support payments have been received;

(b) in respect of a relevant installation, except a relevant installation within paragraph (a), which falls or is expected to fall within a tariff category which fewer than 20 accredited RHI installations in respect of which periodic support payments have been received fall within, means the average of the load factors of all accredited RHI installations;

(c) in respect of a relevant installation, except a relevant installation within paragraph (a), which falls or is expected to fall within a tariff category which 20 or more accredited RHI installations in respect of which periodic support payments have been received fall within ("sister installations") means—

(i) if the relevant installation uses or is expected to use heat for the same category of eligible purposes as 20 or more of the sister installations ("twin installations"), the average of the load factors of all the twin installations;

(ii) if the relevant installation does not use or is not expected to use heat for the same category of eligible purposes as 20 or more of the sister installations, the average of the load factors of all sister installations;

"category of eligible purposes" means any one of the following—

(a) heating a space;

(b) heating water;

(c) heating a space and water;

(d) any other eligible purpose or combination of eligible purposes;

"estimated additional biomethane spend" in relation to an assessment date and any additional biomethane registered on a particular date in respect of which a relevant producer has received a periodic support payment means—

$$A \times B \times C$$

where—

(a) A is the flow rate for additional biomethane registered on that particular date;

(b) B is the number of hours in the 12 month period commencing with the assessment date; and

(c) C is the initial tariff or subsequent tariff for the additional biomethane;

"estimated energy from biomethane", in relation to an assessment date and a relevant producer as expressed in kWh means—

$$FR \times T \times 10 \times P$$

where—

(a) FR is the estimated flow rate;

(b) T is—

(i) if the relevant producer is a participant, has made an application for registration or is a proposed producer of biomethane in relation to which there is a pending tariff guarantee, the number of hours in the year commencing with the assessment date;

(ii) where paragraph (i) does not apply but an application for preliminary registration has been made by the relevant producer, the number of hours in the period—

(aa) commencing on the later of the assessment date or the date identified by the applicant as the date on which injection is expected to commence; and

(bb) ending 12 months after the assessment date; and

(c) P is the proportion of biomethane which is calculated as follows —

$$\frac{E}{B}$$

where—

(i) E is the amount of eligible biomethane in kWh injected by all producers of biomethane who have been registered and in relation to which periodic support payments have been received; and

(ii) B is the amount of all biomethane in kWh injected by such producers in the quarterly periods for which periodic support payments have been received;

"estimated flow rate", in relation to an assessment date and a relevant producer, means—

$$\frac{B}{H}$$

where—

(a) B is the volume in cubic metres of biomethane that the relevant producer has declared as being the amount which that relevant producer expects will be produced for injection each year once injection has commenced (or if more than one declaration has been given, the volume identified in the latest declaration) or 0 if no such declaration has been given; and

(b) H is the total number of hours in the year commencing with the assessment date;

"estimated heat", in relation to an assessment date and a relevant installation as expressed in kWhth means—

$$LF \times T \times C$$

where—

(a) LF is—

(i) if a periodic support payment has been received in respect of the installation, the load factor; or

(ii) in any other case, the average load factor applicable in respect of that installation;

(b) T is —

(i) if the relevant installation is an accredited RHI installation, an eligible installation for which an application for accreditation has been made, or a plant in respect of which there is a pending tariff guarantee, the number of hours in the year commencing with the assessment date;

(ii) where paragraph (i) does not apply but the relevant installation is a plant for which an application for preliminary accreditation has been made, the number of hours in the period—

(aa) commencing on the later of the assessment date or the date identified by the applicant as the date the plant is expected to be commissioned; and

(bb) ending 12 months after the assessment date;

(c) C is the installation capacity of that relevant installation;

"estimated original biomethane spend" in relation to an assessment date and any original biomethane in respect of which a relevant producer has received a periodic support payment means—

$$A \times B \times C$$

where—

(a) A is the flow rate for original biomethane;

(b) B is the number of hours in the 12 month period commencing with the assessment date; and

(c) C is the relevant initial tariff or subsequent tariff calculated in accordance with regulation 59;

"estimated residual energy from biomethane" in relation to a proposed producer of biomethane in respect of which there is a pending tariff guarantee, means—

$$B \times \frac{M}{Y}$$

where—

(a) B means estimated energy from biomethane in excess of 250GWh;

(b) M means the number of hours in the period commencing on the later of the assessment date or the date identified by the applicant as the date on which injection is expected to commence, and ending 12 months after the assessment date; and

(c) Y means the number of hours in the year commencing with the assessment date.

"estimated spend" in relation to an assessment date and—

(a) a relevant installation (except a relevant installation to which paragraph (b) applies), means the estimated heat in relation to that installation multiplied by the initial tariff or subsequent tariff;

(b) a relevant installation which is a large installation in respect of which no periodic support payment has been received and for which the owner has given a declaration as to the total heat in kWhth which that installation is expected to generate each year for eligible purposes (or if more than one declaration has been given, the total heat identified in the latest declaration), means—

(i) where the relevant installation is a plant for which an application for preliminary accreditation has been made (but paragraphs (ii) and (iii) do not apply)—

$$\left(A \times \frac{B}{C}\right) \times D$$

where—

A is the total heat identified in the applicant's declaration;

B is the number of hours in the period—

(aa) commencing on the later of the assessment date or the date identified by the applicant as the date the plant is expected to be commissioned; and

(bb) ending 12 months after the assessment date;

C means the number of hours in the year commencing with the assessment date; and

D is the initial tariff or subsequent tariff;

(ii) where the relevant installation is a plant for which an application for accreditation has been made (but paragraphs (i) and (iii) do not apply), the total heat in the applicant's declaration multiplied by the initial tariff or subsequent tariff; or

(iii) where there is a pending tariff guarantee in relation to a plant (but paragraphs (i) and (ii) do not apply)—

(aa) the total heat up to 250GWh multiplied by the initial tariff or subsequent tariff applicable to that heat; and

(bb) in respect of any further heat—

$$\left(A \times \frac{B}{C}\right) \times D$$

where—

A is that further heat;

B is the number of hours in the period—

(aa) commencing on the later of the assessment date or the date identified by the applicant as the date the plant is expected to be commissioned; and

(bb) ending 12 months after the assessment date;

C is the number of hours in the year commencing with the assessment date; and

D is the initial tariff or subsequent tariff applicable to that further heat;

(c) a relevant producer who has not received a periodic support payment or has received three or fewer periodic support payments, means—

(i) except where paragraph (ii) applies, the estimated energy from biomethane in relation to that relevant producer multiplied by the initial tariff or subsequent tariff; or

(ii) in relation to a proposed producer of biomethane in respect of which there is a pending tariff guarantee—

(aa) biomethane up to 250GWh multiplied by the initial tariff or subsequent tariff applicable to that energy; and

(bb) the estimated residual energy from biomethane, if any, multiplied by the initial tariff or subsequent tariff in relation to that energy; or

(d) a relevant producer who has received four or more periodic support payments, means the sum of the estimated original biomethane spend and any estimated additional biomethane spend.

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

"flow rate", in relation to biomethane, means—

$$\frac{B}{H}$$

where—

(a) B is the amount of eligible biomethane in kWh for which periodic support payments have been received commencing with the third periodic support payment; and

(b) H is the total number of hours in the period commencing with the first day of the first quarterly period in which that biomethane was injected and ending with the last day of the last quarterly period in which that biomethane was injected;

"forecast for expenditure"—

(a) in relation to an assessment date and a relevant installation which falls or is expected to fall within any tariff category means the sum as at that assessment date of the estimated spend for each relevant installation which falls within that tariff category;

(b) in relation to an assessment date and a relevant producer, means the sum as at that assessment date of the estimated spend for each relevant producer;

"forecast for total expenditure", in relation to an assessment date, means the sum as at that assessment date of—

(a) the estimated spend for each relevant installation; and

(b) the estimated spend for each relevant producer;

"increase in expenditure forecast" means a figure determined under regulation 58(2)(d);

"large biomass plant" means a plant which generates heat or heat and power from solid biomass (including solid biomass contained in waste) with an installation capacity of 1MWth or above, and which is not a new solid biomass CHP system;

"large installation" means—

(a) a plant which generates heat from biogas with an installation capacity of 600kWth or above;

(b) a plant which generates heat using geothermal sources;

(c) a plant which is, or forms part of, a new solid biomass CHP system;

(d) any other plant which has an installation capacity of at least 1MWth;

"load factor" in respect of an accredited RHI installation means—

$$\frac{M}{C \times H}$$

where—

(a) M is—

(i) in the case of a shared ground loop system, the sum of the amounts of heat in kWhth for which periodic support payments have been made in respect of each of the ground source heat pumps which form part of the shared ground loop system; or

(ii) in all other cases, the amount of heat in kWhth generated by that installation during all quarterly periods in respect of which it has received a periodic support payment;

(b) C is the installation capacity of that installation; and

(c) H is the total number of hours in all the quarterly periods in respect of which it has received a periodic support payment;

"pending tariff guarantee" means a tariff guarantee which has been granted in accordance with regulation 35(6) but does not include a case where—

(a) the plant in respect of which the tariff guarantee was granted is accredited or the producer of biomethane in respect of which the tariff guarantee was granted is registered;

(b) an application for accreditation or registration has been made in respect of such a plant or producer of biomethane;

(c) a tariff guarantee has been revoked; or

(d) regulation 35(10)(c) applies;

"relevant installation" means—

(a) an accredited RHI installation;

(b) a plant for which an application for accreditation or preliminary accreditation has been made, but does not include a plant where—

(i) the application has been rejected by the Authority;

(ii) the application has been withdrawn by the applicant; or

(iii) the Authority requires further information in order to determine whether or not the application should be granted and at least 4 months have passed since the last date on which the Authority received information from the applicant in support of the application; or

(c) a plant in respect of which there is a pending tariff guarantee.

"relevant producer" means—

(a) a participant who produces or proposes to produce biomethane for injection;

(b) a person who produces or proposes to produce biomethane for injection who has made an application for registration or preliminary registration but does not include a person who has made an application—

(i) which has been rejected by the Authority;

(ii) which has been withdrawn by the applicant; or

(iii) in respect of which the Authority requires further information in order to determine whether or not the application should be granted and at least 4 months have passed since the last date on which the Authority received information from the applicant in support of the application; or

(c) a producer of biomethane in respect of which there is a pending tariff guarantee;

"tariff category" means one of the following tariffs or groups of tariffs—

(a) biomass and new solid biomass CHP systems;

(b) ground source heat pumps and shared ground loop systems with an installation capacity of 100kWth or above;

(c) ground source heat pumps and shared ground loop systems with an installation capacity of below 100kWth and air source heat pumps;

(d) plants which use solar collectors;

(e) plants which generate heat from biogas with a capacity below 600kWth;

(f) producers of biomethane for injection and plants which generate heat from biogas with a capacity of 600kWth and above;

(g) deep geothermal plants.

Publication of tariffs

57. The Authority must—

(a) by 15th March, 15th June, 15th September and 15th December in each year ("the tariff publication date") publish in a table the initial tariffs applicable where a tariff start date falls within the tariff period immediately following the tariff publication date; and

(b) on or before 1st April each year, publish in a table on its website the subsequent tariffs applicable for the period commencing on 1st April of that year and ending with the 31st March of the following year.

Expenditure forecast statement and tariff change notice

58.—(1) The Secretary of State must publish a statement in accordance with this regulation ("an expenditure forecast statement").

(2) For that purpose the Secretary of State must determine as at the assessment date immediately preceding the date on which the expenditure forecast is published ("the latest assessment date")—

(a) the forecast for total expenditure;

(b) for each tariff category the forecast for expenditure in relation to the relevant installations that fall within that tariff category;

(c) the forecast for expenditure in relation to relevant producers;

(d) in relation to each of the forecasts for expenditure referred to in sub-paragraphs (b) and (c) the increase in expenditure forecast for that tariff category, that is to say the difference between—

(i) the forecast for expenditure as at the latest assessment date; and

(ii) the forecast for expenditure as at the assessment date three months before the latest assessment date.

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

(a) the forecast for total expenditure;

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

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

(4) If, as a result of a forecast referred to in paragraph (2), and by virtue of regulation 60(1), the new initial tariff will be different from the former initial tariff, the Secretary of State must also—

(a) calculate the new initial tariff; and

(b) publish with the expenditure forecast statement a notice ("the tariff change notice") setting out the new initial tariff and the date on which it will take effect.

(5) For the purposes of paragraph (4)—

(a) "new initial tariff" means the initial tariff for an accredited RHI installation or biomethane produced for injection having a tariff start date which falls within the next tariff period;

(b) "former initial tariff" means the initial tariff that would have been applicable to the installation or biomethane produced for injection if the tariff start date had fallen on the day immediately preceding the commencement of that tariff period.

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

Calculation and payment of periodic support payments to participants

59.—(1) Subject to regulations 52 to 55 and 76 to 83, periodic support payments are payable for 20 years from the tariff start date.

(2) Subject to regulations 60(2) and 62(2) the tariff to be used for the purpose of calculating periodic support payments is—

(a) the initial tariff, for the period commencing with the tariff start date and ending with the end of the financial year in which that tariff start date falls; and

(b) the subsequent tariff, for each subsequent financial year.

