

From: Hughes, Seamus
To: [Private Office DETI](#)
Cc: [McCormick, Andrew \(DETI\)](#); [Stewart, Chris \(DETI\)](#); [Mills, John \(DETI\)](#); [McCune, David](#); [McCrea, Ian](#); [Harris, Michael](#); [McManus, John \(DETI\)](#); [Neth_Energy](#); [Wightman, Stuart](#); [DG DETI Press Office](#); [Aiken, Glynis](#)
Subject: FW: Invitation INV/1023/2014 : Assembly Business: Motion - Draft Domestic Renewable Heat Incentive Scheme Regulations (NI) 2014 **Monday 8th December**
Date: 01 December 2014 13:04:00
Attachments: [Draft submission on Domestic RHI - Motion papers.tr5](#)
[Draft submission on Domestic RHI - Motion papers.DOCX](#)
[Draft RHI regulations - final 25 11 2014.DOC](#)
[INV 1023 2014 PRESS RELEASE - CLEARED BY PRESS OFFICE.DOCX](#)

Private Office

Attached please find briefing submission for the attention of the Minister.

For information only I am attaching a copy of the draft Press Release which will issue separately for approval from the Press Office.

Regards

Seamus

Seamus Hughes

Renewable Heat
Department of Enterprise, Trade & Investment
Netherleigh
Massey Avenue
Belfast, BT4 2JP
Tel: 028 9052 9532 (ext: 29532)
TextRelay: 18001 028 9052 9532
Web: www.detini.gov.uk

Please consider the environment - do you really need to print this e-mail?

From: gillian.cahoon@detini.gov.uk [<mailto:gillian.cahoon@detini.gov.uk>]
Sent: 25 November 2014 16:06
To: Mills, John (DETI)
Cc: McCormick, Andrew (DETI); Dolaghan, Paul; Neth_Energy; Rooney, Eugene; Aiken, Glynis; Stevenson, Valerie (DETI Private Office); DG_DETI Press Office; Stewart, Chris (DETI); Cahoon, Gillian; Ingram, James
Subject: Invitation INV/1023/2014 : Assembly Business: Motion - Draft Domestic Renewable Heat Incentive Scheme Regulations (NI) 2014 **Monday 8th December**

DEPARTMENT OF ENTERPRISE, TRADE AND INVESTMENT

INVITATION BRIEFING REQUEST - URGENT

Reference: INV/1023/2014
Invitation From: Energy Branch
REFERRED TO: Mills John (Mr)

Date: 25 November 2014

Subject: Assembly Business: Motion - Draft Domestic Renewable Heat Incentive Scheme Regulations (NI) 2014 ****Monday 8th December****

BRIEFING REQUIRED

Please provide briefing to include the following: Background Note, Key Issues, Speaking Notes, lines to take, names of officials for 'officials box' and any other information deemed relevant. .

Please return to Private Office by noon on Monday 1st December.

Gillian Cahoon
Private Office

Netherleigh House [Tel:-](tel:) Ext 29440

Copied To For Information:
cc Energy
Cahoon Gillian (Miss)
Ingram James (Mr)

Energy



From: Stuart Wightman

1 December 2014

Copy Distribution List Below

To: 1. Andrew Crawford
2. Arlene Foster MLA

INV/1023/2014: THE DOMESTIC RENEWABLE HEAT INCENTIVE SCHEME (NORTHERN IRELAND) REGULATIONS 2014 – MOTION FOR APPROVAL AND SCHEME LAUNCH

Issue: Assembly Motion for Approval of the draft Domestic Renewable Heat Incentive Scheme Regulations.

Timing: Debate scheduled for 3.30-4.00pm on Monday 8 December 2014.

Need for referral to the Executive: There is no requirement for formal approval from the Executive. However you informed Ministerial colleagues of your proposals in a write-round on 20 November 2014.

Presentational Issues: Positive publicity has already been received for the proposal to introduce the Domestic RHI Incentive. A media campaign to promote both RHI Schemes is underway.

Freedom of Information: Some parts of this submission may be exempt under section 35 of the FOI Act.

Financial Implications: Funding for scheme payments is via AME. There will be increased administration costs for DETI. Funding arrangements for both elements have been approved within DETI and by DFP.

Statutory Equality Obligations: Screened out.

PFG/PSA implications: NI Renewable Heat Incentive supports the PfG interim target of 4% renewable heat by 2015 and 10% target by 2020 as set out in the Strategic Energy Framework.

Legislation Implications: The draft Statutory Rule requires the affirmative resolution of the Assembly.

Recommendation: That you:

- note the attached speaking notes and briefing for the debate (**Annexes A-D**); and
- note the communications plans, (draft press release to follow from Press Office).

Background

1. The draft Domestic RHI Scheme Regulations (Northern Ireland) 2014 will provide the legal basis for the proposed domestic RHI scheme. The draft Regulations were approved by Departmental Solicitors' Office and laid before the Assembly on 20 November 2014. Subject to clearance by the ETI Committee on 2 December 2014, you will be presenting the draft Regulations for affirmative resolution in the Assembly on 8 December 2014.

Assembly Debate

2. You will open the debate and speak for few minutes. Members will then have the opportunity to contribute before you wind up the debate and ask for the Regulations to be approved.

3. The following briefing for the debate is attached for your consideration:

Annex A: Draft opening and winding up speeches

Annex B: Q&A on the Domestic Renewables Heat Incentive Scheme

Annex C: Draft Regulations as laid before the Assembly (attached separately)

Annex D: Explanatory Memorandum

Draft Press Release, (to follow separately from Press Office)

4. Seamus Hughes, Michael Harris and I will be in attendance at the Assembly on the day. We will provide briefing on the Regulations and on any wider energy issues that arise during the debate. We are also available for pre-brief if required. I would be grateful if your office could arrange the appropriate box passes.

Launch and planned Communications

5. Subject to the regulations being approved by the Assembly, the scheme will be launched on 9 December 2014. A draft Press Release will issue separately from the Press Office for your approval.

6. A marketing campaign has also been launched under the '*EnergyWise*' branding to promote the non-domestic and domestic RHI Schemes. This includes outdoor billboards, bus advertising and magazine articles (Ulster Business, Farming Life, Modern Builder etc). The campaign commenced on 3 November 2014 and will run for 4 weeks before Christmas and then recommence at end January for a further 3 weeks. The total cost of

the campaign is £47K. Further campaigns are planned in 2015/16 subject to funding availability.

7. The campaign will signpost those interested to NI Direct (website and call centre) in the first instance. The subsequent administration of the Domestic RHI scheme for those who proceed to application will be handled by DETI staff.

Non-domestic RHI

8. The 2013 policy consultation covered both the domestic and non-domestic RHI schemes. These Regulations only cover the policy proposals for the domestic RHI scheme. You have not yet taken a decision on the non-domestic policy proposals. This will be taken forward in the first half of next year.
9. The Regulations do however deal with one non-domestic issue – payback of Carbon Trust Loans. You recently received correspondence and Assembly Questions on this issue where businesses in receipt of 0% Carbon Trust loans could not avail of the RHI payments because their loans are viewed as state aid. The Regulations will amend the Non-domestic Regulations to enable these applicants to pay back their loans and become eligible for the RHI. I've not covered this legislative change in your speech as it is such a small part of the Regulations but defensive lines are included in **Annex B**.

Recommendation

10. That you:

- i. note the attached speaking notes and briefing for the debate (**Annexes A-D**); and
- ii. draft press release to follow separately from Press Office for your approval.



STUART WIGHTMAN
ENERGY DIVISION
Tel: 028 9052 9425

Distribution List

cc: Andrew McCormick
Chris Stewart
John Mills
David McCune
Seamus Hughes
Michael Harris
Ian McCrea MLA APS

Glynis Aiken
John Murray
Neth Energy
Press Office

ANNEX A

OPENING SPEECH FOR DEBATE ON THE DRAFT DOMESTIC RENEWABLE HEAT INCENTIVE SCHEME REGULATIONS (NORTHERN IRELAND) 2014

- I beg to move.
- [Mr Speaker/Mr Deputy Speaker], this statutory rule is being made under powers contained in the Energy Act 2011, which prescribes that these Regulations must be laid in draft for approval by affirmative resolution of the Assembly.
- The draft Regulations that I bring forward today provide the statutory basis for the introduction of the Northern Ireland Domestic Renewable Heat Incentive (RHI). Policy proposals for development of the NI RHI were subject to public consultation last year. The consultation highlighted the need for further work to finalise the policy position and draft these Regulations. That has taken longer than I would have liked but I am pleased to be introducing the scheme now. I hope that all members will be supportive.
- This legislation will provide the necessary powers for my Department to implement the Domestic RHI scheme. The RHI will support generators of renewable heat in the domestic sector through upfront payments and long-term incentive payments that are designed to cover the additional costs involved in renewable technologies, as well as providing a favourable rate of return for investors.

- Although our focus is often on renewable electricity generation, heating and transport are our two largest energy needs. Ensuring a more competitive and diverse heating market in Northern Ireland is therefore a key priority for me.
- We need to reduce our current reliance on fossil fuels. Heat from indigenous and renewable sources must therefore be promoted. To incentivise a switch to renewable heating technologies, the Domestic RHI will provide households with upfront payments followed by 7 years of tariff payments.
- The Domestic RHI will replace the grant support for householders currently available through my Department's Renewable Heat Premium Payment Scheme, which I launched in May 2012. Through the Premium Payment Scheme, over 1200 renewable heating installations have been supported. This represents a total investment of over £3m. Householders who availed of the Premium Payment Scheme will be able to transfer across to the new Domestic RHI Scheme.
- We already have a very successful Non-domestic RHI Scheme in Northern Ireland which has been in place since 2012. Applications are currently running at 4% of all UK applications, well ahead of the expected 3%. I hope to bring forward proposals to extend the Non-domestic scheme in 2015.
- It is expected that the extension of the NI RHI to the domestic sector will increase the number of properties switching to renewable technologies and help achieve the Executive's target level of 10% renewable heat by 2020. In addition to achieving this target, it is expected that the RHI will provide other wider benefits in terms of fuel diversity, lower emissions and 'green jobs'.

- The launch of the Domestic RHI, in conjunction with the grant support already in place, represents up to £25m of funding to 2015 with further Annually Managed Expenditure Budget, (AME), profiled until 2020. This demonstrates the Government's commitment to seeing levels of renewable heating increase to meet our Programme for Government targets and Nationally, our EU targets.
- These Regulations will support the introduction of the Domestic RHI and set a clear framework for the scheme, including how payments will be calculated and made; conditions of the scheme; and eligibility standards. The Domestic RHI scheme, as with its predecessor, the Renewable Heat Premium Payment Scheme, will be administered in house by DETI which is the most cost effective option for delivery.
- In conclusion, I ask that Members support the passage of these Regulations. If they do, I will launch the Domestic RHI Scheme as soon as possible.

458 words

WINDING UP SPEECH FOR DEBATE ON RENEWABLE HEAT INCENTIVE SCHEME REGULATIONS (NORTHERN IRELAND) 2012

- I would like to thank those who have contributed to today's debate. Energy matters are obviously a major issue for this House and for local households and businesses.

- [In answer to some of the issues raised today, I want to say....]

BRIEFING TO BE PROVIDED BY OFFICIALS AS REQUIRED

- I am pleased that Members are supportive of this incentive mechanism and recognise the need to develop the local renewable heat market.
- I am committed to expanding opportunities to provide greater choice for consumers, promoting more sustainable technologies and supporting those wishing to change from conventional fossil fuel heating. The development of this sector is important in the realisation of a more diverse, secure and competitive heating market in Northern Ireland.
- The extension of RHI to the domestic sector is a significant development for Northern Ireland and will support the realisation of increasing levels of renewable heating to 10% by 2020. The development of this market will reduce our dependence on fossil fuels thereby contributing to our targets for cutting carbon emissions and bring the potential for new jobs and industries.
- I commend the motion to the House.

Approx 200 words

RENEWABLE HEAT INCENTIVE - Q&A**What is the Northern Ireland Domestic Renewable Heat Incentive?**

- The Northern Ireland Domestic Renewable Heat Incentive (RHI) is a DETI scheme that provides financial support to domestic renewable heat generators.

Why is the scheme being introduced?

- The primary objective for the Northern Ireland RHI and now the extension to the domestic sector is to increase the uptake of renewable heat to 10% by 2020 (baseline position of 1.7% in 2010).
- The 10% target equates to 1600 Giga Watt Hours of renewable heat per year by 2020. To provide some sort of perspective on this. In the domestic sector, 1600 Giga Watt Hours is roughly equivalent to 40,000 domestic boilers (running 3 hrs / day) – quite a challenge!
- This target was included in the Strategic Energy Framework and an interim target of 4% renewable heat by 2015 has been included in the Programme for Government. In addition to achieving the set targets, it is expected that the RHI will have a number of other wider benefits in terms of fuel security, lower emissions and ‘green jobs’.
- Renewable heat technologies are currently unable to compete with existing fossil fuel alternatives given the often higher capital costs and also the lack of understanding and awareness amongst consumers of what are often seen as innovative technologies.
- Without the RHI in place we will not achieve the targets set for renewable heat in the Strategic Energy Framework or be able to contribute to the UK renewable targets set under the Renewable Energy Directive.

