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STATUTORY INSTRUMENTS

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**2015 No. 1459**

**ENERGY**

**The Renewable Heat Incentive Scheme and  
Domestic Renewable Heat Incentive Scheme  
(Amendment) (No. 2) Regulations 2015**

*Made - - - - 30th June 2015*  
*Laid before Parliament 6th July 2015*  
*Coming into force in accordance with regulation 1(1)*  
*and (2)*

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

In accordance with section 100(7)(a) of that Act, the Secretary of State has obtained the consent of the Scottish Ministers to the making of these Regulations.

**PART 1**

**Introduction**

**Citation, commencement and interpretation**

**1.**—(1) These Regulations may be cited as the Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme (Amendment) (No. 2) Regulations 2015 and, except as provided in paragraph (2), come into force on 27th July 2015.

(2) Regulations 4, 9 and 11 to 13 come into force on 26th September 2015.

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(1) [2008 c.32](#); section 100 was amended by [S.I. 2011/2195](#) and section 51 of the Infrastructure Act [2015 \(c.7\)](#). Section 51 also amended section 105 of the Energy Act 2008 (Parliamentary control of subordinate legislation) and inserted subsections (3A) to (3I) concerning provisions which require the affirmative resolution procedure. By virtue of subsections (3A) to (3I), these Regulations do not require the affirmative procedure.

## PART 2

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

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

2. The Renewable Heat Incentive Scheme Regulations 2011(2) are amended in accordance with regulations 3 to 10.

#### Amendments to regulation 2 (interpretation)

3.—(1) Regulation 2 is amended as follows.

(2) In the definition of “estimated additional biomethane spend”, in paragraph (a) omit “all”.

(3) In the definition of “estimated energy from biomethane”—

(a) for “FRxTx10” substitute “FRxTx10xP”;

(b) after “estimated flow rate;” omit “and”; and

(c) at the end insert—

“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;”.

(4) In the definition of “estimated original biomethane spend”, in paragraph (a) omit “all”.

(5) In the definition of “estimated spend”—

(a) in paragraph (b) after “a periodic support payment” insert “or has received three or fewer periodic support payments”; and

(b) in paragraph (d) for “a periodic support payment” substitute “four or more periodic support payments”.

(6) In the definition of “flow rate” in paragraph (a) after “received” insert “commencing with the third periodic support payment”.

#### Amendments to regulation 13 (certification for installation of Microgeneration heating equipment)

4.—(1) Regulation 13 is amended as follows.

(2) For regulation 13(2)(a)(i) substitute—

“(i) where the plant generates heat from solid biomass—

- (aa) version 4.0 of the document entitled “Microgeneration Installation Standard: MIS 3004 requirements for contractors undertaking the supply, design, installation, set to work, commissioning and handover of solid biofuel heating systems” published on 16th December 2013<sup>(3)</sup>;
- (bb) version 4.1 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 1st May 2015<sup>(4)</sup>; or
- (cc) 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<sup>(5)</sup>,

provided it is in force on the plant’s first commissioning date;”.

(3) In regulation 13(2)(a)(ii)(aa) after “21st November 2014;” omit “or”.

(4) In regulation 13(2)(a)(ii)(bb) after “16th December 2013” insert—

“; or

- (cc) version 4.3 of the document entitled “Microgeneration Installation Standard: MIS 3005 requirements for contractors undertaking the supply, design, installation, set to work, commissioning and handover of microgeneration heat pump systems” published on 6th May 2015<sup>(6)</sup>

(5) In regulation 13(2)(a)(iii)(aa) after “21st November 2014;” omit “or”.

(6) In regulation 13(2)(a)(iii)(bb) after “16th December 2013” insert—

“; or

- (cc) 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<sup>(7)</sup>

#### **Amendments to regulation 22 (applications for accreditation)**

5. After paragraph (3) insert—

“(3A) 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 1;
- (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.

(3B) The Authority may by notice extend the period specified in a notice under paragraph (3A)(b) where it is satisfied that it is reasonable to do so.

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(3) Published on [www.microgenerationcertification.org](http://www.microgenerationcertification.org).

(4) Published on [www.microgenerationcertification.org](http://www.microgenerationcertification.org).

(5) Published on [www.microgenerationcertification.org](http://www.microgenerationcertification.org).