Calculation of initial tariffs

60.—(1) Except as provided in paragraphs (2) to (5), the initial tariff for an accredited RHI installation or producer of biomethane for injection is calculated in accordance with the formula—

$$A \times (1 - B - C)$$

where—

(a) A is calculated in accordance with regulation 61; and

(b) B and C are calculated in accordance with Schedule 7 in relation to—

(i) the tariff category into which the tariff for the accredited RHI installation or producer of biomethane for injection falls; and

(ii) the assessment date immediately preceding the commencement of the tariff period in which the tariff start date falls.

(2) Where paragraph (3) or (4) applies, the initial tariff will, commencing on the date on which these Regulations come into force, be replaced with the relevant tariff set out in Schedule 6.

(3) This paragraph applies where—

(a) a participant produces biomethane for injection or an accredited RHI installation generates heat from biogas;

(b) the tariff start date is on or after 1st April 2017 but before the date on which these Regulations come into force; and

(c) the participant has elected to be subject to the requirements in regulation 74.

(4) This paragraph applies where

(a) an accredited RHI installation generates heat from biomass and has an installation capacity of 1MWth or above; and

(b) the tariff start date is on or after 1st April 2017 but before the date on which these Regulations come into force.

(5) Where, in relation to an accredited RHI installation or a producer of biomethane for injection, the tariff start date is on or after the date on which these Regulations come into force, but before 1st July 2017, the initial tariff is the relevant tariff set out in Schedule 6.

Calculation of A

61.—(1) For the purposes of regulation 60, A is calculated as follows.

(2) Where the tariff start date is within the tariff period commencing with 1st July 2017, A is the relevant tariff set out in Schedule 6.

(3) Where the tariff start date is within any subsequent tariff period commencing with 1st October, 1st January or 1st July, commencing with 1st October 2017, A is the relevant tariff which would have applied had the tariff start date fallen within the previous tariff period ("the previous tariff").

(4) Where the tariff start date is within any tariff period commencing on 1st April, commencing with 1st April 2018, A is the previous tariff adjusted by the percentage increase or decrease in the consumer prices index for the calendar year ending with the 31st December immediately preceding the commencement of that tariff period, the resulting figure being rounded.

Calculation of subsequent tariffs

62.—(1) Except as provided in paragraphs (2) to (4), in relation to a particular financial year, the subsequent tariff is the tariff applicable to the biomethane produced by the participant or to the accredited RHI installation on the last day of the previous financial year, adjusted by the percentage increase or decrease in the relevant measure of inflation for the calendar year ending with the 31st December immediately preceding the commencement of that subsequent financial year, the resulting figure being rounded.

(2) Where paragraph (3) or (4) applies, the subsequent tariff from the date on which these Regulations come into force until 31st March 2018 is the relevant tariff set out in Schedule 6.

(3) This paragraph applies where—

(a) a participant produces biomethane for injection or an accredited RHI installation generates heat from biogas;

(b) the tariff start date is on or after 14th December 2016 but before 1st April 2017; and

(c) the participant has elected to be subject to the requirements in regulation 74.

(4) This paragraph applies where—

(a) an accredited RHI installation generates heat from biomass and has an installation capacity of 1MWth or above; and

(b) the tariff start date is on or after 14th December 2016 but before 1st April 2017.

(5) In this regulation "relevant measure of inflation" means—

(a) if the tariff start date is earlier than 1st April 2016, the retail prices index; and

(b) in any other case, the consumer prices index.

Tiered tariffs

63.—(1) This regulation applies where, on or after the date on which these Regulations come into force—

(a) an accredited RHI installation—

(i) has an installation capacity of less than 1MWth and generates heat from biomass;

(ii) has an installation capacity of 1MWth or above, generates heat from biomass and has a tariff start date on or after 14th December 2016;

(iii) is a ground source heat pump with a tariff start date on or after 28th May 2014; or

(iv) is a shared ground loop system;

(b) a registered participant produces biomethane with a tariff start date on or after 12th February 2015.

(2) Where this regulation applies by virtue of paragraph (1)(a)—

(a) in relation to the initial heat generated by the accredited RHI installation in a relevant period and used for eligible purposes, the initial or subsequent tariff is tier 1 of the relevant tariff; and

(b) subject to regulation 70, in relation to all further heat generated by that installation in that same relevant period and used for eligible purposes, the initial or subsequent tariff is tier 2 of the relevant tariff.

(3) In relation to an accredited RHI installation with an installation capacity of less than 1MWth which generates heat from biomass—

(a) where the tariff start date is before the date on which these Regulations come into force, "initial heat" means the heat in kWhth generated by the accredited RHI installation running at its installation capacity for 1,314 hours; or

(b) where the tariff start date is on or after the date on which these Regulations come into force, "initial heat" means the heat in kWhth generated by the accredited RHI installation running at its installation capacity for 3,066 hours.

(4) In relation to an accredited RHI installation which generates heat from biomass with an installation capacity of 1MWth or above, "initial heat" means the heat in kWhth generated by the accredited RHI installation running at its installation capacity for 3,066 hours.

(5) In relation to an accredited RHI installation which is a ground source heat pump, "initial heat" means the heat in kWhth generated by that installation running at its installation capacity for 1,314 hours.

(6) In relation to an accredited RHI installation which is a shared ground loop system, "initial heat" means—

(a) in respect of any ground source heat pumps installed in domestic premises which form part of the shared ground loop system, the lower of—

(i) the heat in kWhth generated by each of those ground source heat pumps running at its installed peak heat output capacity for 1,314 hours; or

(ii) the heat demand for space heating and water heating specified in the relevant EPC for that property (where "heat demand" and "relevant EPC" have the same meaning as in regulation 70);

(b) in respect of all other ground source heat pumps which form part of that shared ground loop system, the heat in kWhth generated by each ground source heat pump running at its installed peak heat output capacity for 1,314 hours.

(7) Where this regulation applies by virtue of paragraph (1)(b) the initial or subsequent tariff for biomethane produced for injection is—

(a) in relation to the initial biomethane, tier 1 of the relevant tariff;

(b) in relation to the secondary biomethane, tier 2 of the relevant tariff; and

(c) in relation to the tertiary biomethane, tier 3 of the relevant tariff.

(8) In paragraph (7)—

(a) "initial biomethane" means the amount of eligible biomethane measured in megawatt hours which is injected in a relevant period, up to 40,000 megawatt hours;

(b) "secondary biomethane" means the amount of eligible biomethane measured in megawatt hours injected in a relevant period, in excess of the initial biomethane, up to an additional 40,000 megawatt hours; and

(c) "tertiary biomethane" means the amount of eligible biomethane measured in megawatt hours injected in the relevant period in excess of the secondary biomethane.

(9) Where a guaranteed tariff applies in relation to an accredited RHI installation or the production of biomethane for injection—

(a) heat in excess of 250GWh in any relevant period is further heat for the purposes of paragraph (2)(b); and

(b) biomethane in excess of 250GWh in any relevant period is tertiary biomethane for the purposes of paragraph (7)(c).

(10) In this regulation, "relevant period" means—

(a) except as provided in paragraph (b), the 12 month period commencing with, or with the anniversary of, the tariff start date; or

(b) where the accredited RHI installation has an installation capacity of 1MWth or above, generates heat from biomass and has a tariff start date on or after 14th December 2016 but before the date on which these Regulations come into force,

(i) the period commencing with the date on which these Regulations come into force and ending with the day before the anniversary of the tariff start date; and

(ii) thereafter, the 12 month period commencing with the anniversary of the tariff start date.

Periodic support payments for accredited RHI installations in simple systems in respect of which an application for accreditation was made before 24th September 2013

64.—(1) This regulation applies to an accredited RHI installation in respect of which an application for accreditation was made before 24th September 2013 and which—

(a) is generating and supplying heat solely for one or more eligible purposes used in one building;

(b) does not deliver heat by steam; and

(c) is not a CHP system.

(2) Subject to regulations 71 and 72, periodic support payments in respect of each quarterly period must be calculated in accordance with one of the following formulae, as applicable—

(a) $A \times B$; or

(b) where the installation is generating heat from the combustion of biogas, $A \times (B - C)$, where—

A is the tariff determined in accordance with regulation 59;

B is the heat in kWhth generated by the installation during the relevant quarterly period; and

C is—

(i) the heat in kWhth delivered in the relevant quarterly period to the biogas production plant which produced the biogas which is combusted (other than heat contained in any feedstock used to produce that biogas); or

(ii) such proportion (as may be chosen by the participant and agreed by the Authority) of that heat, provided that the proportion is no less than—

$$\frac{x}{y}$$

where—

(aa) x is the heat produced by that biogas which is used for eligible purposes, and

(bb) y is the energy content of all the biogas produced by that biogas production plant.

Periodic support payments accredited RHI installations for complex systems in respect of which an application for accreditation was made before 24th September 2013

65.—(1) This regulation applies to an accredited RHI installation in respect of which an application for accreditation was made before 24th September 2013 and which does not fall within regulation 64.

(2) Subject to regulations 69, 71 and 72, periodic support payments in respect of each quarterly period must be calculated in accordance with one of the following formulae, as applicable—

(a) $A \times B \times \frac{D}{E}$; or

(b) where the accredited RHI installation is generating heat from the combustion of biogas, $A \times (B - C) \times \frac{D}{E}$,

where—

A is the tariff for the installation determined in accordance with regulation 59;

B is the heat in kWhth used by the heating system of which the installation forms part during the relevant quarterly period for eligible purposes;

C is—

(i) the heat in kWhth delivered in the relevant quarterly period to the biogas production plant which produced the biogas which is combusted (other than heat contained in any feedstock used to produce that biogas); or

(ii) such proportion (as may be chosen by the participant and agreed by the Authority) of that heat, provided that the proportion is no less than—

$$\frac{x}{y}$$

where—

(aa) x is the heat produced by that biogas which is used for eligible purposes, and

(bb) y is the energy content of all the biogas produced by that biogas production plant.

D is the heat in kWhth generated by the installation during the relevant quarterly period; and

E is the heat in kWhth generated by all plants supplying heat to the same heating system of which the installation forms part in the relevant quarterly period.

Periodic support payments for accredited RHI installations in respect of which an application for accreditation is made on or after 24th September 2013

66.—(1) Except where regulation 67, 68 or 70 applies, this regulation applies to an accredited RHI installation for which an application for accreditation is made on or after 24th September 2013.

(2) Subject to regulations 31(2), 69, 71, 72 and 74, periodic support payments in respect of each quarterly period must be calculated in accordance with one of the following formulae, as applicable—

(a) $A \times B$; or

(b) where the accredited RHI installation is generating heat from the combustion of biogas, $A \times (B - C)$.

where—

A is the tariff for the installation determined in accordance with regulation 59;

B is the kWhth of heat generated by that plant which is used for eligible purposes, determined in accordance with regulations 23 and 75; and

C is—

(i) the heat in kWhth delivered in the relevant quarterly period to the biogas production plant which produced the biogas which is combusted (other than heat contained in any feedstock used to produce that biogas); or

(ii) such proportion (as may be chosen by the participant and agreed by the Authority) of that heat, provided that the proportion is no less than—

$$\frac{x}{y}$$

where—

(aa) x is the heat produced by that biogas which is used for eligible purposes, and

(bb) y is the energy content of all the biogas produced by that biogas production plant.

Periodic support payments for CHP systems using biomass or biogas in combination with other sources of energy

67.—(1) This regulation applies in relation to an accredited RHI installation which is a CHP system where the total installed peak heat output capacity of all the combustion units in respect of which that CHP system has been accredited is less than the total installed peak heat output capacity of all combustion units forming part of that CHP system.

(2) Subject to regulations 31(2), 68, 69 and 74, where this regulation applies, participants shall be paid periodic support payments for the installation in respect of each quarterly period calculated in accordance with the following formula—

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

where—

(a) A is the tariff in respect of any heat generated by the installation using solid biomass determined in accordance with regulation 59;

(b) B is the kWhth of heat generated by the installation from solid biomass (including solid biomass contained in waste) in any combustion unit in respect of which the CHP system has been accredited and which is used for eligible purposes, calculated in accordance with paragraph (3);

(c) C is the tariff in respect of any heat generated using biogas determined in accordance with regulation 59;

(d) D is the kWhth of heat generated by the installation from biogas in any combustion unit in respect of which the CHP system has been accredited and which is used for eligible purposes, calculated in accordance with paragraph (4);

(e) E is—

(i) the heat in kWhth delivered in the relevant quarterly period to the biogas production plant which produced the biogas combusted in a combustion unit to which regulation 12(2)(b) or 13 applies (other than heat contained in any feedstock used to produce that biogas); or

(ii) such proportion (as may be chosen by the participant and agreed by the Authority) of that heat provided that the proportion is no less than—

$$\frac{x}{y}$$

where—

(aa) x is the heat produced by that biogas in a combustion unit to which regulation 12(2)(b) or 13 applies and which is used for eligible purposes, and

(bb) y is the energy content of all the biogas produced by that biogas production plant.

