

**From:** [Vaughan, Helen](#)  
**To:** [Mills, John \(DETI\)](#)  
**Cc:** [Wightman, Stuart](#); [Hughes, Seamus](#); [Anderson, Gail](#)  
**Subject:** RHI - heating an empty room  
**Date:** 02 February 2016 14:46:29

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John,

You asked for a brief note in relation to the non-domestic RHI and whether it could be used to heat an empty room. I thought initially that you were asking about disincentives to overheating and we have discussed this and how the economics of the scheme (the tariff structure and the delineation between small and medium sized plant) should act as to incentivise people to operate their installation efficiently and minimise consumption – i.e. the scheme should not reward waste.

However, in terms of the more bald question – whether heating an empty room is permitted under the non domestic RHI – I went round the houses on this and waded through the stuff on eligible purpose/eligible criteria/application etc.

However, found the following which is one of the ‘ongoing obligations’ on participants: ***they must not generate heat for the predominant purpose of increasing their periodic support payments*** (Regulation 33(p)) The enforcement arrangements under Part 7 come into play where there’s failure to comply with an ongoing obligation.

This seems to address the point.

You’d have to ask as well if the person made a false declaration under Reg 22 in their application about what they were going to use the heat for (I assume they wouldn’t have said in their application that they were going to use it to heat an empty room). However, I don’t see any consequence for someone giving a false declaration.

In any case, as I say, Regulation 33(p) seems to cover it.

Helen