(6) Published on [www.microgenerationcertification.org](http://www.microgenerationcertification.org).

(7) Published on [www.microgenerationcertification.org](http://www.microgenerationcertification.org).

(3C) The Authority may reject an application for accreditation if, within the period specified under paragraph (3A)(b) or, where applicable, (3B), the applicant has failed to provide the information specified in a notice given under paragraph (3A).”.

**Amendment to regulation 25 (producers of biomethane)**

6.—(1) Regulation 25 is amended as follows.

(2) After paragraph (2B) insert—

“(2C) 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.

(2D) The Authority may by notice extend the period specified in a notice under paragraph (2C)(b) where it is satisfied that it is reasonable to do so.

(2E) The Authority may refuse to register an applicant if, within the period specified under paragraph (2C)(b) or, where applicable, (2D), the applicant has failed to provide the information specified in a notice given under paragraph (2C).”.

(3) After paragraph (8) insert—

“(9) 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.”.

**Amendment to regulation 36A (interpretation of Part 4)**

7. In regulation 36A, for the definition of “sustainable biomethane” substitute—

““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);

**Amendment to regulation 36C (information to be provided to the Authority in relation to the use of sustainable solid biomass etc)**

8.—(1) Regulation 36C is amended as follows.

(2) In paragraph (2)(b), for “regulation 36B(3)(b)” substitute “regulation 36B(3)(a) or (b)”.

(3) In paragraph (7)(a), for the words in brackets substitute “except solid biomass to which regulation 36B(3)(a) or (b) applies”.

**Amendment to Schedule 1 (Information required for accreditation and registration)**

9.—(1) Paragraph 1(5) is amended as follows.

(2) Before “(n)(ii)” insert “(2)”.

(3) For paragraph 1(5)(a) of Schedule 1 substitute—

- “(a) “(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 minimum seasonal performance factor of 2.5 where the declaration states that the seasonal performance factor was calculated in line with the methodology used in—
- (i) version 1.0 of the MCS 021 heat emitter guide for domestic heat pumps published on 16th December 2013(8);
  - (ii) version 2.0 of the document entitled “Heat Emitter Guide for Domestic Heat Pumps” published on 21st November 2014(9); or
  - (ii) version 1.0 of the document entitled “MCS 026 Seasonal Coefficient of Performance Calculator” published on 1st May 2015(10),
- whichever is required by the relevant installation standard for the purposes of regulation 13;”.

#### **Amendment to Schedule 2B (Land criteria)**

- 10.—(1) Schedule 2B is amended as follows.
- (2) In paragraph 3, omit sub-paragraph (b).
  - (3) In paragraph 12—
    - (a) in paragraph (c), after “highly biodiverse grassland”, insert “unless the harvesting is necessary to preserve the grassland status”; and
    - (b) omit sub-paragraph (f).

## **PART 3**

### **Amendments to the Domestic Renewable Heat Incentive Scheme 2014**

#### **Amendments to the Domestic Renewable Heat Incentive Scheme Regulations 2014**

11. The Domestic Renewable Heat Incentive Scheme Regulations 2014(11) are amended in accordance with regulations 12 and 13.

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

- 12.—(1) Regulation 2 is amended as follows.
- (2) Insert the following definition after the definition of “RHPP grant”—

““SCOP calculator” means version 1.0 of the document entitled “MCS 026 Seasonal Coefficient of Performance Calculator” published on 1st May 2015(12);”.
  - (3) In the definition of “seasonal performance factor” insert after “heat emitter guide” in paragraph (a) “or the SCOP calculator, whichever is required by the relevant installation standard”.

#### **Amendment to regulation 8 (certification requirements)**

- 13.—(1) Regulation 8 is amended as follows.

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(8) Published on [www.microgenerationcertification.org](http://www.microgenerationcertification.org).

(9) Published on [www.microgenerationcertification.org](http://www.microgenerationcertification.org).

(10) Published on [www.microgenerationcertification.org](http://www.microgenerationcertification.org).

(11) S.I. 2014/928, amended by S.I. 2015/143; there are other amending instruments but none is relevant.

(12) Published on [www.microgenerationcertification.org](http://www.microgenerationcertification.org).