Why has it taken so long to introduce the domestic RHI?

- Like GB, our focus over the last few years has been on implementing the non-domestic RHI in Northern Ireland.
- Public consultation on the NI Domestic RHI Scheme finished last October. Work since then has focussed on finalising the policy, securing the necessary clearances and drafting the legislation which I am asking you to approve today.
- The GB Domestic RHI Scheme was only introduced in April this year. The proposed NI Domestic scheme replicates many aspects of the GB scheme but it has had to be tailored to suit our local heating market which unlike GB is heavily reliant on oil.

How much is this all Costing?

- £25m has been allocated for renewable heat for current budget period 2011-15
- Further annually managed expenditure (AME) is profiled to 2020.
- This money does not come out of the Executive's budget [or from consumers].

Where's the funding coming from?

- Funding for renewable heat is being provided by the UK Treasury through the Department of Energy and Climate Change, (DECC).
- Administration and marketing costs are from DETI's existing budget.

(marketing 2014/15 - £47k; admin – 5 staff)

How will the Executive's budget cuts impact on the RHI?

- The renewable heat funding from the Treasury is not affected by the Executive's budget cuts and is expected to continue during the next Parliament. The Treasury funding cannot be used to cover the administration or marketing costs of the NI RHI.
- I am therefore prioritising funding for RHI administration and advertising within my Department's budget.

What are the Government's targets for Renewable Heat

- Through the Renewable Energy Directive the EU has committed itself to sourcing 20% of its energy needs from renewable sources by 2020. The Directive requires Member States to achieve mandatory overall targets, but allows this to be achieved in any combination across the three sectors of heating/cooling, electricity and transport.
- The UK's overall target is set at 15%. While the Renewable Energy Directive is not directly binding on devolved administrations renewable deployment in all regions contributes equally to the requirements placed on the UK. Each region is therefore expected to implement a plan for delivery.
- Through the Strategic Energy Framework, the Executive is committed to achieving a renewable heat target of 10% by 2020 in its Strategic Energy Framework. While achieving the 2020 target will require a significant change in how our energy needs are met, it is only a small part of the way towards the target of reducing greenhouse gas emissions to 80% below 1990 levels by 2050, as required by the 2008 Climate Change Act.

How have the tariffs been designed?

- The RHI tariffs are designed to cover the additional costs of renewable heat technologies compared to traditional fossil fuel systems.
- The RHI tariff setting methodology also includes the provision of a rate of return in order to stimulate interest in a developing unknown marketplace and to provide compensation for financing costs of making the necessary investment in capital projects.
- Current levels of uptake for the Non-domestic RHI Scheme in Northern Ireland are higher than the rest of the UK. [NI Non-domestic applications account for 4% of UK total, NI population is around 3% of UK total]. This demonstrates that the NI RHI tariffs are providing effective incentives for switching to renewable heat.

Why are the tariffs lower than those available in GB?

- The Northern Ireland tariffs are lower than those offered in the GB scheme as they are designed to incentivise households to switch from oil to renewable technologies rather than natural gas, as in GB. This reflects the heat markets in the two areas with oil the dominant heating fuel in NI at 75%+ and natural gas the dominant heating fuel in GB 70%+. As oil is a more expensive fossil fuel, less of an incentive is required to switch to renewable heat.
- With the Northern Ireland Domestic RHI scheme, households will also receive an upfront payment towards their installation costs which is not available to GB domestic customers.
- NI consumers should not be disadvantaged in comparison to GB consumers, as whilst the tariff levels are lower the ongoing savings that can be expected from switching to renewable heat will be considerably higher for NI consumers.
- This is demonstrated by the current levels of take up for the Non-domestic RHI Scheme in Northern Ireland which are higher than the rest of the UK. [NI Non-domestic applications account for 4% of UK total, NI population is around 3% of UK total].

Will tariffs have to be reduced in the future like the ROCs?

- Unlike in GB where a tiered digression system is in place there are currently no plans to introduce digression in the NI RHI.
- However the budgetary situation will be kept under review and application controls may be put in place if necessary.

What are the differences with the GB Tariffs?

- The Northern Ireland tariffs are lower than those offered in the GB scheme because they are designed to incentivise households to switch from oil to renewable rather than natural gas, as in GB. Households in Northern Ireland will also receive an upfront payment towards their installation costs which is not available to GB domestic customers.

Technology	GB Tariff (p/kWh)	NI Tariffs & Upfront Payments	
		Tariff (p/kWh)	Upfront Payment
Air to Water Heat Pumps	7.3	3.5	1700
Biomass boilers and stoves	12.2	5.6	2500
Ground Source Heat Pumps	18.8	8.2	3500
Solar Thermal	19.2	13.5	320

Will tariffs be reviewed/increased to reflect the current oil prices?

- Oil prices have clearly come down recently.
- Oil prices are clearly very volatile and subject to change, whereas RHI tariffs are fixed
- I have no current plans to increase RHI tariffs to reflect current oil prices. But tariff levels will continue to be kept under review.

How will the scheme be administered?

- As was the case with the interim Renewable Heat Premium Payment Scheme DETI will administer the Domestic RHI Scheme in-house.
- This will draw on the experience of delivering this scheme to domestic customers and it has also been identified as the most cost effective means of delivery.

How will payments be made?

- Upfront payments based on the technology installed will be paid following accreditation to be followed by 7 annual tariff based payments commencing one year after installation.

[For existing renewable heat installations, the annual tariff payments will commence one year after the new RHI applications have been approved.]

- In most cases this payment will be made on a deemed basis calculated on the output of the technology but in some case where there is a secondary heating source or the property is second home, then metering will be used to calculate payments.

Why is there no support for installations over 100kW in size?

- DETI has determined that for the domestic scheme only installations up to 100 Kw in size will be supported. It is considered that systems over 100Kw should not be required for most domestic properties.
- As part of Phase 2 of the Non-domestic RHI, DETI will be considering if domestic heating systems over 100kW could be incorporated into the non-domestic RHI scheme. Phase 2 of the Non-domestic scheme will be taken forward in 2015.

Will tariffs change over time?

- Once an installation is accredited under the scheme they will receive a fixed level of support which will be adjusted annually in line with the Retail Price Index to reflect inflation.
- However to ensure the scheme remains cost effective and affordable, tariffs will be reviewed over time and new tariffs may be applied to anyone joining the scheme in the future.

Who is eligible to apply for the Domestic RHI scheme?

- The scheme is available to domestic generators of heat that meet the eligibility criteria that are based in Northern Ireland. This could include individual households, landlords and Energy Service Companies (ESCOs).

[An ESCo is a commercial or non-profit business providing a broad range of energy solutions including designs and implementation of [energy savings](#) projects, [retrofitting](#), [energy conservation](#), energy infrastructure outsourcing, [power generation](#) and [energy supply](#), and risk management – NI examples include Bryson Energy & Energy First NI]

When will the scheme close to new applications?

- It is expected that the scheme will remain open to new installations until March 2020 with the potential for last annual tariff payments being made in 2027.

How long will the incentive payments last?

- The Domestic RHI annual tariff payments will run for a period of 7 years commencing one year after accreditation of the renewable heating installation.

I have already installed a renewable heat technology, am I eligible?

- Eligible equipment commissioned on or after 1 September 2010 may be able to avail of the Domestic RHI, and customers who received support under the Renewable Heat Premium Payment Scheme will be able to transfer across to the new scheme.

What support will be available for the domestic market?

- The Northern Ireland, Domestic RHI will provide upfront support for eligible properties and technologies and will build on the success of the Renewable Heat Premium Payment Scheme. Funding of over £3m has been provided for over 1200 renewable heating systems under the Renewable Heat Premium Payment Scheme.
- The proposed domestic RHI tariffs and upfront payment for each of the technologies are listed below.

Technology	NI Tariffs & Upfront Payments	
	Tariff (p/kWh)	Upfront Payment
Air to Water Heat Pumps	3.5	1700
Biomass boilers and stoves	5.6	2500
Ground Source Heat Pumps	8.2	3500
Solar Thermal	13.5	320

Why are bioliquids not included?

- The potential role of bioliquids is acknowledged given the large proportion of Northern Ireland currently on heating oil and also considering that many homes may not be able to avail of natural gas and might be unsuitable for other forms of renewable heat.
- However, further work is required to incorporate bioliquids into the scheme and therefore they will not be introduced immediately. The inclusion of bioliquids will be kept under review.

Why are air to air heat pumps not included?

- Air to air heat pumps currently present concerns about efficiency and use and have therefore not been included in the RHI at this stage. This position will be kept under review.

Why are payments to be capped at £2500 per annum?

- Homes with higher heat demands will receive higher payments as this reflects the higher energy costs of their homes. However, to prevent circumstances where inefficient homes could be over rewarded a cap will be placed on the level of annual tariff payment that can be received by applicants.
- Northern Ireland unlike GB has no “green deal” scheme which applies prescriptive energy efficiency levels and therefore a cap of £2500 per annum has been deemed appropriate.

[The figure of £2500 has been determined through an analysis of the Energy Performance Certificates of a range of different property types.]

NON DOMESTIC RHI (should it be raised)**Carbon Trust Loans and RHI**

- A number of local businesses in receipt of 0% Carbon Trust loans could not avail of the Non-domestic RHI because their loans are classed as state aid.
- The Regulations include an amendment to the Non-domestic RHI to facilitate pay-back of grants or aid. This will enable these applicants to pay back their loans and become eligible for the RHI.

What issues will DETI consider as part of phase 2 of the Non Domestic RHI?

- Some of the issues that I am considering as part of phase 2 of the Non-domestic RHI are;
 - Extending the 6.3p tariff band for Biomass to boilers above 100KW in size;
 - The inclusion of large domestic systems greater of 100KW or greater;
 - A specific tariff level for deep geothermal heating (currently treated like ground source heat pumps);
 - The introduction of new tariffs for Air Source Heat Pumps; biomass installations of 1MW or greater than ;
 - The introduction of new tariffs for: Air Source Heat Pumps; Large Biomass installations (1MW or greater); and the heat generated from Combined Heat and Power plants; and
 - The potential development of an “uplifted” tariff for community or district heating schemes.
- Other renewable heating technologies such as land fill gas, bioliquids, direct air heating and large biogas are not included in Phase 2 but will be kept under for future inclusion in the Scheme.

Will you be implementing any of the recent GB changes?

- I will continue to monitor developments with the GB Scheme and will bring forward any changes as necessary.

What is the timescale for the Non Domestic phase 2?

- A public consultation was carried out between 22 July and 14 October 2013.
- Implementation of phase 2 will be taken forward in 2015.

Draft Domestic Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2014

(Separate attachment)

EXPLANATORY MEMORANDUM TO**THE DOMESTIC RENEWABLE HEAT INCENTIVE SCHEME REGULATIONS (NORTHERN IRELAND) 2014****SR 2014 NO.****1 INTRODUCTION**

- 1.1 This Explanatory Memorandum has been prepared by the Department of Enterprise, Trade and Investment (“the Department”) to accompany the above Statutory Rule which has been laid before the Northern Ireland Assembly. The Explanatory Memorandum is designed to assist the reader in understanding the Statutory Rule. It does not form part of the Statutory Rule.
- 1.2 The Statutory Rule is made under Assembly under Section 113 of the Energy Act 2011 and is subject to the draft affirmative resolution procedure.

2 PURPOSE

- 2.1 The Northern Ireland Renewable Heat Incentive (RHI) was introduced in 1 November 2012, following the passage of the Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2012. This scheme provides long term incentive payments for new generators of eligible renewable heating in the non domestic sector.
- 2.2 A commitment to introduce a similar RHI scheme for the domestic sector was made and these draft regulations provide the legislative basis for that scheme. The Renewable Heat Premium Payment Scheme was introduced in May 2012 to provide financial support to domestic renewable heat customers in the interim.
- 2.3 The Statutory Rule prescribes matters relating to eligibility criteria, requirements and obligations of participants of the RHI scheme, accreditation, metering requirements and payment of tariffs.

3 BACKGROUND AND POLICY OBJECTIVES

- 3.1 Heating energy accounts for around half of all total energy consumed within Northern Ireland. Over 98% of our heating fuels come from imported fossil fuels. Increasing the level of renewable heat to 10% by 2020 is a Programme for Government target and is in line with Northern Ireland’s expected contribution to the United Kingdom’s obligations under the EU Renewable Energy Directive¹. It also supports the Department’s wider energy policy goals of increased diversity of energy supply, reduced emissions and potential for ‘green jobs’ and skills.

¹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:140:0016:0062:EN:PDF>

- 3.2 The regulations put in place a scheme which builds upon previous grant based schemes (Reconnect and the Renewable Heat Premium Payment Scheme). The principal difference with previous schemes is that the RHI provides an ongoing incentive for renewable heat installations in addition to assistance with upfront capital costs. It therefore provides a longer term incentive.
- 3.3 The NI Domestic RHI has similarities to the GB RHI, but it has been specifically designed and tailored for the Northern Ireland heat market.