(3) B must be calculated in accordance with the following formula—

$$B = HCHP \times FIB \div (FIB + FIother)$$

where—

(a) HCHP is the total heat in kWhth generated by the CHP system in the relevant quarterly period which is used for eligible purposes;

(b) FIB is the energy content of the solid biomass (excluding the energy content of any fossil fuel contamination in such biomass) burned in a combustion unit to which regulation 12(2)(b) or 13 applies or solid biomass contained in waste burned in a combustion unit to which regulation 12(2)(b) applies and used in the CHP system to generate heat and power during the relevant quarterly period;

(c) FIother is the energy content of all other fuel used in the CHP system in the relevant quarterly period, including the energy content of any fossil fuel contamination or fossil fuel used in the CHP system for permitted ancillary purposes in accordance with regulation 37 or 38.

(4) D must be calculated in accordance with the following formula—

$$D = HCHP \times FID \div \left(FID + FIother\right)$$

where—

(a) HCHP is the total heat in kWhth generated by the CHP system during the relevant quarterly period which is used for eligible purposes;

(b) FID is the energy content of the biogas used in the CHP system during the relevant quarterly period;

(c) FIother is the energy content of all other fuel used in the CHP system during the relevant quarterly period, including the energy content of any fossil fuel used in the CHP system for permitted ancillary purposes in accordance with regulation 37 or 38.

Periodic support payments for new solid biomass CHP systems

68.—(1) This regulation applies where—

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

(i) the tariff start date is on or after 1st August 2016;

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

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

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

(i) the tariff start date is on or after 1st August 2016 but before 1st January 2017;

(ii) the power efficiency of the CHP system is lower than 20%; and

(iii) the participant notified the Authority by 1st February 2017 that on and after the date on which the notification was received, this sub-paragraph should apply.

(2) Subject to regulations 31(2) and 69, the periodic support payment for the installation in respect of each quarterly period is to be calculated in accordance with the following formula—

$$\left(A \times B\right) + \left(\left(1 - B\right) \times \left(C \times D\right)\right) + E$$

where—

(a) A is the periodic support payment calculated in accordance with regulation 66 or 67 in respect of the heat generated using solid biomass in the CHP system which meets the requirements of regulation 13;

(b) B is the figure, expressed as a decimal, derived from multiplying the power efficiency of the CHP system by 10;

(c) C is the tariff, determined in accordance with regulation 59, that would apply if the CHP system ceased to be certified under CHPQA;

(d) D is the kWhth of heat generated using solid biomass in the CHP system which meets the requirements of regulation 13, calculated in accordance with regulation 66(3)(b) or 67(2)(b);

(e) insofar as D relates to heat calculated in accordance with regulation 66(3)(b), regulation 71 applies to the periodic support payment figure given by the calculation;

(f) E is the sum of the periodic support payments, calculated in accordance with regulation 66 or 67, in respect of any heat generated by the installation using biogas, solid biomass or solid biomass contained in waste used in a CHP system where regulation 12 applies.

(3) Where paragraph (1)(b) applies, paragraph (2)(b) applies as if for the number 10 there were substituted the number 5.

(4) For the purposes of this regulation, the power efficiency of a CHP system is to be determined for each 12 month period commencing with 1st August and ending with 31st July (or for any part of that period) and is the power efficiency stated—

(a) on the certificate issued under CHPQA in the calendar year in which that period begins; or

(b) on the most recent certificate issued under CHPQA where a certificate has not been issued in the calendar year in which that period begins.

CHP systems accredited in relation to the Renewables Obligation

69.—(1) No periodic support payments may be made in relation to any heat generated by any capacity of a CHP system to which paragraph (2) or (3) applies.

(2) This paragraph applies to capacity which generated heat and electricity before 1st April 2013 and which—

(a) uses solid biomass or solid biomass contained in waste to generate heat and electricity, and

(b) forms part of a generating station which—

(i) was accredited under the Renewables Obligation Order 2009(**a**) or the Renewables Obligation (Scotland) Order 2009(**b**), and

(ii) is or, at any time since it was so accredited, has been a qualifying combined heat and power generating station within the meaning of article 2 of either of those Orders.

(3) This paragraph applies to capacity which first generates heat and electricity on or after 1st April 2013 and—

(a) which—

(i) uses solid biomass to generate heat and electricity,

(ii) forms part of a generating station which is accredited under the Renewables Obligation Order 2009, the Renewables Obligation Order 2015(**c**) or the Renewables Obligation (Scotland) Order 2009, and

(iii) is capacity in respect of which a declaration under article 28(7) of either the Renewables Obligation Order 2009 or the Renewables Obligation (Scotland) Order 2009, or under article 35(7) of the Renewables Obligation Order 2015 has been made; or

(b) which—

(i) uses solid biomass contained in waste to generate heat and electricity;

(ii) forms part of a generating station which is accredited under the Renewables Obligation Order 2009, the Renewables Obligation Order 2015 or the Renewables Obligation (Scotland) Order 2009; and

(iii) forms part of a generating station which is or at any time since it was so accredited has been—

(**a**) S.I. 2009/785; relevant amending instruments are S.I. 2010/1107, S.I. 2011/984, S.I. 2013/768, and S.I. 2014/ 893

(**b**) S.S.I. 2009/140; relevant amending instruments are S.S.I. 2010/147, S.S.I. 2011/225, S.S.I. 2013/116, S.S.I. 2014/94, and S.S.I. 2015/384

(**c**) S.I. 2015/1947

(aa) a qualifying combined heat and power generating station within the meaning of article 2 of the Renewables Obligation Order 2009 or the Renewables Obligation (Scotland) Order 2009; or

(bb) a qualifying CHP station within the meaning of article 2 of the Renewables Obligation Order 2015.

Periodic support payments for shared ground loop systems

70.—(1) This regulation applies to an accredited RHI installation which is a shared ground loop system.

(2) Subject to regulation 31(2), the periodic support payment for the installation in respect of each quarterly period is the sum of the payments for each ground source heat pump which forms part of the shared ground loop system, as calculated in accordance with paragraphs (3) and (4).

(3) The periodic support payment in respect of each quarterly period for each ground source heat pump for which heat is required to be metered under regulation 24 or 53 is to be calculated in accordance with the following formula—

$$A \times B$$

where—

(a) A is the tariff for the shared ground loop system, determined in accordance with regulation 59;

(b) in respect of a ground source heat pump installed in domestic premises, B is the lower of—

(i) the kWhth of heat used for eligible purposes generated by the ground source heat pump, determined in accordance with regulations 23, 24 and 75;

(ii) 30,000kWhth minus C, where C is—

(aa) if the quarterly period for which payment is being calculated is not the first quarterly period in the applicable period, the sum of the kWhth of heat determined under paragraph (i) for the applicable period, provided that the sum of that figure and the kWhth of heat determined for the quarterly period for which payment is being calculated is more than 30,000 kWhth;

(bb) otherwise, 0; or

(iii) the heat demand minus C, where C is—

(aa) if the quarterly period for which payment is being calculated is not the first quarterly period in the applicable period, the sum of the kWhth of heat determined under paragraph (i) for the applicable period, provided that the sum of that figure and the kWhth of heat determined for the quarterly period for which payment is being calculated is more than the heat demand;

(bb) otherwise, 0,

unless the figure given in paragraph (ii) or (iii) is negative, in which case B is 0;

(c) in respect of all other ground source heat pumps, B is the kWhth of heat used for eligible purposes generated by the ground source heat pump, determined in accordance with regulations 23, 24 and 75.

(4) The periodic support payment in respect of each quarterly period for each ground source heat pump for which heat is not required to be metered under regulation 24 or 53 is calculated in accordance with the following formula—

$$D \times \frac{E}{4}$$

where—

(a) D is the tariff for the ground source heat pump, determined in accordance with regulation 59;

(b) E is the kWhth of deemed annual heat generation used for eligible purposes for the ground source heat pump, determined in accordance with paragraph (5).

(5) For the purposes of paragraph (4), the amount of heat in kWhth which a ground source heat pump in a shared ground loop system is deemed to generate every 12 months (the "deemed annual heat generation") is the lower of—

(a) the heat demand; or

(b) 30,000 kWhth.

(6) In this regulation—

"applicable period" means the period—

(a) commencing on—

(i) the tariff start date, if it is the first year of payment; or

(ii) in any other case, the most recent anniversary of the tariff start date; and

(b) ending with the last day of the quarterly period preceding the quarterly period for which payment is being calculated;

"heat demand" means the heat demand specified in the relevant EPC for that property for—

(a) space heating, if the ground source heat pump provides space heating but not heating for domestic hot water; or

(b) space heating and water heating, if the ground source heat pump provides both space heating and domestic hot water heating;

"relevant EPC" means the most recent EPC for which details have been provided to the Authority.

Fossil fuel contamination of solid biomass and fossil fuel used for permitted ancillary purposes

71.—(1) This regulation applies to an accredited RHI installation—

(a) where the heat is generated from solid biomass contained in waste ("Case A"); or

(b) where the heat is generated from solid biomass, not being solid biomass contained in waste, and the capacity of the installation is 1MWth or above ("Case B").

(2) In Case A, the periodic support payment calculated in accordance with regulation 64 to 66 shall be reduced pro rata to reflect the proportion of the energy content of the waste used in the relevant quarterly period which was composed of fossil fuel and, where fossil fuel has been used for permitted ancillary purposes in accordance with regulation 37, to reflect the proportion of fossil fuel so used which resulted in the generation of heat.

(3) In Case B, the periodic support payment calculated in accordance with regulation 64 to 66 shall be reduced pro rata to reflect the proportion of fossil fuel contamination in the relevant quarterly period determined in accordance with regulation 38 and, where fossil fuel has been used for permitted ancillary purposes during the relevant quarterly period in accordance with regulation 38, to reflect the proportion of fossil fuel so used which resulted in the generation of heat.

Fossil fuel contamination adjustment to periodic support payments for producers and combusters of biogas produced from gasification and pyrolysis

72.—(1) This regulation applies to participants producing biogas from gasification or pyrolysis and generating heat from that biogas in an accredited RHI installation.

(2) Where, in accordance with regulation 40, a participant uses feedstock contaminated with fossil fuel, the periodic support payment calculated in accordance with regulation 64 to 66 shall be reduced pro rata to reflect the proportion of fossil fuel contamination in the feedstock used by the participant in the relevant quarterly period.

Periodic support payments to producers of biomethane

73.—(1) Subject to paragraph (3) and regulations 31(2) and 74, participants producing biomethane for injection shall be paid a periodic support payment in respect of each quarterly period calculated in accordance with the following formula—

$$A \times B$$

where—

(a) A is the amount of eligible biomethane in kWh which is injected in that quarterly period; and

(b) B is the tariff applicable to the eligible biomethane determined in accordance with regulation 59.

(2) In this regulation, "eligible biomethane" means the part (in kWh) of all biomethane injected in a quarterly period determined in accordance with the following formula—

$$\left(C - \left(D + E + F\right)\right) \times G$$

where—

(a) C is the lower of—

(i) the amount of all biomethane in kWh injected in that quarterly period; or

(ii) the sum of the kWh equivalent of the maximum initial capacity specified under regulation 32 and any maximum additional capacity specified under regulation 77;

(b) D is the amount of propane in kWh contained in C;

(c) E is—

(i) the heat in kWhth delivered in the relevant quarterly period to the biogas production plant which produced the biogas from which the biomethane is made, except any heat—

(aa) contained in feedstock used to produce that biogas; or

(bb) derived from the combustion of that biogas;

(ii) such proportion (as may be chosen by the participant and agreed by the Authority) of that heat provided that the proportion is no less than—

$$\frac{x}{y}$$

where—

(aa) x is the energy content of the biogas contained in the biomethane produced by that biogas, and

(bb) y is the energy content of all the biogas produced by that biogas production plant;

(d) F is the kWhth of heat supplied to the biomethane production process in that quarterly period from any heat source other than heat generated from the combustion of biogas by the plant which supplies that process; and

(e) G applies only in relation to biomethane made using biogas produced from gasification or pyrolysis, and is the proportion of biomass contained in the feedstock used in that quarterly period to produce that biogas.

(3) Where a participant is registered in respect of additional biomethane which forms part of the eligible biomethane injected in the quarterly period referred to in paragraph (1) and the tariff for the additional biomethane differs from the tariff for any other biomethane in respect of which the participant is registered, the periodic support payment for the participant for that quarterly period is the sum of—

(a) the amount of eligible biomethane in kWh which is original biomethane multiplied by the tariff applicable to that biomethane determined in accordance with regulation 59; and

(b) the amount of any eligible biomethane in kWh which is additional biomethane multiplied by the tariff applicable to that biomethane determined in accordance with regulation 59.

Reconciliation payments for biogas and biomethane produced by anaerobic digestion on or after the date on which these regulations come into force

74.—(1) This regulation applies in relation to biomethane produced for injection or accredited RHI installations which generate heat from biogas, including additional biomethane or additional RHI capacity, where—

(a) for any payment year, less than 50% of the total biogas yield is derived from waste or residue; and

(b) the tariff start date is—

(i) on or after the date on which these Regulations come into force; or

(ii) on or after 14th December 2016 but before the date on which these Regulations come into force and the participant has elected by notice in writing to the Authority to be subject to the arrangements set out in this regulation;

(2) Where this regulation applies, the total periodic support payment for a payment year must be reduced to the amount calculated in accordance with the following formula—

$$A \times (1.5 - B)$$

where—

A is the total periodic support payment for biogas or biomethane for that payment year calculated in accordance with regulation 66(2)(b), 67 or 73;

B is the proportion of the total biogas yield for that payment year which is not derived from waste or residue, expressed as a decimal and rounded to four decimal places.