(2) For regulation 8(2)(a)(i) substitute—

“(i) where the plant is a biomass plant—

(aa) version 4.0 of the document entitled “Microgeneration Installation Standard: MIS 3004 requirements for contractors undertaking the supply, design, installation, set to work, commissioning and handover of solid biofuel heating systems” published on 16th December 2013<sup>(13)</sup>;

(bb) version 4.1 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 1st May 2015<sup>(14)</sup>; or

(cc) 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<sup>(15)</sup>,

provided it is in force on the plant’s first commissioning date;”.

(3) In regulation 8(2)(a)(ii)(aa) after “21st November 2014;” omit “or”.

(4) In regulation 8(2)(a)(ii)(bb) after “16th December 2013” insert—

“; or

(cc) version 4.3 of the document entitled “Microgeneration Installation Standard: MIS 3005 requirements for contractors undertaking the supply, design, installation, set to work, commissioning and handover of microgeneration heat pump systems” published on 6th May 2015<sup>(16)</sup>

(5) In regulation 8(2)(a)(iii)(aa) after “21st November 2014;” omit “or”.

(6) In regulation 8(2)(a)(iii)(bb) after “16th December 2013” insert—

“; or

(cc) 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<sup>(17)</sup>

30th June 2015

*Bourne*  
Parliamentary Under Secretary of State  
Department of Energy and Climate Change

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<sup>(13)</sup> Published on [www.microgenerationcertification.org](http://www.microgenerationcertification.org).

<sup>(14)</sup> Published on [www.microgenerationcertification.org](http://www.microgenerationcertification.org).

<sup>(15)</sup> Published on [www.microgenerationcertification.org](http://www.microgenerationcertification.org).

<sup>(16)</sup> Published on [www.microgenerationcertification.org](http://www.microgenerationcertification.org).

<sup>(17)</sup> Published on [www.microgenerationcertification.org](http://www.microgenerationcertification.org).

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## EXPLANATORY NOTE

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

These Regulations apply to Great Britain and amend the Renewable Heat Incentive Scheme Regulations 2011 (the “2011 Regulations”) and the Domestic Renewable Heat Incentive Scheme Regulations 2014 (the “2014 Regulations”). The 2011 Regulations and 2014 Regulations create schemes under which owners of plants which generate heat from specified renewable sources and meet specified criteria, and producers of biomethane for injection, may receive payments at prescribed tariffs for heat used for eligible purposes.

Regulation 3 amends a number of the definitions in the 2011 Regulations. In particular, the definitions of “estimated energy from biomethane” and “estimated spend” have been updated to improve the methodology for biomethane expenditure forecasting.

Regulation 4 amends regulation 13 of the 2011 Regulations to update the technical standards governing the installation of plants generating heat from solid biomass, ground source heat pumps, air source heat pumps and solar collectors.

Regulations 5 and 6 allow the Authority to reject an application where outstanding information has not been provided by an applicant under the 2011 Regulations within the time period specified in a notice issued by the Authority.

Regulations 7 and 8 update the sustainability criteria in the 2011 Regulations in respect of biomethane and solid biomass. In particular, regulation 7 amends the definition of “sustainable biomethane”.

Regulation 9 amends Schedule 1 to the 2011 Regulations in relation to the methodology to be used by installers when calculating the seasonal performance factor of heat pumps with an installation capacity of 45kWth or below.

Regulation 10 amends the Land Criteria in Schedule 2B of the 2011 Regulations in relation to solid biomass.

Regulation 12 amends the interpretation section of the 2014 Regulations to include reference to the latest methodology to be used by installers when calculating the seasonal performance factor of heat pumps.

Regulation 13 amends regulation 8 of the 2014 Regulations to update the technical standards governing the installation of plants generating heat from biomass plants, ground source heat pumps, air source heat pumps and solar thermal plants.

A draft of these Regulations was notified to the European Commission in accordance with [Directive 98/34/EC](#) of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical standards and regulations (OJ L 204, 21.7.1998, p.37) as amended by [Directive 98/48/EC](#) (OJ L 217, 5.8.1998, p.18).

Documents published on [www.microgenerationcertification.org](http://www.microgenerationcertification.org) are also available from Gemserv Limited at 8 Fenchurch Place, London, EC3M 4AJ.

The Explanatory Memorandum will be published alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).