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Mr Paul McGinn
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Victoria Hall
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Dear Paul

The Domestic Renewable Heat Incentive Regulations (Northern Ireland)

I attach for your scrutiny a draft of the above named Regulations which Energy Division intends to make (Annex A).

This Regulation extends the Renewable Heat Incentive Scheme, (RHI), to domestic consumers in Northern Ireland and brings us into line with GB which introduced similar Regulations in May 2014. Domestic consumers who availed of the interim Renewable Heat Incentive Scheme, (RHPP), introduced here in May 2012 will transfer across to the new scheme.

I have also attached:-

- Final Policy document (Annex B)
- The GB equivalent Regulation – The Domestic Renewable Heat Incentive Scheme Regulations 2014 (Annex C).

If you have any queries or require any further information please let me know. I am also happy to meet to discuss if required.

SEAMUS HUGHES
Renewable Heat

cc John Mills
Stuart Wightman
Linda McGready

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“accreditation application” means an application for accreditation of a plant under regulation 17 which has not been withdrawn by the applicant;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

Comment [PB1]: Definition of “agricultural land” taken from Schedule 1 of the Rates (Northern Ireland) Order 1977.

The only place in the regulations where this phrase is used is in the definition of “dwelling” – we would be grateful for DSO view on whether it is necessary for it to be defined separately or should it be part of the “dwelling” definition?

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;

“authorised metering arrangement” means a metering arrangement which has been given authorisation;

“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;

“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;

(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

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

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

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

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

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

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

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

“eligible metered heat” means, in relation to an accredited domestic plant which is 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, space heating, or both space heating and domestic hot water heating, for an eligible property; or
- (b) a solar thermal plant, domestic hot water heating for an eligible property;

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

“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;

Comment [PB2]: Agricultural land and fish farms are referred to in the Rates (Northern Ireland) Order 1977. We would be grateful for DSO view on whether “dwelling” should also include a fish farm and if so, if it needs to be separately defined here.

(a) S.R. 2008/170, amended by S.R. 2008/241, S.R. 2009/369, S.R. 2013/12 and S.R. 2014/43
 (b) S.R. 2008/170 as amended by S.R. 2013/12; there are other amending instruments which are not relevant to this definition.

“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(a) other than fish—

- (a) which are purely ornamental; or
- (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(b);

“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;

“local authority” means a district council constituted under section 1 of the Local Government Act (Northern Ireland) 1972;

“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 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;

Comment [PB3]: The only place in the regulations where this phrase is used is in the definition of “dwelling” – we would be grateful for DSO view on whether it is necessary for it to be defined separately or should it be part of the “dwelling” definition?

(a) 1966 c.17

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

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

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

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

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

“retail prices index” means—

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

“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 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 where the plant’s first commissioning date is—

- (a) on or after the relevant date, the ratio is calculated in accordance with the heat emitter guide;
- (b) earlier than the relevant date and the person making the accreditation application requested in that application that the Department calculates the plant’s seasonal performance factor, the ratio is calculated in accordance with the heat emitter guide; or
- (c) earlier than the relevant date and the person making the accreditation application has not requested that the Department calculates the plant’s seasonal performance factor, the ratio is 2.5;

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

“solid biomass” includes wood pellets;

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

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

(a) SI 2008/170, as amended by SI 2013/12; there are other amending instruments which are not relevant to this definition

“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 January in any calendar year;

Comment [PB4]: Grateful if DSO could advise if content with definition.

“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, 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) is satisfied in respect of any part of the plant which uses that other source of energy (“the non-biomass part”);
- (b) it provides heating—
 - (i) solely to a single eligible property;
 - (ii) for an eligible purpose; and
 - (iii) if the plant is a biomass stove, it provides heating for that eligible purpose using a liquid-filled heat exchanger enclosed within it;
- (c) it is a condensing plant or meets the requirements set out in—
 - (i) at least one of the standards specified in paragraph 1(2) of Schedule 1 which is relevant to the plant and which is applicable on the plant’s first commissioning date, if the plant is a biomass boiler; or

(a) 1971 c.80.