(3) To account for the reduction calculated under paragraph (2), the Authority must—

(a) offset the amount by which the periodic support payment for that payment year has been reduced against periodic support payments in the subsequent payment year; or

(b) where the payment year is the participant's final payment year, require the participant to repay the amount by which the periodic support payment for that payment year has been reduced.

(4) In this regulation—

"biogas yield" means the energy content of any biogas produced by anaerobic digestion which—

(a) in the case of an accredited RHI installation which generates heat from biogas, is combusted by that installation; and

(b) in the case of biomethane produced for injection, is an ingredient of that biomethane;

"payment year" means—

(a) for participants with a tariff start date on or after the date on which these Regulations come into force, any 12 month period commencing with the tariff start date or the anniversary of the tariff start date;

(b) for participants with a tariff start date before the date on which these Regulations come into force—

(i) the period commencing with the date on which these Regulations come into force and ending with the day before the first anniversary of the tariff start date; and

(ii) from the first anniversary of the tariff start date, any 12 month period commencing with the anniversary of the tariff start date.

(5) Regulation 83(4) applies for the purposes of paragraph (3).

Calculation of heat loss in certain circumstances

75.—(1) This regulation applies to participants who own an accredited RHI installation for which an application for accreditation was made on or after 24th September 2013.

(2) Where the Authority is satisfied that relevant piping complies with the requirements in paragraph (3)(a), (b) or (c), the heat lost through that piping may be disregarded when determining the kWhth of heat generated by the plant which is used for eligible purposes.

(3) The requirements in this paragraph are that—

(a) each length of piping which is 10 metres or less and situated outside a building is properly insulated;

(b) each length of piping which is greater than 10 metres and situated outside a building is—

(i) properly insulated, and

(ii) the average annual heat lost from all such piping based on a heat loss calculation is less than 3% of the projected annual heat output of the plant; or

(c) the piping is situated inside a building.

(4) Where relevant piping which is properly insulated is—

(a) situated outside a building;

(b) each length of such piping is greater than 10 metres; and

(c) the average annual heat lost from all such piping is more than 3% of the projected annual heat output of the plant,

a heat loss calculation may be used to establish the heat lost from such piping when determining the kWhth of heat generated by the plant which is used for eligible purposes.

(5) A heat loss calculation may be used to establish heat lost when determining the heat generated by the plant which is used for eligible purposes where in the opinion of the Authority—

(a) physical constraints, reasons of safety or environmental conditions mean that it is not reasonably practicable to install a class 2 heat meter or steam measuring equipment;

(b) a class 2 heat meter or steam measuring equipment would provide less accurate results than a heat loss calculation;

(c) the cost of installing a class 2 heat meter or steam measuring equipment would be disproportionate when compared with the total installation cost of the plant; or

(d) the administrative cost to the Authority of processing information from a class 2 heat meter or steam measuring equipment would be disproportionate when compared with the amount of heat which may be measured.

(6) Where in addition to heat supplied by the plant—

(a) heat generated solely by gas or electricity is supplied to the same heating system of which the plant forms part; and

(b) one or more meters are installed which measure the total amount of gas or electricity used to generate that heat,

the quantity of that gas or electricity expressed in kWh may be converted into kWhth provided such a calculation is based on an assumption that 100% of the fuel is converted into heat.

(7) In this regulation, "relevant piping" means piping which conveys heat for, or returns heat following its use for, a purpose for which heat is supplied by the heating system of which the plant forms part.

PART 8

Additional RHI capacity

Additional RHI capacity

76.—(1) Paragraph (4) applies where the Authority accredits additional RHI capacity which is first commissioned less than 12 months after the date on which the original installation was first commissioned.

(2) Paragraph (6) applies where the Authority accredits additional RHI capacity which is first commissioned 12 months or more after the date on which the original installation was first commissioned.

(3) In this regulation "additional RHI capacity" means a plant which is—

(a) first commissioned after the date on which an accredited RHI installation ("the original installation") was first commissioned;

(b) uses the same source of energy and technology as the original installation; and

(c) supplies heat to the same heating system as that of which the original installation forms part,

but does not include any capacity which is added to an accredited RHI installation which is a shared ground loop system.

(4) From the date of accreditation of additional RHI capacity to which this paragraph applies, the tariff for both the original installation and the additional RHI capacity is the relevant tariff based on the sum of the installation capacity of the original installation and the additional RHI capacity, and—

(a) in respect of heat generated by the original installation, determined in accordance with regulation 59 as at the tariff start date of that original installation; and

(b) in respect of heat generated by the additional RHI capacity, determined in accordance with regulation 59 as at the tariff start date of that additional capacity.

(5) Where the date of accreditation of the original installation is before 30th April 2013, periodic support payments in respect of both the original installation and the additional RHI capacity shall terminate with the tariff end date of the original installation.

(6) Where this paragraph applies—

(a) the tariff for the original installation shall continue to be the relevant tariff for that original installation;

(b) that tariff shall be determined in accordance with regulation 59 as at the tariff start date of that original installation;

(c) the tariff for the additional RHI capacity shall be the relevant tariff based on the sum of the installation capacity of the original installation and the additional RHI capacity; and

(d) that tariff shall be determined in accordance with regulation 59 as at the tariff start date of that additional RHI capacity.

(7) All additional RHI capacity must be metered so as to enable the heat generated by such additional capacity and used for eligible purposes to be distinguished from the heat so generated by the original installation.

Additional capacity for biomethane production

77.—(1) A participant who is—

(a) a producer of biomethane for injection;

(b) whose original application for registration was made on or after 28th May 2014; and

(c) who is producing additional biomethane for injection,

may apply to the Authority to be registered in respect of that additional biomethane.

(2) Regulation 31 and paragraphs (2) to (8) and (10) to (14) of regulation 32 apply to an application for registration in respect of additional biomethane as they do to an application for registration under that regulation.

(3) Where a participant is registered in respect of additional biomethane, the Authority must specify the maximum additional capacity in relation to which the participant is being registered.

(4) Periodic support payments for additional biomethane may not be made beyond the tariff end date notified in accordance with regulation 32(10)(d) when the participant was originally registered as a producer of biomethane for injection.

(5) For the purposes of this regulation—

(a) "additional biomethane" means any biomethane—

(i) which exceeds the sum of the maximum initial capacity, together with any maximum additional capacity previously specified under this regulation; and

(ii) is being supplied by the participant for injection at the same injection point as the biomethane in respect of which that participant was first registered;

(b) "maximum additional capacity" means the volume of biomethane expressed in cubic metres per quarterly period which—

(i) is additional biomethane; and

(ii) is the maximum volume which a participant is entitled to supply for injection under the network entry agreement applicable to that additional biomethane.

(6) Where the Authority does not register an applicant in respect of additional biomethane, it must notify the applicant in writing that the application for registration has been rejected, giving reasons.

PART 9

Enforcement

Power to temporarily withhold periodic support payments to investigate alleged non-compliance

78.—(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 RHI installation has been given accreditation or a producer of biomethane for injection has been registered 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 periodic support payments pending the outcome of that investigation.

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

(a) the respect in which the Authority suspects the participant has failed or is failing to comply with an ongoing obligation, or a description of the information which the Authority suspects to be incorrect and upon which the accreditation or registration was based;

(b) the reason why periodic support payments are being withheld;

(c) the date from which periodic support payments will be withheld;

(d) the next steps in the investigation; and

(e) details of the participant's right of review including any relevant time-limits.

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

(4) The Authority may withhold a participant's periodic support payments for a maximum period of 6 months commencing with the date specified in accordance with the notice required by paragraph (2)(c).

(5) The Authority must review its decision to withhold a participant's periodic support payments every 30 days commencing 30 days after the date of the notice required by paragraph (2).

(6) Following a review pursuant to paragraph (5), the Authority must send a notice to the participant providing an update on—

(a) the progress of any investigation to date; and

(b) whether the Authority intends to continue to withhold periodic support payments.

(7) For the purposes of calculating the time-limit specified in paragraph (4), no account is to be taken of any period attributable to the participant's delay in providing any information reasonably requested by the Authority.

(8) For the purposes of paragraph (7), a participant is not to be deemed to have delayed in providing information if that participant responds within 2 weeks of a request from the Authority.

(9) Subject to paragraph (11), immediately upon conclusion of its investigation under this regulation, the Authority must send the participant a notice specifying—

(a) the outcome of the investigation;

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

(c) the participant's right of review.

(10) Subject to paragraph (11), where the Authority concludes that there has been no breach of an ongoing obligation or no provision of incorrect information, it must resume payment of periodic support payments and pay to the participant any periodic support payments withheld during the course of its investigation.

(11) Within 6 months of the date specified further to paragraph (2)(c), the Authority must either resume payment of periodic support payments or must send the participant a notice under regulation 79, 80, 81, 82 or 83.

Power to withhold periodic support payments: further provisions

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

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

(b) that an accredited RHI installation has been given accreditation or a producer of biomethane for injection has been registered 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 periodic support payments.

(2) Within 21 days of a decision to withhold periodic support 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 RHI installation was given accreditation, or the participant registered as a producer of biomethane for injection, as a result of the provision of incorrect information, details of the respect in which the information is incorrect;

(c) the amount of periodic support payments that the Authority intends to withhold in respect of each quarterly period;

(d) the date from which periodic support 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 RHI installation should continue to be accredited, or the participant should continue to be registered;

(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 referred to in sub-paragraph (e) or (f) by the date specified; and

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

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

(4) 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 the periodic support payments.

(5) If, within 6 months of receipt by the participant of a notice sent 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 periodic support payments withheld under this regulation.

Power to permanently withhold or reduce a participant's periodic support payments

80.—(1) Where the Authority is satisfied that there has been a material or repeated failure by a participant to comply with an ongoing obligation during any quarterly period and the periodic support payment for that quarterly period has not been paid, the Authority may take one or more of the following actions—

(a) permanently withhold a proportion of the participant's periodic support payment which corresponds to the proportion of that quarterly period during which the participant failed so to comply;

(b) reduce a participant's periodic support payment for that quarterly period or for the quarterly period immediately following.

(2) Within 21 days of a decision to permanently withhold or to reduce a periodic support payment, the Authority must send a notice to the participant specifying, as applicable—

(a) the respect in which the participant has failed so to comply;

(b) the reason why a periodic support payment is being withheld or reduced;

(c) the period in respect of which any periodic support payment is to be withheld or reduced;

(d) the level of any reduction; and

(e) details of the participant's right of review including any relevant time-limits.

(3) Where reducing a periodic support payment in accordance with paragraph (1)(b), the Authority may determine the level of the reduction (taking into consideration all factors which it considers relevant) up to a maximum reduction of 10% of the periodic support payment in question.

Revocation of accreditation or registration

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

(a) that there has been a material or repeated failure by a participant to comply with an ongoing obligation (except where sub-paragraph (c) applies);

(b) an accredited RHI installation has been accredited or a producer of biomethane for injection has been registered as a result of the provision of information which is incorrect in a material particular; or

(c) there has been a failure to comply with a notice under regulation 79(2),

it may take any of the actions in paragraph (2).

(2) The actions in this paragraph are that the Authority may—

(a) revoke accreditation for the accredited RHI installation in respect of which paragraph (1) applies;

(b) revoke accreditation for any other accredited RHI installation owned by that participant; or

(c) in relation to a participant who is a producer of biomethane for injection, revoke that participant's registration.

(3) Before revoking an accreditation or registration under this regulation, the Authority must send a notice to the participant specifying—

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

(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 RHI installation, or a participant's registration as a producer of biomethane for injection, has been revoked, the Authority may refuse to accredit any eligible installations owned by the same person or refuse to register that person as a producer of biomethane for injection at any future date.

Power to correct the level of tariff being paid to a participant

82.—(1) Where periodic support payments are being paid to a participant in accordance with a guarantee tariff, if the Authority is satisfied that the information upon which the tariff guarantee was based was incorrect in a material particular it may—

(a) revoke accreditation for the accredited RHI installation or registration for a participant who is a producer of biomethane for injection; or

(b) reduce the level of periodic support payments to the level which would have applied had the tariff guarantee not been granted.

(2) Before revoking an accreditation or registration or reducing the level of periodic support payments under this regulation, the Authority must send a notice to the participant specifying, as applicable—

(a) the reason for the intended revocation including details of the respect in which the information upon which the tariff guarantee was based was incorrect;

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

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

(d) the level to which the participant's future periodic support payments will be reduced;

(e) the basis on which those payments are calculated.

Overpayment notices and offsetting

83.—(1) Where the Authority is satisfied that a participant or former participant has received periodic support payments which—

(a) exceed that participant's entitlement;

(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 as a result of the provision of information which was incorrect in a material particular,

it may take one of the actions set out in paragraph (2).

(2) The actions in this paragraph are that the Authority may—

(a) require a participant or former participant who has received periodic support payments to which paragraph (1) applies, to repay a specified sum in relation to some or all of those payments; or

(b) offset a specified sum in relation to some or all of those payments against future periodic support payments.