Policy Objectives

- 3.4 The scheme introduced by the Statutory Rule has a number of features:
- The NI Domestic RHI will be available to all those in the domestic sector and will support new renewable heat installations, commissioned after the 1 September 2010;
 - Payments may be claimed by, and paid to, the owner of the heat installation;
 - Payments will be made annually in arrears over a 7 year period for all installations following accreditation;
 - Domestic systems up to 99kWth will be supported under the scheme. For installations with a capacity not exceeding the Microgeneration Certification Scheme (MCS) rules, both the installers and the equipment must be MCS certified to ensure quality assurance and consumer protection. For systems that exceed MCS rules, DETI will insist that the technology is installed by a MCS or equivalent certified installer;
 - Tariff levels in Northern Ireland have been calculated to bridge the financial gap between conventional heating systems (oil, gas and coal) and renewable heating technologies. Tariffs have been designed to address capital costs, ongoing operating costs as well as non-financial 'hassle' costs; and
 - The rule sets out the functions of the *administrator* of the scheme. This will include dealing with applications, accrediting installations, making incentive payments and monitoring compliance with the rules and conditions of the scheme.

4 CONSULTATION

- 4.1 We consulted on a proposed domestic RHI scheme as well as the expansion of the non-domestic RHI from 22 July 2013 to 14 October 2013. Consultation seminars were held in Armagh, Belfast and Coleraine. A total of 50 responses were received and the vast majority of respondents were supportive of the proposals for a Northern Ireland domestic RHI.
- 4.2 We have taken account of feedback and prepared a decision paper, outlining how DETI intends to deliver the scheme. The consultation document, the responses, the final

policy position and other associated papers can be accessed at:-
www.energy.detini.gov.uk

5 EQUALITY IMPACT

- 5.1 In accordance with the requirements of Section 75 of the Northern Ireland Act 1998, an equality screening exercise has established that the proposed Regulations do not have any significant equality impact.

6 REGULATORY IMPACT

- 6.1 The Department completed economic analysis in developing the proposed domestic RHI. Options considered were:
- No support, instead focus support on the non-domestic sector where greater levels of renewable heat could be delivered;
 - An RHI payment, where tariffs would be set for the lifetime of the asset (to a maximum of 20 years);
 - A compressed RHI, where tariffs are set for 7 years with payments compressed to cover the total payments expected over asset's lifetime;
 - A grant based system, where capital support is provided similar to the RHPP; and
 - A two phased RHI, where upfront support is available along with ongoing support over 7 years.
- 6.2 Analysis concluded that the best option for Northern Ireland is upfront support (at the rate currently paid under the RHPP) with ongoing tariff payments for 7 years. Upfront support increases accessibility of the scheme, assists in capital expenditure and reduces potential financing costs for applicants. The 7 year tariff offers the greatest potential uptake and is better value for money in terms of ongoing delivery of renewable heat.
- 6.3 As the funding for the domestic RHI scheme will come from direct Government expenditure there will be no impact on Northern Ireland consumers' energy bills.
- 6.4 There will be secondary benefits to the development of the renewable heat market other than increased renewable uptake. These include a reduction in CO₂ emissions as fossil fuels are displaced, an increase in fuel diversity and growth in the renewable heat industry.

7 FINANCIAL IMPLICATIONS

- 7.1 HMT previously advised that £25m of funding will be made available for a Northern Ireland RHI over the period 2011-2015 with further Annually Managed Expenditure (AME) budget profiled up to 2020. Administration costs will be met by DETI.

8 SECTION 24 OF THE NORTHERN IRELAND ACT 1998

- 8.1 This Statutory Rule does not contravene Section 24 of the Northern Ireland Act 1998.

9 EU IMPLICATIONS

- 9.1 The Renewable Energy Directive requires the UK to ensure that 15% of its energy consumption comes from renewable sources. The requirement extends beyond electricity to heating and cooling and transport. Almost half of the final energy consumed in the UK is in the form of heat, producing around half of the UK's CO₂.
- 9.2 The requirement to meet the very challenging 15% renewable energy target falls at Member State level, not at Devolved Administration level. However, while energy is a devolved matter for Northern Ireland, each devolved administration is expected to contribute as much as possible to the overall UK target.

10 PARITY OR REPLICATORY MEASURE

- 10.1 Similar legislation has been introduced in Great Britain in respect of the RHI scheme. Ofgem is responsible for developing and administering the scheme on behalf of DECC. However, the Department is legislating for a specifically tailored Northern Ireland RHI scheme. It has been agreed that as with the RHPP, DETI will administer the NI domestic scheme.

11 ADDITIONAL INFORMATION

Commencement

- 11.1 The Statutory Rule comes into operation on the day after it is made.

DRAFT STATUTORY RULES OF NORTHERN
IRELAND

2014 No. 0000

ENERGY

**The Domestic Renewable Heat Incentive Scheme Regulations
(Northern Ireland) 2014**

Laid before the Assembly in draft

Made - - - - 000

Coming into operation in accordance with regulation 1

The Department of Enterprise, Trade and Investment makes the following Regulations in exercise of the powers conferred on it by section 113 of the Energy Act 2011(a).

PART 1

INTRODUCTORY

Citation and commencement

1. These Regulations may be cited as the Domestic Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2014 and shall come into operation on the day after the day on which they are made.

Interpretation

2. In these Regulations—

“accreditation” means a determination by the Department that a plant for which an accreditation application is made is an accredited domestic plant;

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

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

“accredited RHI installation” has the meaning given by regulation 2 of the Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2012(b);

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

“agricultural land” means any land used as arable, meadow or pasture ground only (including pastoral land), land used for a plantation or a wood or for the growth of saleable underwood, or land exceeding 0.1012 hectare used for the purposes of poultry farming, market gardens,

(a) 2011 c. 16
(b) 2012 No. 396

nursery grounds, orchards or allotments, but does not include land occupied together with a house as a park, gardens or pleasure grounds, or land kept or preserved mainly or exclusively for purposes of sport or recreation or land used as a racecourse;

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

“authorisation”, in relation to a metering arrangement, means approval by the Department of that metering arrangement under regulation 25;

“authorisation application” means an application for authorisation under regulation 23;

“biomass” means material, other than fossil fuel or peat, which is, or is derived directly or indirectly from, plant matter, animal matter, fungi or algae;

“biomass boiler” means a plant which—

- (a) is designed and installed to burn solid biomass to provide heat;
- (b) is designed to minimise direct heat loss to the immediate area in which it is installed;
- (c) is not capable of providing heat to a property without using a liquid to deliver that heat; and
- (d) is not designed to generate heat for the purpose of cooking food;

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

“biomass stove” means a plant which—

- (a) is designed and installed to burn solid biomass to generate heat which is radiated directly into the room in which it is installed; and
- (b) is not designed to generate heat for the purpose of cooking food;

“central register” means the register maintained by the Department under regulation 58;

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

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

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

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

“deemed annual heat generation” has the meaning given by regulation 27;

“the Department” means the Department of Enterprise, Trade and Investment for Northern Ireland;

“domestic RHI scheme” means the scheme established by these Regulations;

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

“domestic hot water cylinder” means a tank used to store domestic hot water;

“dwelling” has the meaning given by regulation 2(1) of the Energy Performance of Buildings (Certificates and Inspections) Regulations (Northern Ireland) 2008(d) and includes a dwelling occupied in connection with agricultural land or a fish farm;

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

(b) The ISBN for the English language version of this standard is ISBN 0580294153. Copies can be obtained from the British Standards Institution at www.bsigroup.com

(c) The ISBN for the English language version of this standard is ISBN 978 0 580 78472 9. Copies can be obtained from the British Standards Institution at www.bsigroup.com

(d) S.R. 2008/170, amended by S.R. 2008/241, S.R. 2009/369, S.R. 2013/12 and S.R. 2014/43

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

“eligibility criteria” has the meaning given by regulation 3;

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

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

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

“eligible meter” means an eligible electricity meter, eligible gas meter, eligible heat meter or eligible oil meter;

“eligible metered heat”, in relation to an accredited domestic plant, is the figure calculated in accordance with regulation 30;

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

- (a) any building that forms part of that property was built principally with the use of the labour or resources of the first owner (including where the resource was a loan which the first owner was liable to repay);
- (b) the date the property was first occupied was after the date the plant was first commissioned; and
- (c) the property has not, while the building was built or at any subsequent time been owned wholly or partly by a person who is not an individual;

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

“eligible property” means a property that meets the requirements set out in Schedule 2;

“eligible purpose” means, in relation to heat generated by—

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

“Energy Performance Certificate” or “EPC” has the meaning given by regulation 2(1) of the Energy Performance of Buildings (Certificates and Inspections) Regulations (Northern Ireland) 2008 (a);

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

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

“fish farm” means an undertaking for the culture of fish in respect of which a fish culture licence is in force under section 11 of the Fisheries Act (Northern Ireland) 1966(b) other than fish—

- (a) which are purely ornamental; or

(a) S.R. 2008/170 as amended by S.R. 2013/12; there are other amending instruments which are not relevant to this definition.
 (b) 1966 c.17

(b) which are for exhibition;

“fuel” excludes electricity;

“grant from public funds” means a grant made by a public authority or by any person distributing funds on behalf of a public authority other than a RHPP grant;

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

“heat emitter guide” means version 1.0 of the document “MCS 021 heat emitter guide for domestic heat pumps” published on 16 December 2013(a);

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

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

“initial tariff” means the tariff for an accredited domestic plant for its initial tariff period, calculated in accordance with regulation 33;

“initial tariff period” means the period commencing on a plant’s tariff start date and ending on the date which is 12 months thereafter;

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

“kWh” means kilowatt hour;

“kWth” means kilowatt thermal;

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

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

“Measuring Instruments Directive” means Directive 2004/22/EC of the European Parliament and of the Council on measuring instruments;

“MCS Certificate” in relation to any plant means the certificate issued in respect of that plant under the Microgeneration Certification Scheme;

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

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

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

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

“ongoing obligations” means the obligations specified in Part 7;

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

“participant” means the owner of an accredited domestic plant or, where there is more than one owner, the owner who has provided to the Department under regulation 17(2)(g) or regulation 44(2) or (9) evidence that they have the authority to act on behalf of all owners;

“registered housing association” means a housing association registered in a register maintained under Part II of the Housing (Northern Ireland) Order 1992;

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

“relevant installation standard” has the meaning given by regulation 8(3);

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

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

“retail prices index” means—

- (a) the general index of retail prices (for all items) published by the Office for National Statistics; or
- (b) where the index is not published for a calendar year, any substituted index or figures published by that Office;

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

- (a) not a replacement plant, the date of accreditation; or
- (b) a replacement plant, the date of accreditation that is specified in the statement of eligibility for the original plant.

“RHI Emissions Certificate” means a document that meets the requirements set out in Schedule 5;

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

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

“RHPP” means Renewable Heat Premium Payment scheme;

“RHPP grant” means a grant—

- (a) for the costs of purchasing or installing a renewable heating plant;
- (b) which is administered by the Department; and
- (c) which is applicable to Northern Ireland;

“seasonal performance factor” means a ratio of the heat generated by a heat pump to its energy consumption and will be fixed at 2.5;

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

“solid biomass” includes wood pellets;

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

“subsequent tariff” means a tariff for an accredited domestic plant for any financial year commencing after the end of its initial tariff period, calculated in accordance with regulation 34;

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

“tariff category” means a category of plant as listed in Schedule 4;

“tariff end date” means the last day of the tariff lifetime;

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

“tariff period” is a twelve month period commencing on 1st April in any calendar year;

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

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

“Wh” means watt hour; and

“working day” means any day other than—

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

- (b) a day which is a bank holiday in Northern Ireland under section 1 of the Banking and Financial Dealings Act 1971(a).

(2) The Interpretation Act (Northern Ireland) 1954(b) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

PART 2

ELIGIBILITY CRITERIA

Eligibility criteria

3. A plant which is a biomass plant, heat pump or solar thermal plant is eligible for accreditation where it has an installation capacity not exceeding 100kWth and it meets the requirements (“the eligibility criteria”) set out in—

- (a) regulations 4, 5 or 6 (whichever is applicable to the plant);
- (b) regulations 7 to 11;
- (c) if the plant is not the first and only plant to provide heat to a property, regulation 12; and
- (d) if regulation 13 requires that the heat generated by the plant must be metered, regulation 14.

Requirements for biomass plants

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

- (a) where the plant is designed and installed to also use a source of energy which is not a permitted source of energy (and that other source of energy is not used solely for ignition), paragraph (2) must be satisfied in respect of any part of the plant which uses that other source of energy (“the non-biomass part”);
- (b) it provides heating—
 - (i) solely to a single eligible property;
 - (ii) for an eligible purpose; and
 - (iii) if the plant is a biomass stove, it provides heating for that eligible purpose using a liquid-filled heat exchanger enclosed within it;
- (c) it is a condensing plant or meets the requirements set out in—
 - (i) at least one of the standards specified in paragraph 1(2) of Schedule 1 which is relevant to the plant and which is applicable on the plant’s first commissioning date, if the plant is a biomass boiler; or
 - (ii) the standard specified in paragraph 1(3) of Schedule 1, if the plant is a biomass stove;
- (d) it has a first commissioning date which is—
 - (i) on or after 1st September 2010 and earlier than the 1st April 2016;
 - (ii) on or after the 1st April 2016 and an RHI emissions certificate has been issued for the plant, a plant of the same make, model and installation capacity as the plant, or any other plant in the same type-testing range as the plant.