(b) 1954 c.33 (NI)

- (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 on or after 1 September 2010.
- (2) For the purposes of paragraph (1)(a), this paragraph is satisfied where the non-biomass part—
 - (a) comprises an immersion heater for a domestic hot water cylinder or otherwise solely generates heat for the purpose of heating domestic hot water; or
 - (b) comprises a supplementary electric heater and a single control system governs the whole plant.
- (3) In paragraph (1), “permitted source of energy” means, if the source of energy is used by—
 - (a) a biomass boiler, solid biomass; and
 - (b) a biomass stove, solid biomass.

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 45kWth is certified under—

- (a) the Microgeneration Certification Scheme(a) as installed in accordance with the relevant installation standard in that scheme; or
- (b) a scheme accredited under EN 45011(b) OR EN ISO/IEC 17065:2012(c) as installed in accordance with the installation requirements applicable to the plant which apply under that scheme where—
 - (i) that scheme is equivalent to the Microgeneration Certification Scheme; and
 - (ii) the requirements are those which apply on the plant's first commissioning date and which are equivalent to the relevant installation standard.

(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.

(2) The requirements referred to in regulation 3(b) are that the installer of a plant with an installation capacity exceeding 45kWth 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(a);
 - (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(b); 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(c).

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

Requirement that plant is not an accredited RHI installation

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

(a) Published on www.microgenerationcertification.org.

(b) Published on www.microgenerationcertification.org.

(c) Published on www.microgenerationcertification.org.

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.
- (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 45kWth.
- (7) Plant A falls within this paragraph where the Department takes the decision to install a meter in order to collect data, assess performance and monitor progress against renewable heat targets.

(a) S.R. 2012/396.

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

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

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 14, 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) Where the plant is a heat pump for which the first commissioning date is earlier than the relevant date and the applicant does not want the seasonal performance factor for the plant to be deemed to be 2.5, the applicant must provide a request that the plant's seasonal performance factor be calculated in accordance with the heat emitter guide
- (4) An accreditation application must be received by the 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;
 - (vi) the deemed annual heat generation for the plant; and
- (f) where regulation 13 requires that the heat generated by the plant must be metered, provide the participant with a statement containing the following information (a "metering statement")—
 - (i) confirmation that the heat generated by the plant must be metered;
 - (ii) notification as to whether eligible meters must be positioned in accordance with paragraph (2), (3) or (4) of regulation 15, or paragraph (2), (3), (4) or (5) of regulation 16;
 - (iii) if eligible meters are positioned in accordance with paragraph (3) or (4) of regulation 15, or 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 RHII 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)(3) 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 for plant A.
- (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 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 17(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 £2000 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 RHI payments where metering is not required

27.—(1) In order to calculate the RHI payment for all accredited domestic plant, other than a heat pump, the following information is required from the EPC:

- (a) Potential Heating Costs (“PHC”)
- (b) Potential Hot Water Costs (“PHWC”)
- (c) Potential Lighting Costs (“PLC”)
- (d) Total Floor Area (“TFA”)
- (e) Potential Energy Use (“PEU”)

(2) The RHI payment for an accredited domestic plant, save where that plant is a Heat Pump or a solar thermal plant, is calculated in accordance with the following formulas which, utilised in the order (a) to (c), shall provide the annual RHI payment—

- (a) Calculation 1:

$$\frac{PHC \pm PHWC}{PHC \pm PHWC \pm PLC} \times \frac{100}{1} = \text{Potential heating costs as percentage of total energy}$$

- (b) Calculation 2:

Potential heating costs as percentage of total energy x (TFA X PEU) – Potential Annual Heat Demand

- (c) Calculation 3:

Potential Annual Heat Demand x relevant tariff – Annual Payment

Calculation of RHI payments for heat pumps where metering is not required

28.—(1) The RHI payment for an accredited domestic plant that is a heat pump is calculated in accordance with the following formulas which, utilised in the order (a) to (d), shall provide the annual RHI payment.