(3) Before taking either of the actions set out in paragraph (2), the Authority must send the participant or former participant a notice specifying—

(a) the sum it is seeking to recover;

(b) the basis on which that sum is calculated;

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

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

(e) where applicable, the amount which will be offset in each quarterly period and the time it will take for the sum to be recovered;

(f) details of 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 or regulation 74(3)(b) 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.

Revocation of sanctions

84.—(1) The Authority may at any time revoke a sanction imposed in accordance with regulations 78 to 83 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) Within 21 days of a decision to revoke a sanction, the Authority must send a notice to the participant specifying—

(a) the sanction which has been revoked;

(b) the reason for the revocation;

(c) what action if any the Authority proposes to take in relation to any loss incurred by the participant as a result of the imposition of the sanction including the time within which any action will be taken; and

(d) details of someone within the Authority whom the participant may contact if they are not satisfied with the proposals made by the Authority under sub-paragraph (c).

Power to inspect accredited RHI installations and equipment used to produce biomethane

85.—(1) The Authority or its authorised agent may request entry at any reasonable hour to inspect an accredited RHI installation and equipment used to produce biomethane and its associated infrastructure to undertake any 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;

(e) ensure that there is no other contravention of these Regulations.

(2) Within 21 days of a request made under paragraph (1) being (in its opinion) unreasonably refused the Authority must send a notice to the participant specifying—

(a) the reason why the Authority considers the refusal to be unreasonable;

(b) the consequences of the refusal, including potential sanctions for failing to comply with the ongoing obligation imposed by regulation 43(j); and

(c) details of the participant's right of review including any relevant time-limits.

PART 10

Administrative functions of the Authority

Right of review

86.—(1) Any prospective, current or former participant affected by a decision made by the Authority in 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;

(c) specify the grounds upon which the application is made; and

(d) be signed by or on behalf of the person making the application.

(3) A person who has made an application in accordance with paragraph (2) must provide the Authority with such information and such declarations as the Authority may reasonably request in order to discharge its functions under this regulation, provided any information requested is in that person's possession.

(4) On review the Authority may—

(a) revoke or vary its decision;

(b) confirm its decision;

(c) vary any sanction or condition it has imposed; or

(d) replace any sanction or condition it has imposed with one or more alternative sanctions or conditions.

(5) Within 21 days of the Authority's decision on a review, it must send the applicant and any other person who is in the Authority's opinion affected by its decision a notice setting out its decision with reasons.

Publication of guidance and tariffs

87. The Authority must publish procedural guidance to participants and prospective participants in connection with the administration of the scheme.

Provision of information to the Authority etc

88.—(1) Where under these Regulations the Authority requests information or a declaration from an applicant or a participant, or an applicant or participant is required to provide information or a declaration to the Authority—

(a) that information or declaration must be provided within such time and 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.

(2) When exercising any functions under these Regulations the Authority may treat any declaration given by an applicant in support of an application under these Regulations or by a participant as conclusive evidence of the matters to which that declaration relates, unless the Authority has reason to believe that any such declaration is not accurate.

Reporting obligations

89.—(1) The Authority must provide to the Secretary of State monthly reports in such manner and form as the Secretary of State may request containing the following information, as applicable—

(a) in respect of each accredited RHI installation accredited during the period covered by the report—

(i) such of the information specified in Schedule 2 as the Authority may hold and the Secretary of State may require regarding the accredited RHI installation,

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

(iii) the total amount of periodic support payments made in respect of the accredited RHI installation during the period covered by the report,

(iv) the total amount of heat in kWhth for which periodic support payments were made and the eligible purposes and the industry sector for which it was used,

(v) sustainability information provided in accordance with Schedule 5;

(b) in respect of each participant registered as a producer of biomethane for injection during the period covered by the report—

(i) the total amount of periodic support payments made to each participant,

(ii) the volume of biomethane produced for injection by each participant, and

(iii) sustainability information provided in accordance with Schedule 5;

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

(2) Each monthly report must cover a calendar month and must be sent to the Secretary of State within 7 working days of the end of that month.

(3) 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 date of commencement of the scheme.

(4) The annual report must be published by 31st July in respect of the 12 month period ending with 31st March of that year.

(5) Each quarterly report must cover each 3 month period commencing on 1st April, 1st July, 1st October and 1st January and must be published within one month of the end of the relevant 3 month period.

(6) The Authority must publish the following information on its website—

(a) the quarterly and annual reports provided in accordance with this regulation;

(b) current information in aggregate form as to—

(i) the number of accredited RHI installations,

(ii) their source of energy and technology and installation capacity,

(iii) the amount of heat they have generated,

(iv) the total amount of periodic support payments made under each tariff; and

(c) current information in aggregate form as to—

(i) the number of participants who are producers of biomethane,

(ii) the volume of biomethane produced for injection by those participants, and

(iii) the total amount of periodic support payments made in respect of that biomethane.

(7) For the purposes of this regulation "quarterly period" means the first, second, third or fourth quarter of any year commencing on 1st January.

(8) For the purposes of this regulation "current information" means information which is no more than five days out of date.

Additional information

90. 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 in relation to the performance of its functions under these Regulations.

Notices

91. A notice under these Regulations—

(a) must be in writing; and

(b) may be transmitted by electronic means.

PART 11

Revocation and savings

Revocation, savings and transitional provisions

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

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

(a) The Renewable Heat Incentive Scheme (Amendment) Regulations 2013(**a**);

(b) The Renewable Heat Incentive Scheme (Amendment) (No 2) Regulations 2013(**b**);

(c) The Renewable Heat Incentive Scheme (Amendment) (No 3) Regulations 2013(**c**);

(d) The Renewable Heat Incentive Scheme (Amendment) Regulations 2014(**d**);

(e) Regulations 2 to 9 of The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme (Amendment) Regulations 2015(**e**);

(f) The Renewable Heat Incentive Scheme (Amendment) Regulation 2015(**f**);

(g) The Renewable Heat Incentive Scheme (Amendment) (No 2) Regulations 2015(**g**);

(h) Regulations 2 to 10 of The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme (Amendment) (No. 2) Regulations 2015(**h**);

(i) Regulations 2 to 14 of The Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme (Amendment) Regulations 2016(**i**);

(j) The Renewable Heat Incentive Scheme (Amendment) Regulations 2016(**j**);

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

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

(a) where the tariff start date for that eligible installation or producer of biomethane for injection will be before the date on which these regulations come into force, the Authority

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(**a**) S.I. 2013/1033.
(**b**) S.I. 2013/2410.
(**c**) S.I. 2013/3179.
(**d**) S.I. 2014/1413.
(**e**) S.I. 2015/145.
(**f**) S.I. 2015/197.
(**g**) S.I. 2015/477.
(**h**) S.I. 2015/1459.
(**i**) S.I. 2016/257.
(**j**) S.I. 2016/718.
(**k**) S.I. 2016/1197.

must determine the application in accordance with the 2011 regulations as if they had not been revoked;

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

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

(a) where the tariff start date for that additional RHI capacity or additional biomethane capacity will be before the date on which these regulations come into force, the Authority must determine the application in accordance with the 2011 regulations as if they had not been revoked;

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

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

(i) a review of accreditation or registration;

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

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

(iv) an investigation into alleged non-compliance;

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

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

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

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

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

(6) An accredited RHI installation which was accredited under the 2011 regulations or a producer of biomethane for injection who was registered under the 2011 regulations will, from the date on which these Regulations come into force, be accredited or registered under these Regulations.

(7) Preliminary accreditation or preliminary registration granted under the 2011 regulations will, from the date on which these Regulations come into force, be preliminary accreditation or preliminary registration under these Regulations.

(8) Approval of a scheme for listing approved sustainable fuels granted under the 2011 regulations will, from the date on which these Regulations come into force, be approval under these Regulations.

(9) Guidance published under the 2011 regulations will, from the date on which these Regulations come into force, guidance under these Regulations.

(10) In this regulation, "2011 regulations" means the Renewable Heat Incentive Scheme Regulations 2011.

Name
Address — Parliamentary Under Secretary of State
Date — Department for Business, Energy and Industrial Strategy

SCHEDULE 1

Regulation 6(c)

Content of RHI emission certificates

1. The name and address of the testing laboratory by which tests have been carried out.

2. The name and signature of the person authorised by the testing laboratory to issue the certificate.

3. The date of issue of the certificate together with a certificate reference number.

4. Where the testing laboratory is accredited to BS EN ISO/IEC 17025:2005(**a**)—

(a) the date of that accreditation; and

(b) the accreditation number.

5. The name, model, manufacturer and installation capacity of the plant tested.

6. The date of the testing.

7. Confirmation that emissions of NO_x and PM have been tested on the same occasion in accordance with the requirements specified in paragraph 8 or 9.

8. The requirements of this paragraph are that testing is carried out in accordance with the provisions relevant to emissions of PM and NO_x in either BS EN 303-5:1999(**b**) or BS EN 303-5:2012(**c**), whichever standard is current at the time of testing.

9. The requirements of this paragraph are that—

(a) testing is carried out in accordance with—

(i) BS EN 14792:2005(**d**) in respect of NO_x emissions, and

(ii) BS EN 13284-1:2002(**e**) or BS ISO 9096:2003(**f**) in respect of 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 NO_x emissions is derived from the average of measurements made throughout the PM emission tests.

10. Confirmation that the test was carried out at no less than 85% of the installation capacity of the plant.

11. Confirmation that when tested as specified in paragraphs 7 to 10—

(a) emissions of PM from the plant did not exceed 30 grams of PM per gigajoule net heat input; and

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(**a**) The ISBN for the English language version of this standard is ISBN 0 580 46330 3. This standard was published by the British Standards Institution on 29 June 2005 and copies can be obtained at www.bsigroup.com.

(**b**) The ISBN for the English language version of this standard is ISBN 0 580 32356 0. This standard was published by the British Standards Institution on 15 November 1999 and copies can be obtained at www.bsigroup.com.

(**c**) The ISBN for the English language version of this standard is ISBN 978 0 580 71785 7. This standard was published by the British Standards Institution on 31 August 2012 and copies can be obtained at www.bsigroup.com.

(**d**) The ISBN for the English language version of this standard is ISBN 0 580 46990 5. This standard was published by the British Standards Institution on 4 January 2006 and copies can be obtained at www.bsigroup.com.

(**e**) The ISBN for the English language version of this standard is ISBN 0 580 38920 0. This standard was published by the British Standards Institution on 25 January 2002 and copies can be obtained at www.bsigroup.com.

(**f**) The ISBN for the English language version of this standard is ISBN 0 580 41276 8. This standard was published by the British Standards Institution on 24 February 2003 and copies can be obtained at www.bsigroup.com.

(b) emissions of NO_x did not exceed 150 grams of NO_x per gigajoule net heat input.

12. The actual emissions of PM and NO_x measured when the plant was tested as specified in paragraphs 7 to 10.

13. A list of—

(a) the types of fuel used during the testing; and

(b) the types of fuel which can be used so as to ensure that the emission limits referred to in paragraph 11 are not exceeded.

14. 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 paragraph 11 are not exceeded.

15. A statement indicating whether or not the plant tested was a manually stoked natural draught plant.

16. A list of plants, other than the plant tested, in the type-testing range of plants to which the certificate applies, if any.

SCHEDULE 2 Regulations 30, 32, 33, 34 and 89

Information required for accreditation or registration

1.—(1) This Schedule specifies the information that may be required of a prospective participant in the scheme.