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

(a) 1971 c.80.
 (b) 1954 c.33 (NI)

- (a) comprises an immersion heater for a domestic hot water cylinder or otherwise solely generates heat for the purpose of heating domestic hot water; or
 - (b) comprises a supplementary electric heater and a single control system governs the whole plant.
- (3) In paragraph (1), “permitted source of energy” means, if the source of energy is used by a biomass boiler or stove, solid biomass.
- (4) Schedule 5 has effect.

Requirements for heat pumps

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

- (a) it provides heating—
 - (i) solely to a single eligible property; and
 - (ii) for an eligible purpose using liquid as a medium for delivering that heat;
- (b) it meets the requirements set out in the standards for heat pumps specified in paragraph 1(4)(a), (b), (c) or (d) of Schedule 1 which are applicable on the plant’s first commissioning date;
- (c) it has a seasonal performance factor of 2.5 or above;
- (d) it uses a compressor which is driven by electricity; and
- (e) if it is an air source heat pump, it is not designed to use heat in air which has been expelled from an appliance or building.

Requirements for solar thermal plants

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

- (a) is designed and installed to provide heating solely to a single eligible property and solely for an eligible purpose using liquid as a medium for delivering that heat;
- (b) meets the requirements set out in whichever of the standards for solar thermal plants specified in paragraph 1(5)(a) and (b) of Schedule 1 are relevant to the plant and are applicable on the plant’s first commissioning date;
- (c) cannot also be used to generate electricity.

Installation requirements

7. The requirements referred to in regulation 3(b) are that, on the RHI date for the plant, all parts of the plant have the same first commissioning date and that date is on or after 1st September 2010.

Certification requirements

8.—(1) The requirements referred to in regulation 3(b) are that a plant with an installation capacity not exceeding Microgeneration Certification Scheme rules is certified under—

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

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

- (b) a scheme accredited under EN 45011(a) OR EN ISO/IEC 17065:2012(b) as installed in accordance with the installation requirements applicable to the plant which apply under that scheme where—
- (i) that scheme is equivalent to the Microgeneration Certification Scheme; and
 - (ii) the requirements are those which apply on the plant's first commissioning date and which are equivalent to the relevant installation standard.
- (2) The requirements referred to in regulation 3(b) are that the installer of a plant is certified under the Microgeneration Certification Scheme at the time of installation.
- (3) In paragraph (1), “relevant installation standard” means, if the first commissioning date for the plant is—
- (a) on or after the relevant date—
 - (i) where the plant is a biomass plant, version 4.0 of the document entitled “Microgeneration Installation Standard: MIS 3004 requirements for contractors undertaking the supply, design, installation, set to work, commissioning and handover of solid biofuels heating systems” published on 16th December 2013(c);
 - (ii) where the plant is a heat pump, version 4.0 of the document entitled “Microgeneration Installation Standard: MIS 3055 requirements for contractors undertaking the supply, design, installation, set to work, commissioning and handover of Microgeneration heat pump systems” published on 16th December 2013(d); or
 - (iii) where the plant is a solar thermal plant, version 4.0 of the document entitled “Microgeneration Installation Standard: MIS 3001 requirements for contractors undertaking the supply, design, installation, set to work, commissioning and handover of solar heating Microgeneration systems” published on 16th December 2013(e).
- (4) The requirements mentioned in paragraph (2) do not apply to an installation completed on or after 1st September 2010 but before the relevant date.

Plants used to generate heat before the first commissioning date

- 9.**—(1) The requirements referred to in regulation 3(b) are that no part of the plant which generates heat, other than any of the components listed in paragraph (2), was used before the plant's first commissioning date.
- (2) The components referred to in paragraph (1) are—
- (a) immersion heaters and other components which solely generate heat for the purpose of heating domestic hot water;
 - (b) supplementary electric heaters; and
 - (c) circulation pumps.

Requirements regarding funding of plants

- 10.** The requirements referred to in regulation 3(b) are that—
- (a) some or all of the costs of the purchase or installation of the plant are met by any owner or former owner of the plant using that person's own funds (including a loan which that person was liable to repay) or by a RHPP grant; or

(a) The ISBN for the English language version of this standard is ISBN 0580294153. Copies can be obtained from the British Standards Institution at www.bsigroup.com.

(b) The ISBN for the English language version of this standard is ISBN 978 0 580 78472 9. Copies can be obtained from the British Standards Institution at www.bsigroup.com.

(c) Published on www.microgenerationcertification.org.

(d) Published on www.microgenerationcertification.org.

(e) Published on www.microgenerationcertification.org.

- (b) the plant is owned by the Northern Ireland Housing Executive or by a registered housing association.

Requirement that plant is not an accredited RHI installation

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

Requirements where more than one plant provides heat to a property

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

- (a) paragraph (2) or (3) applies; and
- (b) paragraph (4) applies.

(2) This paragraph applies if plant B—

- (a) is not, and has not at any time been, an accredited domestic plant; and
- (b) is not a plant for which an accreditation application has been made and has not been rejected.

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

- (a) either plant A or plant B (but not both) is a solar thermal plant; or
- (b) plant B is an original plant and plant A is a replacement plant.

(4) This paragraph applies if plant B—

- (a) is not, and has not at any time been, an accredited RHI installation; and
- (b) is not a plant for which an application for accreditation has been made and not withdrawn by the applicant (and accreditation has not been refused) under the Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2012(a).

Plants where heat generation must be metered

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

- (a) plant A is not a solar thermal plant; and
- (b) plant A falls within paragraph (2), (3), (4), (5), (6), (7), (8) or (9).

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

- (a) is a solar thermal plant;
- (b) is designed and installed to heat only one room;
- (c) captures heat from air which is expelled from a property and transfers that heat into fresh air entering that property without generating additional heat;
- (d) is an immersion heater for a domestic hot water cylinder or is any other plant which solely generates heat for the purpose of heating domestic hot water; or
- (e) is a supplementary electric heater which is controlled by the same control system as the control system governing plant A.

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

(a) S.R. 2012/396.

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

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

(6) Plant A falls within this paragraph where its installation capacity exceeds the Microgeneration Certification Scheme rules.

(7) Plant A falls within this paragraph where the Department installs an eligible meter in order to collect data, assess performance and monitor progress against renewable heat targets.

(8) Plant A falls within this paragraph where any other plant has been or is installed which generates heat for the RHI property.

(9) Plant A falls within this paragraph where the property to which it provides heat is the subject of a private tenancy or a public tenancy.

(10) In this regulation—

“private tenancy” means any tenancy of a dwelling except—

- (a) a fee farm grant; or
- (b) a tenancy for a term certain exceeding 99 years, unless that tenancy is, or may become, terminable before the end of that term by notice given to the tenant; or
- (c) a tenancy the purpose of which is to confer on the tenant the right to occupy a dwelling for a holiday; and

“public tenancy” means a tenancy under which the estate of the landlord belongs to—

- (a) the Crown (whether in right of Her Majesty’s Government in the United Kingdom or in Northern Ireland);
- (b) a government department;
- (c) the Northern Ireland Housing Executive;
- (d) a registered housing association;

or is held in trust for Her Majesty for the purposes of a government department.

Metering requirements

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

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

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

- (a) a certified installer was responsible for the installation of any eligible meter which is installed on or after the relevant date;
- (b) a certified installer was responsible for the installation of any eligible meter which is installed earlier than the relevant date or for checking that any such meter was properly installed;
- (c) each eligible meter is positioned in accordance with the requirements specified in regulation 15 if the plant is a biomass plant, or regulation 16 if the plant is a heat pump;
- (d) each eligible meter is properly calibrated;
- (e) each eligible meter is properly installed and in good working order; and

- (f) each eligible meter bears a label which identifies the meter using a unique reference number which enables the meter to be consistently identified when the information recorded by the meter is submitted to the Department.

Positioning of meters when recording heat generated by biomass plants

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

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

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

- (a) the combined heat output of plant A and any other plant (“plant B”); and
- (b) the heat output of plant B.

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

- (a) the combined heat output of plant A and plant B; and
- (b) any energy consumption by plant B.

Positioning of meters when recording heat generated by heat pumps

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

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

- (a) the heat output from any component of plant A which is a compressor, and any other components of plant A which the owner of plant A will be seeking to be included in the calculation of eligible metered heat (“the metered components”); and
- (b) any relevant energy consumption by the components of plant A that are metered under this paragraph.

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

- (a) the combined heat output of the metered components and any other plant (“plant B”);
- (b) the heat output of plant B; and
- (c) any relevant energy consumption by the metered components.

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

- (a) the combined heat output of the metered components and plant B;
- (b) any energy consumption by plant B; and
- (c) any relevant energy consumption by the metered components.

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

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

- (a) a liquid filled flat plate or evacuated tube solar collector; or
- (b) a source other than heat from the air, water or the ground.

PART 3

ACCREDITATION OF PLANTS

Accreditation applications

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

(2) Accreditation applications must include—

- (a) all of the information specified in Part 1 of Schedule 3;
- (b) such of the information specified in Part 2 of Schedule 3 as the Department may require;
- (c) any declarations by the applicant which the Department may require;
- (d) if regulation 13 requires that the heat generated by the plant for which accreditation is sought must be metered—
 - (i) confirmation from a certified installer who was responsible for, or checked, the installation of the meters, that eligible meters are installed in accordance with the metering requirements; and
 - (ii) a statement from that installer as to whether eligible meters are installed in accordance with paragraph (2), (3) or (4) of regulation 15, or paragraph (2), (3), (4) or (5) of regulation 16;
- (e) if eligible meters are positioned in accordance with paragraph (3) or (4) of regulation 15, or paragraph (3), (4) or (5) of regulation 16, an authorisation application;
- (f) if the plant is a heat pump and regulation 13 requires that the heat it generates must be metered, a statement as to which components of the heat pump the applicant is seeking to be included in the calculation of eligible metered heat; and
- (g) if the plant is owned by more than one person, such evidence as the Department may require that the accreditation application is made by only one of those owners and that the owner who is making the accreditation application has the authority from all other owners to be the participant.

(3) An accreditation application must be received by the Department within 12 months of—

- (a) the first commissioning date for the plant if that date is on or after the relevant date; or
- (b) the relevant date if the first commissioning date for the plant is earlier than the relevant date.

Powers of the Department when considering an accreditation application

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

- (a) that information about the plant or any eligible meters installed in relation to it be provided—
 - (i) by the certified installer who was responsible for the installation of the plant;
 - (ii) by the certified installer who was responsible for, or checked, the installation of the meters; or
 - (iii) by the applicant and verified by the relevant certified installer referred to in paragraph (i) or (ii) as applicable;
- (b) that the applicant provide details of a further Energy Performance Certificate for the eligible property if the Department has reason to believe that the applicant has not provided details of the most recent Energy Performance Certificate; and
- (c) that the applicant provides such other information specified in Part 2 of Schedule 3 as the Department may require.

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

Time limits for provision of information

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

- (a) three months of the date of the notice if the heat generated by the plant for which accreditation is being sought must be metered under regulation 13 and the information is evidence that the metering requirements are met;
- (b) 28 days of the date of the notice in any other case.

Conditions of accreditation

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

Accreditation

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

- (a) give accreditation for the plant;
- (b) notify the participant that the accreditation application has been successful;
- (c) enter on the central register the participant's name and such other information as the Department considers necessary for the proper administration of the domestic RHI scheme;
- (d) notify the participant of any conditions attached to the accreditation;
- (e) provide the participant with a written statement (a "statement of eligibility") including the following information—
 - (i) the RHI date for the plant;
 - (ii) the applicable initial tariff and details of how subsequent tariffs will be calculated;
 - (iii) details of the frequency and timetable for payments;
 - (iv) the tariff lifetime and tariff end date;
 - (v) if the plant is a heat pump, the seasonal performance factor for the heat pump; and
 - (vi) the deemed annual heat generation for the plant;
- (f) where regulation 13 requires that the heat generated by the plant must be metered, provide the participant with a statement containing the following information (a "metering statement")—
 - (i) confirmation that the heat generated by the plant must be metered;
 - (ii) notification as to whether eligible meters must be positioned in accordance with paragraph (2), (3) or (4) of regulation 15, or paragraph (2), (3), (4) or (5) of regulation 16;
 - (iii) if eligible meters are positioned in accordance with paragraph (3) or (4) of regulation 15, or paragraphs (3), (4) or (5) of regulation 16, confirmation as to the details of the metering arrangement for which the Department has given authorisation;
 - (iv) if the plant is a heat pump, confirmation as to which components of the heat pump will be included in the calculation of eligible metered heat; and
 - (v) the process and timing for providing meter readings in accordance with regulation 39(4).