- (a) Calculation 1:

$$\frac{PHC \pm PHWC}{PHC \pm PHWC \pm PLC} \times \frac{100}{1} = \text{Potential heating costs as percentage of total energy}$$

- (b) Calculation 2:

Potential heating costs as percentage of total energy x (TFA X PEU) – Potential Annual Heat Demand

- (c) Calculation 3:

Potential Annual Heat demand x $(1 - \frac{1}{\text{seasonal performance factor}})$ = Potential Annual Heat Demand adjusted for seasonal performance factor

- (d) Calculation 4:

Potential Annual Heat Demand adjusted for seasonal performance factor x relevant Tariff =- Annual Payment

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 on a deemed basis of the estimate of performance in kWh that is calculated as part of the Microgeneration Installation Standard. This figure is recorded on the MCS certificate.

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 of the Regulations shall be calculated on the basis of eligible metered heat output but such RHI payments shall not exceed the level of RHI payment 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.

(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.

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 provide upfront financial support, referred to in these regulations as “upfront payments”, in the manner and quantum outlined in Table 3 of Schedule 4 in respect of a participant’s accredited domestic plant.

(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 tariffs must be published by 000, and in each subsequent calendar year by 000

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

- (a) 1st April 2014, but only where the relevant date is earlier than that date; and
- (b) 1st January 2015 and 1st January of each subsequent calendar year.

Comment [PB5]: To be inserted

Comment [PB6]: To be inserted

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 is the tariff for the plant's tariff category set out in Schedule 4.

Calculation of subsequent tariffs

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

(2) For each subsequent year commencing with 1st April and ending with 31st March, the subsequent tariff is the tariff applicable on the immediately preceding 31st March adjusted by the percentage increase or decrease 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 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) and will co-operate with such a request; and

- (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.

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.

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;

(a) S.R. 2012/396

- (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 PM and 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 under 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 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—
- (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 which led to the review under that regulation, or commenced its investigation under Part 10, and ending on the day before the date on which the Department provides the participant with a metering statement.

Replacement plants

43.—

- (1) 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;
 - (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;
 - (c) the replacement plant must comply with the eligibility requirements in accordance with regulation 3.

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 AND MONITORING AGREEMENTS

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

45.—(1) Where the Department takes the decision to install an eligible meter, at its sole discretion, in order to collect data, assess performance and monitor progress against renewable heat targets under regulation 13(7), a metering and monitoring agreement shall be entered into by the Department and the participant.

(2) Notwithstanding paragraph (1), RHI Payments shall be made in accordance with regulations 27 and 28.

Termination of the agreement

46.—(1) The Department may remove an eligible meter from a property at its sole discretion.

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 the 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 47(1); 48(1); 49(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.

Comment [PB7]: We would be grateful for DSO view on whether this definition is necessary.

Duty to maintain a central register

58. The Department must maintain a register of—
- (a) all accredited domestic plants;
 - (b) all registered metering and monitoring agreements.

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) the annual reports provided in accordance with this regulation;
- (b) information in aggregate form as to—
 - (i) the number of accredited domestic plants;
 - (ii) the number of those plants which are biomass plants, air source heat pumps, ground source heat pumps, 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), 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 standard for biomass stoves is EN 14785:2006(d).
- (4) The standards for heat pumps are—
- (a) EN 14511-1: 2013(e), EN 14511-2: 2013(f), EN 14511-3: 2013(g) and EN 14511-4: 2013(h);
 - (b) EN 14511-1: 2011(i), EN14511-2: 2011(j), EN 14511-3: 2011(k), and EN 14115-4: 2011(l);
 - (c) EN 14511-1: 2007(m), EN 14511-2: 2007(n), EN 14511-3: 2007(o), and EN 14511-4: 2007(p); or
 - (d) EN 14511-1: 2004(q), EN 14511-2: 2004(r), EN 14511-3: 2004(s), and EN 14511-2004(t).

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- (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.
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 - (e) The ISBN for the English language version of this standard is ISBN 978 0 580 80674 2. Copies can be obtained from the British Standards Institution at www.bsigroup.com.
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 - (s) 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.
 - (t) 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 and the property is an eligible new-build property.