(2) The information is, as applicable to the prospective participant—

(a) name, home address, e-mail address and telephone number;

(b) any company registration number and registered office;

(c) any trading or other name by which the prospective participant is commonly known;

(d) details of a bank account in the prospective participant's name which accepts pound sterling deposits in the United Kingdom;

(e) information to enable the Authority to satisfy itself as to the identity of the individual completing the application;

(f) where an individual is making an application on behalf of a company, evidence which satisfies the Authority, that the individual has authority from the company to make the application on its behalf;

(g) details of the eligible installation owned by the prospective participant including its cost;

(h) evidence, which satisfies the Authority, as to the ownership of the eligible installation;

(i) evidence that the eligible installation was new at the time of installation;

(j) where an eligible installation has replaced a plant, details of the plant replaced;

(k) evidence which demonstrates to the Authority's satisfaction the installation capacity of the eligible installation;

(l) in the case of a plant which is a CHP system, evidence which demonstrates to the Authority's satisfaction any capacity to which paragraphs (2) and (3) of regulation 69 apply;

(m) details of the fuel which the prospective participant is proposing to use;

(n) in relation to prospective participants generating heat from biomass, notification as to whether the prospective participant is proposing to use solid biomass contained in waste and, if so, whether or not the prospective participant is regulated under the Environmental

Permitting (England and Wales) Regulations 2010(**a**) or the Pollution Prevention and Control (Scotland) Regulations 2012(**b**);

(o) where the plant is a ground source heat pump or air source heat pump, evidence which demonstrates to the Authority's satisfaction—

(i) that the heat pump meets a coefficient of performance of at least 2.9;

(ii) in relation to an application for accreditation after 28th May 2014, evidence that the heat pump has been designed and installed to operate with a minimum seasonal performance factor of at least 2.5;

(p) in the case of a ground source heat pump in respect of which an application for accreditation is made on or after 28th May 2014, a declaration from the installer that the size of the heat pump has been determined appropriately for the planned heat use;

(q) in the case of a ground source heat pump in respect of which an application for accreditation is made on or after 28th May 2014 and which is capable of heating and cooling, a declaration from the installer—

(i) as to the design heat load;

(ii) that the design heat load has been calculated according to BS EN 12831:2003; and

(iii) as to the outdoor temperatures used in the calculation of the design heat load;

(r) in the case of a shared ground loop system—

(i) evidence and declarations as specified under paragraphs (o) and (p) in relation to each ground source heat pump which form part of the shared ground loop system;

(ii) where a ground source heat pump is not installed in domestic premises, declarations as specified under paragraph (q);

(iii) evidence which demonstrates to the Authority's satisfaction that the shared ground loop system has been designed and installed to operate with a minimum seasonal performance factor of at least 2.5;

(iv) where a ground source heat pump which forms part of the shared ground loop system is installed in domestic premises—

(aa) information about the ground source heat pump or any meters installed in relation to it which, if so requested by the Authority, is provided by the installer responsible for the installation of the ground source heat pump, by the certified installer responsible for, or who checked, the installation of the meters, or by the applicant and verified by the relevant installer;

(bb) a copy of any EPC or the unique reference number for any EPC specified by the Authority for any of the properties to which the ground source heat pump provides heat;

(cc) if the EPC referred to in para (bb) includes a recommendation report that recommends the installation of loft or cavity wall insulation and the Authority is not satisfied that the loft or cavity wall insulation cannot be installed in the property for a reason set out in regulation 11(5)(c), details of a new EPC for the property which no longer includes a recommendation report that recommends the installation of that insulation;

(s) in respect of a biogas installation or a biomethane producer, details of the feedstock which the producer of the biogas which is to be used to generate heat or produce biomethane is proposing to use;

(t) details of what the heat generated by the eligible installation will be used for and an estimate of how much heat will be used, together with an estimate of the number of hours of operation per week in which heat will be generated for an eligible purpose;

(**a**) S.I. 2010/675; relevant amending instruments are S.I. 2011/988, 2012/630, 2013/390, 2014/255, and 2016/475.
(**b**) S.S.I. 2012/360; amended by S.S.I.2014/267; there are other amending instruments but none is relevant.

(u) details of the building in which the heat will be used;

(v) the industry sector for which the heat will be used;

(w) details of the size and annual turnover of the prospective participant's organisation;

(x) details of other plants generating heat which form part of the same heating system as the eligible installation to which the application relates;

(y) where regulation 18 applies, evidence from the installer that the requirements specified in that regulation are met;

(z) such information as the Authority may specify to enable it to satisfy itself that the requirements of Chapter 3 of Part 2 have been met including—

(i) evidence that a class 2 heat meter, other heat meter or steam measuring equipment has been installed;

(ii) evidence that the class 2 heat meter, other heat meter or steam measuring equipment was calibrated prior to use;

(iii) in relation to all heat meters, details of the meter's manufacturer, model, and meter serial number;

(iv) a schematic diagram showing details of the heating system of which the eligible installation forms part, including all plants generating and supplying heat to that heating system, all purposes for which heat supplied by that heating system is used, the location of meters and associated components and such other details as may be specified by the Authority;

(v) where—

(aa) an eligible installation has an installation capacity of 1MWth or above, or

(bb) regulation 22 or 23 applies,

if so requested by the Authority, an independent report by a competent person verifying that such of those requirements as the Authority may specify have been met;

(aa) in relation to plant generating heat from solid biomass, either—

(i) evidence which demonstrates to the satisfaction of the Authority that an RHI emission certificate has been issued in relation to that plant; or

(ii) evidence which demonstrates to the satisfaction of the Authority that an environmental permit subsists in relation to that plant;

(bb) evidence from the relevant planning authority that any necessary planning permission has been granted;

(cc) such other information as the Authority may require to enable it to consider the prospective participant's application for accreditation or registration.

(3) Information specified in this Schedule must be provided in such manner and form as the Authority may reasonably request.

(4) The costs of providing the information specified in this Schedule are to be borne by the applicant.

(5) For the purposes of sub-paragraph (2)(o)(ii)—

(a) where the heat pump has an installation capacity of 45kWth or below, a declaration from the installer may be accepted as evidence that the heat pump was designed and installed to operate with a seasonal performance factor of at least 2.5 where the declaration states that the seasonal performance factor was calculated in line with the methodology used in version 1.0 of the document entitled "MCS 026 Seasonal Coefficient of Performance Calculator" published on 1st May 2015(**a**);

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

(b) where the heat pump has an installation capacity of more than 45kWth, a declaration by the installer that the heat pump has been designed and installed to operate with a seasonal performance factor of at least 2.5 may be accepted as evidence of that fact, provided that the installation design and supporting calculations are retained by the participant and can be provided the Authority on request.

SCHEDULE 3

Regulations 47 and 49

Greenhouse gas criteria

1. Solid biomass, biogas or biomethane meets the greenhouse gas criteria if the lifecycle greenhouse gas emissions associated with each consignment of that solid biomass, biogas or biomethane are less than or equal to 34.8g of $CO_{2\ eq}$ per MJ of heat generated (in the case of solid biomass or biogas) or biomethane injected.

2. Lifecycle greenhouse gas emissions shall be calculated as follows—

(a) where heat and power is generated from solid biomass or biogas, the following formula shall be used—

$$\frac{E}{\eta_h}\left(\frac{C_h \times \eta_h}{\eta_{el} + C_h \times \eta_h}\right)$$

(b) where heat is generated from solid biomass or biogas, the following formula shall be used—

$$\frac{E}{\eta_h}$$

(c) where biomethane is produced from biogas, lifecycle greenhouse gas emissions shall be E.

3. For the purposes of paragraph 2—

(a) η_h is the efficiency of the plant in which the heat is generated, calculated as $\frac{H}{F}$ where—

(i) H is the heat produced by the plant in the form of liquid or steam from all fuels used in that plant, and

(ii) F is the energy content of all those fuels;

(b) η_{el} is the efficiency of the plant in which electricity is generated, calculated as $\frac{A}{F}$ where—

(i) A is the total amount of electricity generated by the plant from all the fuels used by that plant, and

(ii) F is the energy content of all those fuels;

(c) C_h is equal to—

(i) where the temperature (T) is less than 423 kelvin, 0.3546, and

(ii) in any other case, $\frac{T - 273}{T}$, where T is the temperature measured in kelvin of the heat produced by the plant in the form of liquid or steam;

(d) E is the greenhouse gas emissions expressed in grammes of $CO_{2\ eq}$ per MJ of heat produced, from the production of the biomass, biogas or biomethane and calculated—

(i) using the actual value method in the case of participants producing biomethane for injection or using heat for a process in an accredited RHI installation with an installation capacity of 1MWth or above; or

(ii) in all other cases, using the actual value method or the default value method.

4. In this Schedule—

"actual value method" means the method set out in Part C of Annex 5 of Directive 2009/28/EC of the European Parliament and of the Council on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC(**a**) but with the following modifications to that part—

(a) in paragraph 1—

(i) for "and use of transport fuels, biofuels and bioliquids" substitute "of solid biomass, biogas or biomethane";

(ii) for "E=total emissions from the use of the fuel" substitute "E=greenhouse gas emissions from the production of the solid biomass, biogas or biomethane"; and

(iii) for "e_u=emissions from the fuel in use" substitute "e_u=zero";

(b) in paragraph 2, for "fuels" and "fuel" substitute "solid biomass, biogas or biomethane";

(c) omit paragraphs 3 and 4;

(d) in paragraph 7—

(i) for each reference to "biofuel" substitute "solid biomass, biogas or biomethane", and

(ii) omit the words "or bioliquid" in each place in which they occur;

(e) in paragraph 11—

(i) at the end of the first sentence add "and in the case of biomethane shall include emissions from processing biogas into biomethane";

(ii) for "fuel" substitute "solid biomass, biogas or biomethane";

(f) in paragraph 12, after "storage and distribution of finished materials" insert ", except in the case of biomethane";

(g) omit paragraph 13;

(h) in paragraph 14, for "fuel" substitute "solid biomass, biogas or biomethane";

(i) in paragraph 16, for each reference to "fuel" substitute "solid biomass or biogas";

(j) in paragraph 17, for each reference to "fuel" substitute "solid biomass or biogas";

(k) in paragraph 18—

(i) for "fuel" and "fuels" substitute "solid biomass or biogas";

(ii) omit the words "In the case of biofuels and bioliquids,";

(iii) before "and residues from processing" insert "residues from forestry, arboriculture, aquaculture and fisheries";

(l) for paragraph 19 substitute—

"**19.** Where material is added to the solid biomass to act as a binding agent or to reduce the emissions of dust, carbon dioxide, methane or nitrous oxide from the use of the biomass, the material so added shall be considered to have zero greenhouse gas emissions provided that the material so added does not exceed 2% by weight of the solid biomass.";

"default value method" means the use of the figures set out in the second column of the following table headed "Default values for solid biomass and biogas" to represent 'E' in relation to the corresponding type of fuel set out in the first column of that table;

(**a**) OJ L 140 5.6.2009, p16.

"energy content" means the energy contained within a substance (whether measured by a calorimeter or determined in some other way) expressed in terms of the substance's net calorific value within the meaning of BS 7420:1991 (Guide for the determination of calorific values of solid, liquid and gaseous fuels (including definitions))(**a**).

Default values for solid biomass or biogas

Primary solid biomass or biogas	*Default value for greenhouse gas emissions (in grams of $CO_{2\ eq}$ per MJ of heat produced)*
Wood chips from forest residues (European temperate continental forest)	1
Wood chips from forest residues (tropical and sub-tropical forest)	25
Wood chips from short rotation forestry (European temperate continental forest)	4
Wood chips from short rotation forestry (tropical and sub-tropical, for example, eucalyptus)	28
Wood briquettes or pellets made from European temperate continental forest residues where the production process uses wood as fuel	2
Wood briquettes or pellets made from tropical or sub-tropical forest residues where the production process uses natural gas as fuel	20
Wood briquettes or pellets made from tropical or sub-tropical forest residues where the production process uses wood as fuel	17
Wood briquettes or pellets made from the product of short rotation forestry in European temperate continental forest where the production process uses wood as fuel	4
Wood briquettes or pellets made from the product of short rotation forestry in European temperate continental forest where the production process uses natural gas as Fuel	22
Wood briquettes or pellets made from the produce of short rotation forestry in tropical and sub-tropical forest, for example eucalyptus, where the production process uses wood as fuel	22
Wheat straw	2
Bagasse briquettes using wood as process fuel	17
Bagasse bales	20
Palm kernel	27
Rice husk briquettes	28
Miscanthus bales	7
Biogas from wheat and straw (wheat whole plant)	21
Biogas from organic maize as a whole plant (maize as main crop)	19

(**a**) The ISBN for the English language version of this standard is ISBN 0 580 19482 5. This standard was published by the British Standards Institution on 28 June 1991 and copies can be obtained at www.bsigroup.com.

SCHEDULE 4

Regulation 47

Land criteria

PART 1

Interpretation

1. In this Schedule, material is added to solid biomass for an exempt purpose if—

(a) it is added for the purpose of the use of that solid biomass as a fuel, in order to—

(i) act as a binding agent, or

(ii) reduce emissions of dust, carbon dioxide, methane or nitrous oxide from the use of the fuel, and

(b) it does not exceed 2% of the weight of the fuel.

2. In this Schedule—

"continuously forested area" means land of an area of more than one hectare which includes—

(a) trees more than five metres tall providing a tree canopy cover of more than 30%; or

(b) trees collectively having the capacity to provide a tree canopy cover of more than 30% which—

(i) are more than five metres tall; or

(ii) have the capacity to grow to a height of more than five metres;

"designated for nature protection purposes" means designated pursuant to the law of the United Kingdom or of any part of the United Kingdom or pursuant to the law of any country or territory outside the United Kingdom, for the purpose of protecting the natural environment;

"highly biodiverse grassland" is to be construed in accordance with Article 17(3)(c) of Directive 2009/28/EC of the European Parliament and of the Council on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC(**a**);

"local and national laws" means laws applying in the locality in which the site is situated, whether made at a local or national level;

"primary forest" means woodland of native species, where there is no clearly visible indication of human activity and ecological processes are not significantly disturbed; and

"wetland area" means land that is covered with or saturated by water—

(a) permanently; or

(b) for a significant part of the year.

3. For the purposes of this Schedule—

(a) solid biomass was obtained from a former continuously forested area if the land—

(i) was a continuously forested area at any time during January 2008; and

(ii) was not a continuously forested area when the solid biomass was obtained from it.

(b) solid biomass was obtained from a former wetland area if the land—

(i) was a wetland area at any time during January 2008; and

(ii) was not a wetland area when the solid biomass was obtained from it.

(**a**) OJ L 140 5.6.2009, p16; article 17 was amended by article 2(5) of Directive (EU) 2015/1513 of the European Parliament and of the Council amending Directive 98/70/EC relating to the quality of petrol and diesel fuels and amending Directive 2009/28/EC on the promotion of the use of energy from renewable sources (OJ L 239 15.9.2015, p1).