(2) This paragraph applies where—

- (a) an accreditation application has, in the Department's opinion, been properly made in accordance with regulation 17;
- (b) the Department is satisfied that the plant meets the eligibility criteria; and
- (c) the Department has given authorisation where regulation 13 requires that the heat generated by the plant must be metered and the accreditation application includes a statement that meters are positioned in accordance with paragraph (3) or (4) or regulation 15, or paragraph (3), (4) or (5) of regulation 16.

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

Rejection of accreditation applications

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

- (a) the Department is not satisfied that the accreditation application has been properly made in accordance with regulation 17;
- (b) the Department is not satisfied that the plant meets the eligibility criteria;
- (c) the Department has reason to believe that one or more of the applicable ongoing obligations will not be complied with; or
- (d) subject to paragraph (2), information requested by the Department is not provided within the time limit specified in regulation 19.

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

- (a) the applicant contacted the Department before the 28 day period expired stating that the information sought is not yet available or that it cannot be provided or providing alternative information; and
- (b) fewer than three months have passed since the date of the first notice in which the Department requested the information.

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

PART 4

AUTHORISATION OF METERING ARRANGEMENTS

Authorisation applications

23.—(1) Where the owner of a plant ("plant A") is required by regulation 17(2)(e) or 42(4) to make an authorisation application, that application must be made in accordance with this regulation.

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

(3) A person who makes an authorisation application to the Department will provide it with -

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

- (c) if eligible meters are positioned in accordance with paragraph (4) of regulation 15, or paragraph (4) of regulation 16, evidence from the certified installer who was responsible for, or checked, the installation of the meters explaining why the heat output from plant B cannot be metered separately from the heat output from plant A;
- (d) if eligible meters are positioned in accordance with paragraph (5) of regulation 16, evidence that plant A is a heat pump which is capable of providing heating as well as cooling; and
- (e) any other information which the Department may request in order to enable it to consider the authorisation application.

Powers of the Department when considering an authorisation application

24. The Department may—

- (a) arrange for a site inspection to be carried out by the Department or its authorised agent;
- (b) request that information about the meters be provided from a certified installer who was responsible for, or checked, the installation of the meters;
- (c) if information is provided by the person making the authorisation application, request evidence that the accuracy of the information is verified by the certified installer who was responsible for, or checked, the installation of the meters.

Authorisation

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

- (a) give authorisation for the metering arrangement; and
- (b) notify the applicant that the authorisation application has been successful.

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

- (a) all eligible meters located in accordance with the metering arrangement are positioned in accordance with the relevant paragraph of regulations 15 or 16;
- (b) the requirements set out in paragraph (3) are met; and
- (c) the requirements set out in paragraphs (4) to (6) are met as applicable.

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

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

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

- (a) eligible meters cannot be installed to separately record the heat output from plant B; and
- (b) other measurements recorded by eligible meters can be used to calculate the heat output from plant A.

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

PART 5

RHI PAYMENTS

Duty to make RHI payments

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

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

(3) The Department—

(a) must calculate the amount of RHI payments in accordance with regulation 27, 28, 29 or 30 and make RHI payments in arrears;

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

(4) The total RHI payments made to a participant under paragraph (1) will not exceed £2500 in any given year.

(5) Where—

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

(b) is unable to obtain any missing data under regulation 39(4),

the Department may estimate that data in order to make that calculation.

Calculation of deemed annual heat generation

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

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

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

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

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

where—

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

B is the seasonal performance factor for the heat pump.

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

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

where—

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

B is the seasonal performance factor for the heat pump.

Calculation of RHI payments for biomass plants and heat pumps

28. The RHI payment for an accredited domestic plant that is a biomass plant or a heat pump is calculated using the following formula, that is to say—

deemed annual heat generation x relevant tariff = RHI payment for any given year.

Calculation of RHI payments for solar thermal

29. The RHI payment for an accredited domestic plant that is a solar thermal plant shall be calculated using the following formula, that is to say—

estimated annual generation x Relevant Tariff = RHI payment for any given year,

where the estimated annual generation is the figure recorded as such in the MCS Certificate for the plant in question.

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

30.—(1) The RHI payment for an accredited domestic plant that is metered under regulation 13 shall be calculated using the following formula, that is to say—

metered annual heat output x relevant tariff = RHI payment for any given year.

(2) Notwithstanding paragraph (1), eligible metered heat is the heat in kWh recorded by eligible meters positioned in accordance with regulations 15 or 16 generated by—

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

(3) RHI payments in any year shall not in any case exceed the amount which would be paid in accordance with regulation 27 or regulation 28 if a meter had not been installed in relation to that accredited domestic plant

Payment of upfront support

31.—(1) In addition to any RHI payment made by the Department under regulation 27 or regulation 28, subject to paragraph (2), the Department shall make an upfront payment in the quantum specified in column (2) of Table 2 of Schedule 4 opposite the reference to the plant in column (1).

(2) Upfront payments shall be made only in respect of accredited domestic plant commissioned on or after 1st September 2010 which have not received the support of a RHPP grant.

(3) Upfront payments shall not be made in respect of replacement plants installed in accordance with regulation 43.

PART 6

CALCULATION OF TARIFFS

Duty to calculate and publish tariffs

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

- (a) the initial tariffs for accredited domestic plants with a tariff start date in the tariff period immediately following the date on which the table is published; and
 - (b) the subsequent tariffs for accredited domestic plants for the financial year which commences on or after the date on which the table is published.
- (2) The tables of initial and subsequent tariffs must be published by—
- (a) 1st April 2015, but only where the relevant date is earlier than that date; and
 - (b) On 1st April of each subsequent calendar year.

Calculation of initial tariffs

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

(2) For the period beginning with the commencement of these Regulations and ending with 31st March 2015, the initial tariff for each plant is the tariff specified in column (2) of Table 1 of Schedule 4 opposite the reference to the plant in column (1).

(3) For each subsequent year commencing with 1st April and ending with the following 31st March, the initial tariff for each plant is the tariff applicable to it on the immediately preceding 31st March in the previous year adjusted by the percentage increase or decrease (as applicable) in the retail prices index for the previous calendar year (the resulting figure being stated to two decimal places and rounded to the nearest hundredth of a penny, with any two hundredth of a penny being rounded upwards).

Calculation of subsequent tariffs

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

(2) For each year commencing with 1st April and ending with the following 31st March, the subsequent tariff for each plant is the tariff applicable to it on the immediately preceding 31st March in the previous year adjusted by the percentage increase or decrease (as applicable) in the retail prices index for the previous calendar year (the resulting figure being stated to two decimal places and rounded to the nearest hundredth of a penny, with any two hundredth of a penny being rounded upwards).

PART 7

ONGOING OBLIGATIONS FOR PARTICIPANTS

Ongoing obligations: general

- 35.** A participant (“P”) must comply with the following ongoing obligations, as applicable—
- (a) if the accredited domestic plant is a biomass boiler, upon a request by the Department P must provide to the Department evidence as to the type of fuel purchased and used in that plant for any period specified in the request during which P was a participant;
 - (b) P must not receive any grant from public funds, other than a RHPP grant, for any of the costs of the purchase or installation of the accredited domestic plant other than any grant which was notified to the Department when the accreditation application was made;
 - (c) P must ensure that the accredited domestic plant continues to meet the eligibility criteria;
 - (d) P must comply with any condition attached to P’s accreditation;
 - (e) P must keep the accredited domestic plant in good working order;
 - (f) if P is not the owner of the RHI property, P must provide a copy of any notification under regulation 36(1)(i) or 36(1)(j) to the owner or owners of that property;
 - (g) P must repay any overpayment in accordance with any notice served under regulation 51;

- (h) P must not move the accredited domestic plant to a new location;
- (i) P must comply with such other administrative requirements that the Department may specify in relation to the effective administration of the domestic RHI scheme;
- (j) on receipt of a request for access under regulation 47 or regulation 54(3)(b), P must—
 - (i) allow the Department or the Department’s authorised agent, as applicable, access to the RHI property to carry out any of the activities described in those regulations; and
 - (ii) offer reasonable cooperation to that person;
- (k) if P does not live in the RHI property P must have, at all times, agreement from all occupants of the property that those occupants will:
 - (i) allow the Department or the Department’s authorised agent reasonable access in the event of a request under regulation 47 or regulation 54(3)(b);
 - (ii) cooperate with a decision by the Department to install a meter under regulation 45 or remove it under regulation 46; and
 - (iii) cooperate with any request for assistance made under regulations 54(3)(b) or 54(3)(c);
- (l) P must not seek accreditation under the Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2012(a) for an accredited domestic plant, or any other plant which provides heat to the same RHI property as an accredited domestic plant; and
- (m) P must cooperate with:
 - (i) a decision by the Department to install a meter under regulation 45 or remove it under regulation 46; and
 - (ii) any request for assistance made under regulations 54(3)(b) or 54(3)(c).

Ongoing obligations: changes affecting accredited domestic plants

- 36.—**(1) A participant (“P”) must notify the Department if, at any time in the tariff lifetime—
- (a) P becomes aware that any of the information provided in support of the accreditation application for P’s accredited domestic plant is incorrect;
 - (b) the accredited domestic plant no longer generates heat for the RHI property;
 - (c) a replacement plant is installed which generates heat for the RHI property;
 - (d) any other plant is installed which generates heat for the RHI property;
 - (e) the RHI property is occupied for less than 183 days in any 12 month period after the RHI date for the plant, unless the Department has provided a metering statement for the plant;
 - (f) the accredited domestic plant no longer provides heat for an eligible purpose;
 - (g) P becomes aware that P will not be able to comply with an ongoing obligation;
 - (h) P ceases to comply with an ongoing obligation;
 - (i) P, or another owner of the accredited domestic plant, intends to transfer ownership of all or part of the accredited domestic plant within 28 days;
 - (j) any change in ownership of all or part of the accredited domestic plant has taken effect;
 - (k) there is any other change in circumstances which may affect P’s eligibility to receive RHI payments; or
 - (l) any meter which is required under a metering statement for the accredited domestic plant is moved, is replaced, is reset or ceases to operate, be in good working order or be an eligible meter, or any eligible meters are added or removed.
- (2) A notification under this regulation must be made within 28 days of P becoming aware of the circumstances to which the notification relates.

(a) S.R. 2012/396

Ongoing obligations: annual declarations

37. A participant (“P”) must submit a declaration each year to the Department, at such time and in such form as the Department may request, confirming—

- (a) that P continues to own the accredited domestic plant;
- (b) that, to the best of P’s knowledge and belief, no owner or previous owner of the accredited domestic plant has received—
 - (i) any grant from public funds for the cost of the purchase or installation of the accredited domestic plant other than any grant which was notified to the Department before the accreditation application was determined; or
 - (ii) funding from any other source (other than under a loan) which reimbursed all of the costs incurred by P, any other owner or any previous owner for the cost of the purchase or installation of the accredited domestic plant;
- (c) that the accredited domestic plant is in good working order and has not been replaced with another plant, unless P has notified the Department of the installation of that plant under regulation 36(1);
- (d) the number of days on which the RHI property was occupied in the 12 month period ending on the date the declaration is given and the number of days on which P expects the property to be occupied in the next 12 months;
- (e) if P does not live in the RHI property, that all occupants of the property have agreed to permit access to the property by the Department or the Department’s authorised agent for the purposes of carrying out any function under these Regulations; and
- (f) where the Department has provided a metering statement for the accredited domestic plant, that each eligible meter which is required under that statement is in good working order.

Ongoing obligations: emissions from biomass

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

- (a) use fuel of a type specified in the RHI emission certificate;
- (b) use fuel with a moisture content which is no greater than the maximum moisture content specified in the RHI emission certificate; and
- (c) operate the plant in accordance with the manufacturer’s instructions for that plant in relation to the control of emissions of Particulate Matter (PM) and Nitrogen Oxides (NO_x).

Ongoing obligations: metering

39.—(1) This regulation applies to a participant (“P”) where the Department has provided a metering statement for an accredited domestic plant.

(2) P must ensure that—

- (a) the heat generated by the plant is metered from the date on which the Department provides the metering statement until the tariff end date;
- (b) eligible meters are positioned in accordance with the paragraph of regulation 15 or 16 specified in the metering statement; and
- (c) if the Department has authorised a metering arrangement, each eligible meter identified in that arrangement is located as identified in that arrangement.

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

- (a) in good working order; and

- (b) positioned in accordance with the paragraph of regulation 15 or 16 specified in the metering statement.
- (4) The Department may request that P provide meter readings and other data from all eligible meters required by these Regulations.
- (5) Any meter readings or other data requested under paragraph (4) must be provided by P—
 - (a) in such form as the Department may request; and
 - (b) by the date (if any) specified by the Department or at such regular intervals as the Department may request to enable it to discharge its functions under these Regulations.
- (6) Nothing in this regulation prevents the Department from accepting further data from a participant, if the Department considers it appropriate to do so.