PART 2

Land criteria for solid biomass which is wood or wholly derived from wood, excluding energy crops

4. Solid biomass which is wood or wholly derived from wood (except energy crops) meets the land criteria if—

(a) at least 70% of each consignment was obtained from a sustainable source;

(b) where more than one consignment is used in a quarterly period, at least 70% of the solid biomass used was obtained from a sustainable source; or

(c) the solid biomass was certified under an environmental quality assurance scheme which ensures that at least 70% of the solid biomass certified by that scheme was obtained from a sustainable source.

5.—(1) For the purposes of paragraph 4, solid biomass which is wood or wholly derived from wood (except energy crops) is obtained from a sustainable source if it—

(a) was grown within an area of forest or of other land which is managed—

(i) in a way that is consistent with—

(aa) the Forest Europe Sustainable Forest Management Criteria, or

(bb) a set of international principles for the sustainable management of land which meet the requirements specified in sub-paragraph (2); and

(ii) to meet the requirements specified in sub-paragraph (4);

(b) was residue from arboriculture carried out in an area which was not a forest; or

(c) was removed for the purpose of creating, restoring or maintaining the ecosystem of an area which was not a forest.

(2) The requirements specified in this sub-paragraph are that—

(a) the principles have been adopted following a process ("the principle-setting process") which sought to—

(i) obtain a balanced representation of the views of interest groupings,

(ii) ensure that no single interest grouping could dominate the principle-setting process, and

(iii) ensure that no decision on the contents of the principles could be made in the absence of agreement from a majority within each interest grouping involved in the principle-setting process; and

(b) the principles can be changed by a process ("the change process") which seeks to ensure that—

(i) no single interest grouping can dominate the change process, and

(ii) no decision on changes to the principles can be made in the absence of agreement from a majority within each interest grouping involved in the change process.

(3) For the purposes of sub-paragraph (2), each of the following is an interest grouping in relation to an area of forest or of other land where the solid biomass was grown—

(a) persons with interests which are predominantly economic in nature;

(b) persons with interests which are predominantly environmental in nature;

(c) persons with interests which are predominantly social in nature.

(4) The requirements specified in this sub-paragraph are—

(a) harm to ecosystems is minimised, in particular by—

(i) assessing the impacts of the extraction of wood from the area and adopting plans to minimise any negative impacts,

(ii) protecting soil, water and biodiversity,

(iii) controlling the use of chemicals and ensuring that chemicals are used in an appropriate way,

(iv) wherever possible, using integrated pest management (within the meaning of Article 3(6) of Directive 2009/128/EC establishing a framework for Community action to achieve the sustainable use of pesticides)(**a**), and

(v) disposing of waste in a manner that minimises any negative impacts;

(b) the productivity of the area is maintained, in particular by—

(i) adopting plans to avoid significant negative impacts on productivity,

(ii) adopting procedures for the extraction of wood that minimise the impact on other uses of the area,

(iii) providing for all of the contractors and workers who are working in the area to be adequately trained in relation to the maintenance of productivity, and

(iv) maintaining an adequate inventory of the trees in the area (including data on the growth of the trees and on the extraction of wood) so as to ensure that wood is extracted from the area at a rate which does not exceed its long-term capacity to produce wood;

(c) compliance with the requirement in paragraph (b) is monitored, the results of that monitoring are reviewed and planning is updated accordingly;

(d) the health and vitality of ecosystems is maintained, in particular by—

(i) adopting plans to maintain or increase the health and vitality of ecosystems,

(ii) adopting plans to deal with natural processes or events such as fires, pests and diseases, and

(iii) taking adequate measures to protect the area from unauthorised activities such as illegal logging, mining and encroachment;

(e) biodiversity is maintained, in particular by—

(i) implementing safeguards to protect rare, threatened and endangered species,

(ii) conserving key ecosystems in their natural state, and

(iii) protecting features and species of outstanding or exceptional value;

(f) those responsible for the management of the area (and any contractors engaged by them) comply with local and national laws relating to health and safety and the welfare of workers;

(g) those responsible for the management of the area have regard to—

(i) legal, customary and traditional rights of tenure and land use,

(ii) mechanisms for resolving grievances and disputes including those relating to tenure and land use rights, forest or land management practices and working conditions, and

(iii) safeguarding the health and safety and rights of workers;

(h) there is regular assessment of the extent to which those responsible for the management of the area have met the requirements set out in paragraphs (a) to (g).

6. Material added to solid biomass for an exempt purpose shall be disregarded for the purposes of paragraph 4.

7. In this Part, "Forest Europe Sustainable Forest Management Criteria" means the criteria for sustainable forest management in Lisbon Resolution L2 of the third Ministerial conference on the Protection of Forests in Europe held in June 1998(**b**).

(**a**) OJ L 309 24.11.2009, p71

(**b**) Lisbon Resolution L2 is entitled "Pan-European Criteria, Indicators and Operational Level Guidelines for Sustainable Forest Management". Copies are available at http://www.foresteurope.org/ministerial_conferences/lisbon1998.

PART 3

Land criteria for other solid biomass including energy crops

8. Solid biomass which is not wood or derived wholly from wood, or which is an energy crop, meets the land criteria if it—

(a) was not obtained from a protected source;

(b) was an energy crop in respect of which financial assistance was paid under the Energy Crops Regulations 2000(**a**) or under an equivalent financial assistance scheme;

(c) was residue (other than residue from agriculture, aquaculture, fisheries or forestry).

9. Material added to solid biomass for an exempt purpose shall be disregarded for the purposes of paragraph 8.

10. Solid biomass is obtained from a protected source if it is obtained from—

(a) land which at any time during or after January 2008 was primary forest;

(b) except where paragraph 11 applies, land which at any time during or after January 2008 was designated for nature protection purposes;

(c) highly biodiverse grassland unless the harvesting is necessary to preserve the grassland status;

(d) except where paragraph 12 applies, land which at any time during January 2008 was peatland;

(e) a former continuously forested area; or

(f) a former wetland area.

11. This paragraph applies if the production of the solid biomass did not interfere with the nature protection purposes for which the land was designated.

12. This paragraph applies if the cultivation and harvesting of the solid biomass did not involve the drainage of previously undrained soil.

SCHEDULE 5

Regulations 49(7) and 89

Information to be provided to the Authority where biomass is used for combustion or production of biomethane

1. This Schedule specifies the information that a participant is required to provide under regulation 49(7).

2. The information is information identifying to the best of the participant's knowledge and belief, in such manner and form as the Authority may require—

(a) the material from which the solid biomass was composed;

(b) the form of the solid biomass;

(c) its mass;

(d) whether the solid biomass was a by-product of a process;

(e) whether the solid biomass was derived from waste;

(f) where the solid biomass was plant matter or derived from plant matter, the country where the plant matter was grown;

(**a**) S.I. 2000/3042, revoked by S.I. 2014/3263.

(g) where the information specified in paragraph (f) is not known or the solid biomass was not plant matter or derived from plant matter, the country from which the operator obtained the solid biomass;

(h) whether any of the solid biomass used was an energy crop or derived from an energy crop and if so—

(i) the proportion of the consignment which was or was derived from the energy crop, and

(ii) the type of energy crop in question;

(i) whether the solid biomass or any matter from which it was derived was certified under an environmental quality assurance scheme and, if so, the name of the scheme;

(j) where the solid biomass was plant matter or derived from plant matter, the use to which the land on which the plant matter was grown has been put since 30th November 2005.

3. The information specified in paragraph 2 must be collated by reference to the following places of origin—

(a) United States of America or Canada;

(b) the European Union;

(c) other.

SCHEDULE 6

Regulations 60, 61 and 62

Tariffs

Tariffs

Tariff name	*Source of energy and technology*	*Installation capacity*	*Tariff (pence/kWh)*
Biomass	Solid biomass including solid biomass contained in waste (including CHP systems, other than new solid biomass CHP systems, which generate heat and power from solid biomass including solid biomass contained in waste)	All capacities	Tier 1: 2.96 Tier 2: 2.08
New solid biomass CHP systems	Solid biomass (excluding solid biomass contained in waste) used in CHP systems which comply with the requirements in regulation 13	All capacities	4.29
Deep geothermal	Deep geothermal energy including CHP systems generating heat and power from such energy	All capacities	5.22
Small biogas	Biogas (including CHP systems which generate heat and	Below 200kWth	4.50

	power from biogas)		
Medium biogas	Biogas (including CHP systems which generate heat and power from biogas)	Above 200kWth but below 600kwth	3.53
Large biogas	Biogas (including CHP systems which generate heat and power from biogas)	600kWth and above	1.32
Solar thermal	Solar collectors	All capacities	10.44
Small ground source heat pumps	Ground source heat pumps including shared ground loop systems	Below 100kWth	Tier 1: 9.09 Tier 2: 2.71
Large ground source heat pumps	Ground source heat pumps including shared ground loop systems	100kWth and above	Tier 1: 9.09 Tier 2: 2.71
Air source heat pumps	Air source heat pumps	All capacities	2.61
Biomethane	Biomethane		Tier 1: 5.44 Tier 2: 3.19 Tier 3: 2.46

SCHEDULE 7

Regulation 60

Degression

Calculation of B

1.—(1) For the purposes of regulation 60, B is calculated in relation to a tariff category as follows.

(2) For the purposes of this paragraph—

(a) the first test is met in relation to an assessment date if the forecast for total expenditure as at that date exceeds the figure specified for that assessment date in the second column of Table 1;

(b) the second test is met in relation to an assessment date if C, as calculated in accordance with paragraph 2 of this Schedule, is 0.10 or more.

(3) B is 0 unless the circumstances set out in sub-paragraph (4) apply.

(4) B is 0.05 if—

(a) the first test is met; and

(b) the second test is met.

Calculation of C

2.—(1) For the purposes of regulation 60, C is calculated in relation to a tariff category as follows.

(2) For the purposes of this paragraph—

(a) the first test is met in relation to an assessment date if, as at that assessment date, the forecast for expenditure in relation to that tariff category exceeds the figure specified in relation to that date in the second column of the table in this Schedule which is applicable to that tariff category;

(b) the second test is met in relation to an assessment date if, as at that assessment date, the increase in expenditure forecast applicable to that tariff category is at least 50% of, but less than 150% of, the figure specified in the third column of the table in this Schedule which is applicable to that tariff category ("the anticipated increase figure");

(c) the third test is met in relation to an assessment date if, as at that assessment date, the increase in expenditure forecast applicable to that tariff category is at least 150% of the anticipated increase figure;

(d) in relation to an assessment date other than the assessment date which falls on 30th April 2017, the fourth test is met if during the tariff period that immediately preceded the tariff period in which the assessment date falls, the value of C applicable to that tariff category was 0.10 or more.

(3) C is 0 unless the circumstances set out in sub-paragraph (4) or (5) (a), (b) or (c) apply.

(4) In relation to the assessment date which falls on 30th April 2017, C is 0.10 if—

(a) the first test is met; and

(b) the second or third test is met.

(5) In relation to any subsequent assessment date—

(a) C is 0.10 if—

(i) the first test is met; and

(ii) the second test is met, whether or not the fourth test is met;

(b) C is 0.10 if in relation to the assessment date—

(i) the first test is met; and

(ii) the third test is met but the fourth test is not met; and

(c) C is 0.20 if in relation to the assessment date—

(i) the first test is met;

(ii) the third test is met; and

(iii) the fourth test is met.

Table 1

Total expenditure

Assessment date	*Total expenditure anticipated for subsequent year (£million)*
30th April 2017	829.44
31st July 2017	838.47
31st October 2017	847.51
31st January 2018	856.54
30th April 2018	865.57
31st July 2018	876.02
31st October 2018	886.51
31st January 2019	897.04
30th April 2019	907.60
31st July 2019	918.18
31st October 2019	928.79
31st January 2020	939.44
30th April 2020	950.13
31st July 2020	962.51
31st October 2020	974.94
Any date after 30th January 2021	987.44

Expenditure in relation to tariff categories

Plants which generate heat from solid biomass and new solid biomass CHP systems

Assessment date	*Expenditure threshold when calculating C for the purposes of regulation 60 (£million)*	*Anticipated increase in expenditure since previous assessment date (£million)*
30th April 2017	392.35	2.55
31st July 2017	394.90	2.55
31st October 2017	397.45	2.55
31st January 2018	400.00	2.55
30th April 2018	402.55	2.55
31st July 2018	405.97	3.42
31st October 2018	409.39	3.42
31st January 2019	412.82	3.42
30th April 2019	416.24	3.42
31st July 2019	419.57	3.33
31st October 2019	422.90	3.33
31st January 2020	426.23	3.33
30th April 2020	429.56	3.33
31st July 2020	432.99	3.44
31st October 2020	436.43	3.44
Any date after 30th January 2021	439.87	3.44

Ground source heat pumps and shared ground loop systems with an installation capacity of 100kWth or above

Assessment date	*Expenditure threshold when calculating C for the purposes of regulation 60 (£million)*	*Anticipated increase in expenditure since previous assessment date (£million)*
30th April 2017	16.95	0.11
31st July 2017	17.06	0.11
31st October 2017	17.17	0.11
31st January 2018	17.28	0.11
30th April 2018	17.39	0.11
31st July 2018	17.53	0.15
31st October 2018	17.68	0.15
31st January 2019	17.83	0.15
30th April 2019	17.98	0.15
31st July 2019	18.12	0.14
31st October 2019	18.27	0.14
31st January 2020	18.41	0.14
30th April 2020	18.55	0.14
31st July 2020	18.70	0.15
31st October 2020	18.85	0.15
Any date after 30th January 2021	19.00	0.15