Ongoing obligations: provision of information

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

- (2) P must retain a copy of—
 - (a) any information relied on when making any accreditation application or, if P did not make that application, given to P by the person who made the application; and
 - (b) any other evidence which verifies that the accredited domestic plant meets the eligibility criteria and that P is continuing to comply with the ongoing obligations,
 whether or not copies of that documentation have been supplied to the Department.
- (3) P must comply with any request for information under paragraph (1) within 28 days of the request or such later date as the Department may specify.

PART 8

CHANGES AFFECTING ACCREDITED DOMESTIC PLANTS

Review of accreditation following notification of a change in circumstances

- 41.**—(1) This regulation applies where the Department receives a notification under regulation 36 and regulations 43 and 44 do not apply.
- (2) Where this regulation applies, subject to regulation 42(2)(b), no RHI payment may be made for the accredited domestic plant until the requirements set out in paragraph (4) are met.
 - (3) On receipt of the notification, the Department may—
 - (a) require the participant to provide such of the information specified in Schedule 3 and any declarations as the Department considers necessary for the proper administration of the domestic RHI scheme; and
 - (b) review the accreditation of the accredited domestic plant to ensure that it continues to meet the eligibility criteria.
 - (4) The requirements referred to in paragraph (2) are that the Department has notified the participant that—
 - (a) it is satisfied that the matters to which the notification relates are such that it is unnecessary to review the accreditation of the plant; or
 - (b) it has carried out a review and is satisfied that the plant should continue to be an accredited domestic plant.
 - (5) Following a notification under paragraph (4) the Department must resume payment of RHI payments in accordance with these Regulations.

Changes affecting whether accredited domestic plants must be metered

- 42.**—(1) This regulation applies where—
- (a) a metering statement has not been provided for an accredited domestic plant;
 - (b) the Department has reviewed the accreditation of an accredited domestic plant under Regulation 41 or has carried out an investigation under Part 10; and
 - (c) the Department considers that, were an accreditation application made in respect of the accredited domestic plant on the date on which the Department concluded its review or investigation, regulation 13 would require the heat generated by the plant to be metered.
- (2) Where this regulation applies—
- (a) the heat generated by the plant must be metered; and
 - (b) no RHI payment may be made for the accredited domestic plant until the Department has provided the participant with a metering statement under paragraph (5).
- (3) The Department may require the participant to provide a statement from a certified installer who was responsible for, or checked, the installation of any meters installed in respect of the plant—
- (a) confirming that each eligible meter is installed in accordance with the metering requirements; and
 - (b) stating whether the eligible meters are installed in accordance with paragraph (2), (3) or (4) of regulation 15, or paragraph (2), (3), (4) or (5) of regulation 16.
- (4) If eligible meters are positioned in accordance with paragraph (3) or (4) of regulation 15, or paragraph (3), (4) or (5) of regulation 16, the participant must make an authorisation application.
- (5) The Department must provide the participant with a metering statement if it—
- (a) is satisfied that the requirements in regulation 14 are met; and
 - (b) has given authorisation, if applicable.
- (6) RHI payments for the accredited domestic plant are calculated in accordance with—
- (a) regulations 27 and 28 for the period commencing on the tariff start date and ending on the date on which the Department received the notification under regulation 36 or commenced its investigation under Part 10; and
 - (b) regulation 30 for the period commencing on the date on which the Department provides the participant with a metering statement and ending on the tariff end date.
- (7) No RHI payments are payable for the period commencing on the day after the date on which the Department received the notification under regulation 36 and ending on the day before the date on which the Department provides the participant with a metering statement.

Replacement plants

- 43.** Where a replacement plant is installed—
- (a) an accreditation application for that plant may be made by the owner of the replacement plant if that person is a participant in relation to the original plant; and
 - (b) no RHI payments are payable for the period commencing on the date on which the original plant ceased to provide heat to the property and ending on the day before the date on which the Department received the accreditation application for the replacement plant.

Changes in ownership of accredited domestic plants

- 44.**—(1) This regulation applies where a participant transfers ownership of all or part of an accredited domestic plant to another person (“the new owner”).
- (2) Once the Department becomes aware of the transfer of ownership, no RHI payment may be made until—

- (a) the new owner has notified the Department of the change in ownership and has confirmed, if the plant is owned by more than one person, that they have the authority from all owners to be the new participant; and
 - (b) the Department has taken the steps set out in paragraph (5).
- (3) On receipt of a notification under paragraph (2), the Department may—
- (a) require the new owner to provide such of the information specified in Schedule 3 and any declarations as the Department considers necessary for the proper administration of the domestic RHI scheme; and
 - (b) review the accreditation of the accredited domestic plant to ensure that it continues to meet the eligibility criteria.
- (4) In carrying out the review referred to in paragraph (3)(b) the Department may, in order to satisfy itself that the accredited domestic plant continues to meet the eligibility criteria, take any of the steps set out in regulation 18.
- (5) Where the Department is satisfied that the accredited domestic plant continues to meet the eligibility criteria or has decided not to carry out a review it must—
- (a) update the central register; and
 - (b) send the new owner a statement of eligibility setting out the information specified in regulation 21(1)(e).
- (6) If the Department becomes aware of the transfer of ownership and, within a period of 12 months from the transfer of ownership of the accredited domestic plant taking effect—
- (a) no notification is made by the new owner in accordance with paragraph (2)(a); or
 - (b) any information required under paragraph (3)(a) is not provided to the Department,
- the plant shall on the expiry of that period cease to be an accredited domestic plant and accordingly no further RHI payments will be paid for the plant.
- (7) The period specified in paragraph (6) may be extended by the Department where the Department considers it is just and equitable to do so.
- (8) Subject to paragraph (9) and Part 10, RHI payments are calculated from the date of completion of the steps set out in paragraph (5) for the remainder of the tariff lifetime of that accredited domestic plant.
- (9) Where a transfer of ownership of all or part of an accredited domestic plant takes place and that accredited domestic plant is then owned by more than one person, the Department may require any person claiming to have the authority from all owners to be the new participant to provide to the Department, in such manner and form as the Department may request, evidence of this authority.

PART 9

METERING FOR MONITORING PURPOSES BY THE DEPARTMENT

Installation of a meter at the Department's request

45. The Department may install an eligible meter in order to collect data, assess performance and monitor progress against renewable heat targets under regulation 13(7).

Removal of an eligible meter

46. The Department may remove an eligible meter [installed under regulation 45].

PART 10
INSPECTION AND ENFORCEMENT

Inspection

47.—(1) The Department or its authorised agent may request entry on a week-day between 9am and 5pm to inspect an accredited domestic plant and to do one or more of the following—

- (a) verify that the participant is complying with all applicable ongoing obligations;
- (b) verify meter readings;
- (c) take samples and remove them from the premises for analysis;
- (d) take photographs, measurements or video or audio recordings of the accredited domestic plant.

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

- (a) details of—
 - (i) the request for entry and the reason why the refusal is considered unreasonable; or
 - (ii) the manner in which the participant or occupant has failed to cooperate and why that failure is considered unreasonable; and
- (b) the action the Department proposes to take under this Part, if any.

Power to withhold RHI payments during investigation

48.—(1) Where the Department has reasonable grounds to suspect—

- (a) that a participant has failed or is failing to comply with an ongoing obligation; or
- (b) that an accredited domestic plant has been given accreditation wholly or partly as a result of the provision of information which is incorrect in a material particular,

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

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

- (a) specifies—
 - (i) the respect in which the Department suspects the participant has failed or is failing to comply with an ongoing obligation; or
 - (ii) a description of the information suspected to be incorrect and upon which the accreditation was based; and
- (b) sets out the date from which RHI payments will be withheld and the next steps in the investigation.

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

(4) Upon conclusion of its investigation under this regulation, the Department must inform the participant of—

- (a) the outcome of this investigation;
- (b) the action the Department proposes to take under this Part, if any; and
- (c) the participant's right of review.

(5) Subject to regulation 42, where the Department concludes that there has been no material breach of an ongoing obligation or provision of incorrect information, it must resume payment of

RHI payments in accordance with these Regulations and pay to the participant any RHI payments withheld during the course of its investigation.

(6) Within 6 months of sending of a notice under paragraph (2), the Department must either resume payment of RHI payments or must send the participant a notice under regulation 49, 50 or 51.

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

49.—(1) Where the Department is satisfied—

- (a) that a participant is failing to comply with an ongoing obligation, or
- (b) that an accredited domestic plant has been given accreditation wholly or partly as a result of the provision of information which is incorrect in a material particular,

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

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

- (a) where there is a failure to comply with an ongoing obligation, in the respect in which the Department is satisfied that the participant is failing to comply;
- (b) where the accredited domestic plant was given accreditation as a result of the provision of incorrect information, details of the respect in which the information is incorrect;
- (c) the amount of RHI payments that will be withheld, to the extent this is known to the Department;
- (d) the date from which RHI payments will be withheld;
- (e) where applicable, the steps that the participant must take to satisfy the Department that it is complying with the ongoing obligation;
- (f) where applicable, the steps that the participant must take to satisfy the Department that, notwithstanding the provision of incorrect information, the accredited domestic plant should continue to be an accredited domestic plant;
- (g) the date by which the steps referred to in sub-paragraph (e) or (f) must be completed;
- (h) the consequences of the participant failing to take the steps required under sub-paragraph (e) or (f) by that date; and
- (i) details of the participant's right of review.

(3) Subject to regulation 42(2)(b) and (7), where the Department is satisfied that the participant has taken the steps specified in paragraph (2)(e) or (f), as applicable, within the time specified, it must resume payment of RHI payments in accordance with these Regulations.

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

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

Revocation of accreditation

50.—(1) Where the Department is satisfied that—

- (a) there is or has been a serious or repeated failure by a participant to comply with an ongoing obligation;
- (b) there has been a failure to comply with a notice under regulation 49(2); or
- (c) an accredited domestic plant has been given accreditation wholly or partly as a result of the provision of information which was incorrect in a material particular,

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

- (2) Where paragraph (1) applies the Department may—
- (a) revoke the accreditation for the relevant accredited domestic plant; or
 - (b) revoke the accreditation for any other accredited domestic plants owned by that participant.
- (3) Before revoking accreditation the Department must send the participant a notice specifying—
- (a) the reason for the intended revocation of accreditation including details of the respect in which the participant has failed to comply or details of the incorrect information;
 - (b) an explanation of the effect of the revocation; and
 - (c) details of the participant’s right of review.
- (4) where accreditation of an accredited domestic plant has been revoked, the Department—
- (a) may reject any further accreditation application for a plant owned by the same person; and
 - (b) must, if the Department has given registration for a metering and monitoring agreement relating to the accredited domestic plant, withdraw that registration.

Overpayment notices and offsetting

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

- (a) exceed the amount to which that person was entitled under these Regulations;
- (b) were paid whilst there was a failure by that person to comply with an ongoing obligation or following such a failure; or
- (c) were paid for an accredited domestic plant which was given accreditation wholly or partly as a result of the provision of information which was incorrect in a material particular.

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

- (a) requiring a participant or former participant who has received overpayments to repay a specified sum in relation to some or all of those payments; or
- (b) offsetting a specified sum in relation to some or all of those overpayments against future RHI payments.

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

- (a) the value of any RHI payments which the Department believes are overpayments;
- (b) the specified sum which the Department is seeking to recover;
- (c) whether the specified sum must be repaid or will be offset;
- (d) where applicable, the date by which the specified sum must be repaid; and
- (e) the participant’s former participant’s right of review.

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

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

Revocation of sanctions

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

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

- (b) it is just and equitable in the particular circumstances of the case to do so.
- (2) Where, as a result of the imposition of a sanction to which—
 - (a) paragraph (1)(a) applies, a participant or former participant has been deprived of RHI payments to which the participant or former participant was entitled, the Department must repay to the participant or former participant a sum equivalent to those payments;
 - (b) paragraph (1)(b) applies, a participant or former participant has been deprived of RHI payments which the participant or former participant would otherwise have received, the Department may repay to the participant or former participant a sum equivalent to those payments if in the Department’s view it is just and equitable in the particular circumstances of the case to do so.
- (3) Within 21 days of a decision to revoke a sanction, the Department must send a notice to the participant or former participant specifying—
 - (a) the sanction which has been revoked;
 - (b) the reason for the revocation; and
 - (c) where paragraph (2) applies, the amount which will be repaid.
- (4) In this regulation, “sanction” means an action taken by the Department under regulation 48(1), 49(1), 49(2), 50(2), 50(4) or 51(2).

Right of review

- 53.**—(1) Any prospective, current or former participant aggrieved by a decision by the Department in the exercise of its functions under these Regulations (other than a decision made in accordance with this regulation) may have that decision reviewed by the Department.
- (2) An application for review must be made by notice in such format as the Department may require and must—
- (a) be received by the Department within 28 days of the date of receipt of notification of the decision being reviewed;
 - (b) specify the decision which that person wishes to be reviewed; and
 - (c) specify the grounds on which the application is made.
- (3) A person who has made an application in accordance with paragraph (2) must provide the Department with such information which is in that person’s possession as the Department may reasonably request to allow it to discharge its functions under this regulation.
- (4) A review under this regulation may not be carried out by any person who was involved in the decision which is being reviewed.
- (5) On review the Department may—
- (a) affirm its decision;
 - (b) revoke or vary its decision.
- (6) Within 21 days of completing a review under this regulation, the Department must send the person who made the application a notice setting out its decision and giving reasons for that decision.