Ground source heat pumps and shared ground loop systems with an installation capacity of below 100kWth and air source heat pumps

Assessment date	*Expenditure threshold*	*Anticipated increase*

	when calculating C for the purposes of regulation 60 (£million)	*in expenditure since previous assessment date (£million)*
30th April 2017	5.59	0.58
31st July 2017	6.17	0.58
31st October 2017	6.75	0.58
31st January 2018	7.33	0.59
30th April 2018	7.92	0.59
31st July 2018	8.53	0.60
31st October 2018	9.14	0.61
31st January 2019	9.76	0.62
30th April 2019	10.38	0.62
31st July 2019	11.01	0.63
31st October 2019	11.64	0.63
31st January 2020	12.28	0.64
30th April 2020	12.92	0.64
31st July 2020	13.58	0.66
31st October 2020	14.24	0.66
Any date after 30th January 2021	14.91	0.67

Plants which use solar collectors

Assessment date	*Expenditure threshold when calculating C for the purposes of regulation 60 (£million)*	*Anticipated increase in expenditure since previous assessment date (£million)*
30th April 2017	0.31	0.02
31st July 2017	0.33	0.02
31st October 2017	0.35	0.02
31st January 2018	0.37	0.02
30th April 2018	0.39	0.02
31st July 2018	0.40	0.02
31st October 2018	0.42	0.02
31st January 2019	0.44	0.02
30th April 2019	0.46	0.02
31st July 2019	0.48	0.02
31st October 2019	0.51	0.02
31st January 2020	0.53	0.02
30th April 2020	0.55	0.02
31st July 2020	0.57	0.02
31st October 2020	0.59	0.02
Any date after 30th January 2021	0.61	0.02

Plants which generate heat from biogas with a capacity below 600kWth

Assessment date	*Expenditure threshold when calculating C for the purposes of regulation 60 (£million)*	*Anticipated increase in expenditure since previous assessment date (£million)*
30th April 2017	79.26	3.85

31st July 2017	83.10	3.85
31st October 2017	86.98	3.88
31st January 2018	90.90	3.91
30th April 2018	94.85	3.95
31st July 2018	98.94	4.09
31st October 2018	103.07	4.13
31st January 2019	107.23	4.17
30th April 2019	111.44	4.20
31st July 2019	115.67	4.23
31st October 2019	119.94	4.27
31st January 2020	124.24	4.30
30th April 2020	128.58	4.34
31st July 2020	133.08	4.50
31st October 2020	137.62	4.54
Any date after 30th January 2021	142.20	4.58

Producers of biomethane for injection and plants which generate heat from biogas with a capacity of 600kWth and above;

Assessment date	*Expenditure threshold when calculating C for the purposes of regulation 60 (£million)*	*Anticipated increase in expenditure since previous assessment date (£million)*
30th April 2017	371.79	2.42
31st July 2017	374.21	2.42
31st October 2017	376.63	2.42
31st January 2018	379.04	2.42
30th April 2018	381.46	2.42
31st July 2018	384.70	3.24
31st October 2018	387.94	3.24
31st January 2019	391.19	3.24
30th April 2019	394.43	3.24
31st July 2019	397.58	3.16
31st October 2019	400.74	3.16
31st January 2020	403.89	3.16
30th April 2020	407.05	3.16
31st July 2020	410.31	3.26
31st October 2020	413.56	3.26
Any date after 30th January 2021	416.82	3.26

Deep geothermal plants

Assessment date	*Expenditure threshold when calculating C for the purposes of regulation 60 (£million)*	*Anticipated increase in expenditure since previous assessment date (£million)*
30th April 2017	2.97	0.02
31st July 2017	2.99	0.02
31st October 2017	3.01	0.02
31st January 2018	3.03	0.02
30th April 2018	3.05	0.02

31st July 2018	3.07	0.03
31st October 2018	3.10	0.03
31st January 2019	3.12	0.03
30th April 2019	3.15	0.03
31st July 2019	3.18	0.03
31st October 2019	3.20	0.03
31st January 2020	3.23	0.03
30th April 2020	3.25	0.03
31st July 2020	3.28	0.03
31st October 2020	3.30	0.03
Any date after 30th January 2021	3.33	0.03

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to Great Britain, revoke and replace the Renewable Heat Incentive Scheme Regulations 2011 (the "2011 Regulations"), which established a renewable heat incentive scheme ("the scheme"). These Regulations re-enact the 2011 Regulations with amendments. The premise of the scheme remains the same: owners of plants which generate heat from specified renewable sources and meet specified criteria may receive payments at prescribed tariffs for the heat used for eligible purposes. Payments may also be made to biomethane producers who produce biomethane for injection. The Regulations confer functions on the Gas and Electricity Markets Authority ("the Authority") in connection with the administration of the scheme.

In addition to minor and drafting amendments, these Regulations make the following changes of substance: digestate drying will no longer be an eligible heat use; provision is made for shared ground loop systems, in particular that payments will be based on deemed heat generation (as opposed to metered heat generation) where ground source heat pumps which form part of such systems are installed in domestic premises; any necessary planning permission will be required as part of the eligibility criteria; owners of specified technologies will be eligible to apply for a tariff guarantee; tariffs will be increased for heat generated by certain biomass and biogas installations and biomethane producers; and payments to owners of installations generating heat from biogas and to biomethane producers will be reduced where less than 50% of the biogas produced derives from waste or residue.

Regulation 3 confers on the Authority the function of making payments to participants in the scheme and specifies the eligible purposes for which heat will receive payment.

Chapter 1 of Part 2 (regulation 4) defines criteria ("eligibility criteria") that must be satisfied for a plant to be eligible to participate in the scheme.

Chapter 2 of Part 2 (regulations 5 to 20) specifies the eligibility criteria other than those in relation to metering.

Chapter 3 of Part 2 (regulations 21 to 29) specifies the eligibility criteria in relation to metering, setting out the types of meters which may be used, the requirements with which they must comply and what must be measured.

Part 3 (regulations 30 to 34) sets out the procedures for accreditation, registration, and preliminary accreditation and registration. Regulation 30 confers on the Authority the function of accrediting eligible installations (which upon accreditation are known as accredited RHI installations), specifying the process by which applicants apply to the Authority for accreditation and the circumstances in which an application for accreditation can be refused, including where a plant has not been commissioned or where an applicant has indicated that applicable ongoing obligations will not be complied with.

Regulation 31 specifies the circumstances in which the Authority may or may not accredit a plant or register a biomethane producer where a grant from public funds has been received.

Regulation 32 confers on the Authority the function of registering producers of biomethane who are producing biomethane for injection. It specifies the process by which applicants apply to the Authority for registration and specifies the circumstances in which an application for registration can be refused, including where injection of biomethane has not commenced or where an applicant has indicated that applicable ongoing obligations will not be complied with.

Regulation 33 sets out the process by which a person may apply for and the Authority may grant preliminary accreditation in respect of a plant and regulation 34 makes equivalent provision for the preliminary registration of biomethane producers.

Regulation 35 sets out the circumstances in which a person may apply for and the Authority may grant a tariff guarantee.

Chapter 1 of Part 4 (regulations 36 to 39) sets out ongoing obligations with which participants generating heat from biomass must comply.

Regulation 37 applies to participants generating heat from solid biomass contained in waste. It specifies the minimum proportion of solid biomass which must be contained in the waste used, sets out how the proportion of solid biomass is determined and specifies the permitted uses and proportions of fossil fuel in accredited RHI installations.

Regulations 38 and 39 apply to participants generating heat from solid biomass, not being solid biomass contained in waste. They specify the permitted levels of and reasons for fossil fuel contamination, set out how the proportion of fossil fuel contamination is determined and specify the permitted uses of fossil fuel in accredited RHI installations.

Chapter 2 of Part 4 (regulations 40 to 42) sets out ongoing obligations for participants who are generating heat from biogas and producing biomethane for injection.

Regulation 40 applies to participants producing biogas using gasification and pyrolysis and generating heat from that biogas. It stipulates composition requirements for the feedstock used by participants and specifies the permitted uses of fossil fuel in accredited RHI installations.

Regulation 41 applies to participants generating heat from biogas to whom regulation 40 does not apply. It stipulates feedstock requirements for participants using biogas produced from anaerobic digestion and specifies permitted uses of fossil fuel in accredited RHI installations.

Regulation 42 applies to biomethane producers who produce biomethane for injection. It specifies composition requirements for feedstocks used to produce the biogas from which the biomethane is made and sets out the ongoing obligations relating to administration with which participants must comply. It also imposes a sustainability reporting requirement.

Chapter 3 of Part 4 (regulations 43 to 46) sets out the ongoing obligations for participants which are not specific to those participants generating heat from biomass or biogas or producing biomethane for injection.

Regulation 43 specifies general ongoing obligations relating to administrative and other matters with which participants must comply.

Regulation 44 specifies the ongoing obligations for participants generating heat from solid biomass where an RHI emission certificate is required.

Regulation 45 specifies the ongoing obligations in relation to metering. It imposes requirements on participants in relation to their heat meters and steam measuring equipment; requires participants to provide data when requested by the Authority; and specifies the metering arrangements for participants using heat pumps for both heating and cooling. This regulation also permits the data to be estimated in exceptional circumstances.

Regulation 46 specifies ongoing obligations in relation to the provision of information by the participant to the Authority.

Part 5 (regulations 47 to 51) imposes requirements on solid biomass or biogas used to generate heat and on biomethane which is injected. These provisions require compliance with lifecycle greenhouse gas emission limits and restrict the place from which solid biomass or feedstock for biogas or biomethane can be sourced.

Regulation 48 specifies an ongoing obligation to use sustainable solid biomass or biogas or to produce sustainable biomethane.

Regulation 49 requires participants to provide declarations and information to the Authority relating to sustainable solid biomass, biogas and biomethane.

Regulation 50 requires participants to whom regulation 49 applies to provide annual sustainability audit reports, subject to certain exceptions.

Regulation 51 gives power for the Secretary of State to approve schemes for the listing of approved sustainable fuels for the purposes of these Regulations, and to deem certain fuels compliant with the requirements in regulation 48.

Part 6 (regulations 52 to 55) specifies the powers of the Authority, including suspending payments, where it is made aware of a change in circumstances affecting an accredited RHI installation, including where there has been a transfer in ownership or a change in location of an RHI installation, or a change in circumstances in respect of a shared ground loop system such that the heat generated by a ground source heat pump forming part of that system is required to be metered.

Part 7 (regulations 56 to 75) confers on the Authority the function of calculating and paying periodic support payments to participants. These regulations specify the method by which tariffs are assigned; confer a function on the Authority to calculate and publish a table of tariffs each year, adjusted in line with the consumer prices index; and specify the method by which periodic support payments are calculated.

Part 8 (regulations 76 and 77) specifies how a plant using the same source of energy and technology as an accredited RHI installation and supplying heat to the same heating system (known as additional RHI capacity) and how a biomethane producer who produces biomethane which is additional to the capacity specified in the initial application (known as additional biomethane) are to be treated under the scheme.

Part 9 (regulations 78 to 85) sets out the provisions in relation to enforcement.

Regulations 78 to 82 confer on the Authority a range of powers to temporarily or permanently withhold a participant's periodic support payments (regulations 78 to 80), to revoke a participant's accreditation or registration in certain circumstances (regulation 81), or to correct a tariff being paid to a participant (regulation 82).

Regulation 83 confers a power on the Authority to recover or offset overpayments.

Regulation 84 confers on the Authority a power to revoke any sanction imposed under this Part and specifies the circumstances and manner in which the Authority may exercise this power.

Regulation 85 confers on the Authority or its authorised agent the power to inspect an accredited RHI installation and equipment used to produce biomethane and its associated infrastructure and specifies the manner and circumstances in which this power may be exercised and the consequences of refusal.

Part 10 (regulations 86 to 91) confers various administrative functions on the Authority.

Regulation 86 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.

Under regulation 87 the Authority must publish procedural guidance in connection with the administration of the scheme.

Regulation 88 makes provision for the circumstances in which information or declarations are to be provided by applicants or participants to the Authority.

Regulation 89 requires the Authority to provide information to the Secretary of State including annual, quarterly and monthly reports and to publish certain information on its website.

Regulation 90 requires the Authority to provide certain additional information as the Secretary of State may request.

Regulation 91 describes the form of notices under these Regulations.

Part 11 (regulation 92) contains the revocation and savings provisions, which revokes the Renewable Heat Incentive Scheme Regulations 2011 and all subsequent amendments to those Regulations, but provides that they will continue to apply to participants with a tariff start date before the date on which these Regulations come into force.

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 for Business, Energy and Industrial Strategy at 1 Victoria Street, London, SW1H 0ET and is published with the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk.

Documents published on www.microgenerationcertification.org are also available from Gemserv Limited at 8 Fenchurch Place, London, EC3M 4AJ.

Copies of British Standards can be obtained from www.bsigroup.com and BSI Customer Services, 389 Chiswick High Road, London W4 4AL (telephone number 0345 086 9001).

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UK2017031411 03/2017 19585

http://www.legislation.gov.uk/id/ukdsi/2017/9780111156476