PART 11

POWERS AND FUNCTIONS OF THE DEPARTMENT

Scheme review and evaluation

- 54.**—(1) The Department must keep the operation of the domestic RHI scheme under review.
- (2) The Department may select an accredited domestic plant for monitoring for the purpose of that review (“evaluation monitoring”).

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

- (a) the Department must write to the participant who owns the accredited domestic plant to advise that it has been selected for evaluation monitoring; and
- (b) the Department may request entry at any reasonable hour to—
 - (i) inspect the accredited domestic plant;
 - (ii) install any measuring instruments and related equipment (“metering equipment”) which the Department may consider necessary;
 - (iii) inspect any metering equipment installed under this regulation;
 - (iv) carry out meter readings or download any information recorded by the metering equipment;
 - (v) check, repair or replace any metering equipment;
- (c) the Department may request that the participant—
 - (i) assist with the maintenance of the meters or the taking of readings;
 - (ii) keep any records specified by the Department;
 - (iii) provide any information held by the participant that is required by the Department, including any information prepared by the certified installer who was responsible for the installation of the accredited domestic plant.

Right of review of decision by the Department

55.—(1) Any participant aggrieved by a decision by the Department in the exercise of a function under regulation 54 may have that decision reviewed by the Department.

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

- (a) be received by the Department within 28 days of the date of receipt of notification of the decision being reviewed;
- (b) specify the decision which that person wishes to be reviewed; and
- (c) specify the grounds on which the application is made.

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

(4) On review the Department may—

- (a) affirm the decision;
- (b) revoke or vary the decision.

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

PART 12

ADDITIONAL POWERS AND FUNCTIONS OF THE DEPARTMENT

Provision of information to the Department

56. Where the Department requests information from a person making an accreditation application, authorisation application or registration application (“an applicant”) or a participant under these Regulations, or an applicant or participant is otherwise required to provide any information or declarations—

- (a) that information and those declarations must be provided in such manner and form as the Department may reasonably request and must be accurate to the best of the applicant's or participant's knowledge and belief; and
- (b) the costs of providing the information are to be borne by that applicant or participant.

Reliance on declarations and other information available to the Department

- 57.**—(1) When exercising any functions under these Regulations, the Department may—
- (a) treat any declarations provided to it by an applicant in support of any application under these Regulations, or by a participant, as conclusive as to the matters to which they relate, unless the Department has reason to believe that any such declaration is not accurate;
 - (b) verify any information provided by an applicant or participant against any information on the MCS register and any other information available to the Department;
 - (c) treat inclusion of a plant on the MCS register as evidence that the plant has been certified on the basis that the plant is installed in accordance with a relevant installation standard or a standard which is equivalent to a relevant installation standard; and
 - (d) treat any information about a plant on the MCS register as conclusive as to the matters to which it relates.
- (2) In this regulation, “applicant” has the meaning given by regulation 56.

Duty to maintain a central register

- 58.** The Department must maintain a register of—
- (a) all accredited domestic plants; and
 - (b) all meters installed for monitoring purposes under regulation 45.

Duty to publish guidance

- 59.**—(1) The Department must publish procedural guidance to participants in connection with the administration of the domestic RHI scheme.
- (2) The Department must publish the following information on its website—
- (a) annual reports on the RHI scheme; and
 - (b) information in aggregate form as to—
 - (i) the number of accredited domestic plants;
 - (ii) the number of those plants which are biomass plants, air source heat pumps, ground source heat pumps, solar thermal plants.

PART 13

MISCELLANEOUS PROVISIONS

Notices, notifications and applications

- 60.** All notices, notifications and applications under these Regulations—
- (a) must be in writing; and
 - (b) may be transmitted by electronic means.

Consequential amendments

61.—(1) The Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2012(a) are amended as follows.

- (2) In regulation 23 (exceptions to duty to accredit), replace paragraph (1)(b) with—
“(b) such a grant or support has been repaid to the person or authority who made it.”
- (3) In regulation 23 (exceptions to duty to accredit), after paragraph (5) insert—
“(6) The Department must not accredit an eligible 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 (Northern Ireland) 2014;
 - (b) an application for accreditation of the plant has been made under those Regulations and that application has not been withdrawn by the applicant or rejected by the Department; or
 - (c) it provides heat to the same property as an accredited domestic plant or a plant for which an application for accreditation under those Regulations has been made which has not been withdrawn or rejected.”.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 000



J Mills
A senior officer of the
Department of Enterprise, Trade and Investment

(a) S.I. 2012/396

SCHEDULE 1

Regulations 4 to 6

Standards relevant to plants

1.—(1) This Schedule specified standards for plants.

(2) the standards for biomass boilers are EN 303-5:2012(a), EN 12809:2011+A1:2004(b) or EN 303-5:1999(c).

(3) The standards for biomass stoves are EN 14785:2006(d) or EN13240:2001(e).

(4) The standards for heat pumps are—

- (a) EN 14511-1: 2013(f), EN 14511-2: 2013(g), EN 14511-3: 2013(h) and EN 14511-4: 2013(i);
- (b) EN 14511-1: 2011(j), EN14511-2: 2011(k), EN 14511-3: 2011(l), and EN 14115-4: 2011(m);
- (c) EN 14511-1: 2007(n), EN 14511-2: 2007(o), EN 14511-3: 2007(p), and EN 14511-4: 2007(q); or
- (d) EN 14511-1: 2004(r), EN 14511-2: 2004(s), EN 14511-3: 2004(t), and EN 14511-2004(u).

-
- (a) The ISBN for the English language version of this standard is ISBN 978 0 580 71785 7. Copies can be obtained from the British Standards Institution at www.bsigroup.com.
 - (b) The ISBN for the English language version of this standard is ISBN 978 0 580 60014 2. Copies can be obtained from the British Standards Institution at www.bsigroup.com.
 - (c) The ISBN for the English language version of this standard is ISBN 0 580 32356 0. Copies can be obtained from the British Standards Institution at www.bsigroup.com.
 - (d) The ISBN for the English language version of this standard is ISBN 0 580 49039 4. Copies can be obtained from the British Standards Institution at www.bsigroup.com.
 - (e) The ISBN for the English language version of this standard is ISBN 978 0 580 60015 9. Copies can be obtained from the British Standards Institution at www.bsigroup.com.
 - (f) The ISBN for the English language version of this standard is ISBN 978 0 580 80674 2. Copies can be obtained from the British Standards Institution at www.bsigroup.com.
 - (g) The ISBN for the English language version of this standard is ISBN 978 0 580 80675 9. Copies can be obtained from the British Standards Institution at www.bsigroup.com.
 - (h) The ISBN for the English language version of this standard is ISBN 978 0 580 80735 0. Copies can be obtained from the British Standards Institution at www.bsigroup.com.
 - (i) The ISBN for the English language version of this standard is ISBN 978 0 580 80676 6. Copies can be obtained from the British Standards Institution at www.bsigroup.com.
 - (j) The ISBN for the English language version of this standard is ISBN 978 0 580 68416 6. Copies can be obtained from the British Standards Institution at www.bsigroup.com.
 - (k) The ISBN for the English language version of this standard is ISBN 978 0 580 68417 3. Copies can be obtained from the British Standards Institution at www.bsigroup.com.
 - (l) The ISBN for the English language version of this standard is ISBN 978 0 580 68418 0. Copies can be obtained from the British Standards Institution at www.bsigroup.com.
 - (m) The ISBN for the English language version of this standard is ISBN 978 0 580 68419 7. Copies can be obtained from the British Standards Institution at www.bsigroup.com.
 - (n) The ISBN for the English language version of this standard is ISBN 978 0 580 58327 8. Copies can be obtained from the British Standards Institution at www.bsigroup.com.
 - (o) The ISBN for the English language version of this standard is ISBN 978 0 580 58328 5. Copies can be obtained from the British Standards Institution at www.bsigroup.com.
 - (p) The ISBN for the English language version of this standard is ISBN 978 0 580 64207 4. Copies can be obtained from the British Standards Institution at www.bsigroup.com.
 - (q) The ISBN for the English language version of this standard is ISBN 978 0 580 58330 8. Copies can be obtained from the British Standards Institution at www.bsigroup.com.
 - (r) The ISBN for the English language version of this standard is ISBN 0 580 43801 5. Copies can be obtained from the British Standards Institution at www.bsigroup.com.
 - (s) The ISBN for the English language version of this standard is ISBN 0 580 43802 3. Copies can be obtained from the British Standards Institution at www.bsigroup.com.
 - (t) The ISBN for the English language version of this standard is ISBN 0 580 43803 1. Copies can be obtained from the British Standards Institution at www.bsigroup.com.
 - (u) The ISBN for the English language version of this standard is ISBN 0 580 43800 7. Copies can be obtained from the British Standards Institution at www.bsigroup.com.

- (5) The standards for solar thermal plants are—
- (a) EN 12975-1:2006+A1:2010(a) and EN 12975-2:2006(b);
 - (b) EN 12975-1:2006+A1:2010(c) and EN ISO 9806:2013(d); or
 - (c) EN 13976-1:2006(e) and EN 12976-2:2006(f).

SCHEDULE 2

Regulation 2

Eligible properties

1.—(1) The requirements set out in this Schedule in relation to a property are that an Energy Performance Certificate (“EPC”) has been issued for the property on the basis that it consists of a dwelling.

2.—(1) The EPC presented should not highlight any “Recommendations” on insulation thus demonstrating that the dwelling is insulated to the current recommended levels.

(2) Qualifying exemptions will be accepted with contemporaneous proof.

SCHEDULE 3

Regulations 17, 41 and 44

Information required for accreditation

PART 1

Information required from all applicants making an accreditation application

- 1.** The information referred to in regulation 17(2)(a) is—
- (a) the address of the property to which the plant for which accreditation is sought provides heat;
 - (b) where the applicant is an individual, the name, date of birth, address, e-mail address (if any) and telephone number (if any) of the applicant;
 - (c) where the applicant is not an individual, the name of the individual making the application on behalf of the applicant, the individual’s date of birth, address, e-mail address (if any) and telephone (if any);
 - (d) where the applicant is a company, the trading or other name by which the applicant is commonly known, its registration number, and the address of its registered office;
 - (e) where the applicant is a private registered provider of social housing, a body registered as a social landlord with the Department of Social Development Northern Ireland, the name by which the applicant is commonly known, the details of its registration, and the address of its registered office;

-
- (a) The ISBN for the English language version of this standard is ISBN 978 0 580 70583 0. Copies can be obtained from the British Standards Institution at www.bsigroup.com.
 - (b) The ISBN for the English language version of this standard is ISBN 0 580 48131 X. Copies can be obtained from the British Standards Institution at www.bsigroup.com.
 - (c) The ISBN for the English language version of this standard is ISBN 978 0 580 70583 0. Copies can be obtained from the British Standards Institution at www.bsigroup.com.
 - (d) The ISBN for the English language version of this standard is ISBN 978 0 580 79003 4. Copies can be obtained from the British Standards Institution at www.bsigroup.com.
 - (e) The ISBN for the English language version of this standard is ISBN 0 580 47841 6. Copies can be obtained from the British Standards Institution at www.bsigroup.com.
 - (f) The ISBN for the English language version of this standard is ISBN 0 580 47842 4. Copies can be obtained from the British Standards Institution at www.bsigroup.com.

- (f) where the applicant is a local authority, the name by which the applicant is commonly known and its address;
- (g) where requested by the Department, a copy of the most recent rates bill relating to the property to which the plant for which accreditation is sought provides heat that confirms that such property is domestic;
- (h) details of a bank account in the applicant's name which accepts pound sterling deposits in the United Kingdom into which any RHI payments may be paid;
- (i) the unique reference number or numbers under which the plant for which accreditation is sought is registered on the MCS register;
- (j) the unique reference number for the Energy Performance Certificate for the property to which the plant for which accreditation is sought provides heat which is the most recent Energy Performance Certificate for the property on the date on which the application is made; and
- (k) any other information the Department requires to demonstrate that all accreditation requirements have been satisfied.

PART 2

Additional information which may be required from an applicant for accreditation

2. The information referred to in regulation 17(2)(b) is—

- (a) information to enable the Department to satisfy itself as to the identity of the individual completing the application;
- (b) where an individual is making an application on behalf of the applicant, evidence which satisfies the Department that the individual has authority from that person to make the application on its behalf;
- (c) details of the plant for which accreditation is sought, including its make, model and cost;
- (d) evidence regarding the value of any grant from public funds and details of the body from which the grant was given;
- (e) any information held by the applicant about the plants certification in accordance with regulation 8;
- (f) details of the property to which the plant for which accreditation is sought provides heat, including evidence that the applicant owns or occupies the property;
- (g) if the applicant has indicated to the Department and paragraph 2(2) of Schedule 2 applies to the property, evidence from the local planning authority, Historic Buildings Council Northern Ireland, Northern Ireland Environment Agency; a chartered ecologist's report or a chartered surveyor's report;
- (h) a copy of any Energy Performance Certificate for the property including, if applicable, any Energy Performance Certificate issued on or after the RHI date for the plant;
- (i) if the heat generated by the plant for which accreditation is sought must be metered under regulation 13—
 - (i) in relation to each meter installed under these Regulations, details of the meter's manufacturer, model and serial number;
 - (ii) any readings from all meters and any other measuring instruments as at the RHI date for the plant or up to two weeks prior to that date;
 - (iii) evidence, prepared or verified by the certified installer who was responsible for, or checked, the installation of the meters, that the meters meet the metering requirements;
 - (iv) a schematic or other diagram showing details of the heating arrangements for the property to which the plant for which accreditation is sought provides heat, including

- all plant providing heat to that property, the location of meters and associated components and such other details as may be specified by the Department; and
- (v) other such information as the Department may specify to enable it to determine whether the metering requirements are met;
- (j) if the plant for which accreditation is sought is a biomass plant—
- (i) evidence as to the type of fuel used in the plant;
- (ii) such information as the Department may specify to enable it to satisfy itself that the requirements set out in Schedule 2 have been met; and
- (k) details regarding any other plant which provides heat to the same property as the plant for which accreditation is sought;
- (l) evidence as to any of the other matters for which the applicant has given a declaration; and
- (m) such other information as the Department may require to enable it to consider the applicant's application for accreditation or to enable evaluation of the operation of the domestic RHI scheme.

SCHEDULE 4

Regulations 28, 29 and 30

Tariffs

Table 1 :

Tariff for accredited domestic plant which have received a RHPP grant

	<i>Tariff for 7 years (pence per kWh)</i>
Air Source Heat Pumps	3.5
Biomass	5.6
Ground Source Heat Pumps	8.2
Solar Thermal	13.5

Table 2 :

Upfront payment for accredited domestic plant which have not received an RHPP grant

	<i>Upfront payment (£)</i>
Air Source Heat Pumps	1700
Biomass	2500
Ground Source Heat Pumps	3500
Solar Thermal	320

SCHEDULE 5

Regulation 4

Requirements for RHI emission certificates

1. The requirements set out in this Schedule are that a document (an “RHI emissions certificate”)—

- (a) is issued by a testing laboratory which is accredited to EN ISO/IEC 17025:2005(a) at the time of testing; and
- (b) contains the information specified in paragraph 2.

2. The information referred to in paragraph 1(b) is—

- (a) the name and address of the testing laboratory by which tests have been carried out;
- (b) the name and signature of the person authorised by the testing laboratory to issue the certificate;
- (c) the date of issue of the certificate together with a certificate reference number;
- (d) the date of the accreditation of the testing laboratory to EN ISO/IEC 17025:2005 and the accreditation number;
- (e) the name, model, manufacturer and installation capacity of the plant tested;
- (f) the date of the testing;
- (g) confirmation that—
 - (i) emissions of NO_x and PM have been tested on the same occasion;
 - (ii) the testing was in accordance with the requirements set out in paragraph 3 or 4; and
 - (iii) the test was carried out at no less than 85% of the installation capacity of the plant;
- (h) confirmation that when tested as specified in sub-paragraph (g)—
 - (i) emissions of PM from the plant did not exceed 30 grams of PM per gigajoule net heat input; and
 - (ii) emissions of NO_x did not exceed 150 grams of NO_x per gigajoule net heat input;
- (i) the actual emissions of PM and NO_x measured when the plant was tested as specified in sub-paragraph (g);
- (j) a list of—
 - (i) the types of fuel used during the testing; and
 - (ii) the types of fuel which can be used so as to ensure that the emission limits referred to in sub-paragraph (h) are not exceeded;
- (k) the moisture content of the fuel used during testing and the maximum moisture content which can be used so as to ensure that the emission limits referred to in sub-paragraph (h) are not exceeded;
- (l) a statement indicating whether or not the plant tested was a manually stoked natural draught plant;
- (m) a list of plants, other than the plant tested, in the type-testing range of plants for the certificate, if any.

3. For the purposes of paragraph 2(g), the requirements set out in this paragraph are that testing is carried out in accordance with the provisions relevant to emissions of PM and NO_x in EN 303-5:1999(b) or EN 303-5:2012(a), whichever standard is current at the time of testing.

(a) The ISBN for the English language version of this standard is ISBN 0 580 46330 3. Copies can be obtained from the British Standards Institute at 222.bsigroup.com

(b) The ISBN for the English language version of this standard is ISBN 0 580 323560 0. Copies can be obtained from the British Standards Institution at www.bsigroup.com

4. For the purposes of paragraph 2(g), the requirements set out in this paragraph are that—
- (a) testing is carried out in accordance with—
 - (i) EN 14792:2005**(b)** for NO_x emissions, and
 - (ii) EN 13284-1:2002**(c)** or BS ISO 9096:2003**(d)** for PM emissions;
 - (b) the emissions of PM represent the average of at least three measurements of emissions of PM, each of at least 30 minutes duration; and
 - (c) the value for NO_x emissions is derived from the average of measurements made throughout the PM emission tests.
5. For the purposes of paragraph 2(h), “net heat input” means the rate of heat (expressed as the amount of heat over time) which is supplied to the plant by the fuel used, based on the net calorific value of that fuel.

-
- (a) The ISBN for the English language version of this standard is ISBN 978 0 580 71785 7. Copies can be obtained from the British Standards Institution at www.bsigroup.com
 - (b) The ISBN for the English language version of this standard is ISBN 0 580 46990 5. Copies can be obtained from the British Standards Institution at www.bsigroup.com
 - (c) The ISBN for the English language version of this standard is ISBN 0 580 38920 0. Copies can be obtained from the British Standards Institution at www.bsigroup.com
 - (d) The ISBN for the English language version of this standard is ISBN 0 580 41276 8. Copies can be obtained from the British Standards Institution at www.bsigroup.com

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to Northern Ireland, establish a renewable heat incentive scheme (“the scheme”) under which owners of biomass plants, heat pumps and solar thermal plants which generate heat for domestic properties may receive payments at prescribed rates (“tariffs”) when the plant generates heat for that property.

Part 2 (regulations 3 to 16), and Schedules 1 to 2, set out the criteria which must be met before a plant is eligible to participate in the scheme. Regulations 4 to 6 set out the specific requirements for each type of plant. Regulations 7 to 11 set out the requirements for installation, certification, and funding of plants and requires that plants have not been previously used to generate heat and have not been accredited under the Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2012 (S.R. 2012/396) (“the 2012 Regulations”). Regulation 12 sets out requirements where more than one plant heats a property. Regulation 13 identifies the circumstances in which the heat generated by a plant must be metered before the plant is eligible to participate in the scheme (“metered plants”). Regulation 14 sets out the requirements that apply where plants are metered plants, and requires that meters be positioned in accordance with regulation 15 or 16.

Part 3 (regulations 17 to 22) sets out the procedure for applying for accreditation for a plant, the powers of the Department when considering an application, relevant time limits, the circumstances in which accreditation must, or must not, be given and provides for accreditation to be given subject to conditions. Regulation 17 requires that where the meters for a metered plant are positioned in accordance with paragraph (3) or (4) of regulation 15, or paragraph (3), (4) or (5) of regulation 16, the application for accreditation of the plant must include an application for authorisation of the location and type of each of the meters used (a “metering arrangement”). Where a metering arrangement is required, regulation 21 prevents the Authority from accrediting the plant unless it has given authorisation for that metering arrangement. Schedule 3 specifies the information which must be provided for an accreditation application.

Part 4 (regulations 23 to 25) sets out the procedure for making an application for authorisation of a metering arrangement and confers powers on the Department when considering an application and deciding whether to give authorisation.

Part 5 (regulations 26 to 31) confer on the Department the function of making payments (“RHI payments”) to owners of accredited plants (“participants”) and sets out how those payments are calculated. Regulation 26 requires the Department to make RHI payments and provides that RHI payments accrue for seven years from the date of the application for accreditation. Regulation 27 provides for the calculation of deemed annual heat generation. Regulation 28 provides that RHI payments for biomass plants and heat pumps are based on the heat which the plant is deemed to have generated, multiplied by the tariff applicable for the plant once any grant from public funds has been deducted. Regulation 29 provides that RHI payments for solar thermal are based on the estimated generation recorded on the MCS certificate for the plant in question, multiplied by the tariff applicable for the plant once any grant from public funds has been deducted. Regulation 30 provides the arrangements for calculating RHI payments where plant is metered, and Regulation 31 provides for additional upfront payments for a participant’s plant.

Part 6 (regulations 32 to 34), and Schedule 4, provide for the determination of the tariff applicable for a plant for the purposes of the calculations in regulations 27 and 28 and 29.

Part 7 (regulations 35 to 40) sets out ongoing obligations with which participants must comply, including requirements to give annual declarations, to provide information and to notify the Department of any relevant change in circumstances.

Part 8 (regulations 41 to 44) sets out the procedures applicable in the event of a change of circumstances affecting accreditation of a plant or whether the plant must be metered and provides for the Department to review accreditation and authorisation of any metering arrangement where necessary.

Part 9 (regulations 45 to 46) provides the Department with the power to install and remove meters on accredited heat plants for monitoring purposes.

Part 10 (regulations 47 to 53) sets out the provisions in relation to enforcement. Regulation 47 confers on the Department or its authorised agent the power to inspect an accredited plant and its associated infrastructure and specifies the manner and circumstances in which this power may be used and the consequences of refusal. Regulations 48 to 49 confer powers on the Department to temporarily or permanently withhold a participant's RHI payments or reduce an RHI payment. Regulations 50 to 52 confer powers on the Department to revoke accreditation in certain circumstances, to recover overpayments and to revoke sanctions imposed by it. Regulation 53 confers a right of review on any prospective, current or former participant affected by a decision made by the Department under these Regulations, sets out the process by which a person may request a review of such decisions and specifies the Authority's powers on review.

Part 11 (regulations 54 to 55) confers functions on the Department in relation to the review of the scheme. Regulation 54 requires the Department to keep the scheme under review and confers a power on the Department or an authorised agent to request entry to the property and to install meters in relation to the accredited plant for the purpose of that review. (Compliance with such a request is an ongoing obligation under regulation 39.) Regulation 55 confers a right of review on any participant affected by a decision made by the Department under these Regulations, sets out the process by which a person may request a review of such decisions and specifies the Department's powers on review.

Part 12 (regulations 56 to 59) confer additional administrative functions on the Department, including duties to maintain a central register of accredited plant and registered metering and monitoring agreements, to publish guidance and to provide information to the Department.

Regulation 56 also imposes obligations on applicants and participants when the Department requests information, and regulation 57 confers additional powers on the Department when it carries out functions under these Regulations.

Part 13 (regulations 60 to 61) makes miscellaneous provision. Regulation 60 describes the form and method of communication of notices, notifications and applications under these Regulations.

Regulation 61 amends the Renewable Heat Scheme Regulations (Northern Ireland) 2012 to prevent a plant which is accredited, or for which accreditation has been sought, under this scheme from also obtaining accreditation under those Regulations.

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

PRESS RELEASE - CLEARED BY PRESS OFFICE**Xx December 2014****New Domestic Renewable Heat Incentive Scheme open for applications**

Enterprise, Trade and Investment Minister, Arlene Foster, today announced the opening of the Domestic Renewable Heat Incentive Scheme, (RHI) for applications.

The Renewable Heat Incentive (RHI) will provide long term financial support for those wishing to switch non-domestic or domestic properties from conventional heating to renewable heating solutions, such as biomass; heat pumps and solar thermal.

Domestic customers will be able to avail of upfront payments plus tariff based payments paid annually over a seven year period. Domestic customers who received support under the interim Renewal Heat Premium Payment Scheme, (RHPP) introduced in May 2012 will be able seek accreditation under the new RHI Scheme.

Commenting on the launch of the scheme, Arlene Foster said: **“I am committed to supporting consumers and businesses make the switch to renewable heating technologies. Now that this new scheme is open, I would encourage all households to consider the advantages of switching to a renewable heating source supported by these incentives.**

“I am confident that there will be a good uptake of the scheme and that households will be able to achieve a return on their investment while contributing to the protection of our environment.”

The Minister added: **“Domestic customers wishing to avail of the RHI should review the information on the Energywise pages of the Executive’s NI Direct website, which provide details about the scheme and how to make an application.”**

The scheme is open to all domestic properties and will support installations commissioned since 1 September 2010. The scheme will be administered by DETI.

Notes to editors:

1. The Northern Ireland RHI is now open to those domestic customers wishing to accredit renewable heat installations. All eligible installations commissioned since 1 September 2010 will be able to avail of the incentive payments and the scheme will be administered by DETI.
2. The levels of support under the Domestic RHI and guidance documents for applicants and installers can be found at <http://www.nidirect.gov.uk/index/information-and-services/environment-and-greener-living/energy-wise.htm>
3. For press enquiries please contact DETI Press Office on tel: 028 9052 9604. Out of office hours please contact the Duty Press Officer via pager number Personal information redacted
by the RHI Inquiry and your call will be returned.