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;

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- (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 1(3) of Schedule 3 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 32, 33 and 34

Tariffs

Comment [PB8]: Figures to be confirmed

Table 1: Tariff for accredited domestic plant installed after 1st September 2010 which have not received a RHPP grant

<i>Tariff for 7 years (pence per kWh)</i>	
Air to Water Heat Pumps	8.1
Biomass	7.9
Ground Source Heat Pumps	13
Solar Thermal	16.4
Air to Air Heat Pumps	5.5

Table 2: Tariff for accredited domestic plant installed after 24th May 2012 which have received an RHPP grant

<i>Tariff for 7 years (pence per kWh)</i>	
Air to Water Heat Pumps	3.4
Biomass	5.5
Ground Source Heat Pumps	8
Solar Thermal	13.1
Air to Air Heat Pumps	3.5

Table 3 : Tariff for accredited domestic plant installed after 24th May 2012 which have not received an RHPP grant

	<i>Upfront payment (£)</i>	<i>Tariff for 7 years (pence per kWh)</i>
Air to Water Heat Pumps	1700	3.4
Biomass	2500	5.5
Ground Source Heat Pumps	3500	8
Solar Thermal	320	13.1
Air to Air Heat Pumps	1000	3.5

SCHEDULE 5

Regulations 45 and 46

Requirements for metering and monitoring agreements

1. The requirements set out in this Schedule are that an agreement between a certified installer and a participant (a “metering and monitoring agreement”)—

- (a) relates to an accredited domestic plant which is a heat pump or a metering and monitoring biomass boiler;
- (b) meets the requirements set out in paragraph 3 or 4 of this Schedule (whichever is applicable to the type of plant); and
- (c) meets the requirements set out in paragraphs 5 to 12 of this Schedule.

2. In this Schedule—

“data completeness”, in relation to information recorded by measuring instruments over a particular period and presented in a format available for viewing by the installer and participant, is the total number of readings by the instruments and presented over that period divided by the maximum number of readings that could have been recorded at 2 minute intervals by the instruments in that period, expressed as a percentage;

“external temperature” is the temperature measured—

- (a) at the RHI property by any temperature sensors if the relevant sensors are installed at the RHI property; or
- (b) at a meteorological station which the metering and monitoring installer regards as most likely to measure temperature that represents the external temperature at the RHI property.

Requirements regarding the use of meters and other measuring instruments for metering and monitoring biomass boilers

3. Where the agreement relates to an accredited domestic plant which is a metering and monitoring biomass boiler (“the plant”), the applicable requirements referred to in paragraph 1(b) are that the agreement requires that—

- (a) eligible heat meters are installed to record the heat generated by the plant;
- (b) eligible heat meters are installed to record the heat generated by any other plant which is connected to the same heat distribution system as the plant or, if it is not feasible to install eligible heat meters for this purpose, any other type of eligible meters which can be used to determine heat generated by the other plant are installed;
- (c) temperature sensors are installed which enable the recording of the temperature of the liquid leaving the plant and returning to it, and those temperature sensors must form part of the eligible heat meter measuring the heat generated by the plant or be installed at the same location as that eligible heat meter;

- (d) eligible electricity meters are installed to record—
 - (i) the electricity supplied to any component of the plant which is used to generate the heat which is recorded under sub-paragraph (a); and
 - (ii) if the plant is used to generate heat for the purpose of heating domestic hot water, the total electricity supplied to the domestic hot water system including the electrical consumption by any immersion element in a domestic hot water cylinder;
- (e) temperature sensors are installed to measure—
 - (i) the indoor temperature in at least one room in the RHI property to which the accredited domestic plant provides heat; and
 - (ii) the external air temperature; and
- (f) measuring equipment is installed to determine the efficiency of the plant.

Requirements regarding the use of meters and other measuring instruments for heat pumps

4. Where the agreement relates to an accredited domestic plant which is a heat pump (“the plant”), the applicable requirements referred to in paragraph 1(b) are that the agreement requires that—

- (a) eligible heat meters are installed to record the heat generated by the plant or its components;
- (b) eligible heat meters are installed to record the heat generated by any other plant which is connected to the same heat distribution system as the plant or, if it is not feasible to install eligible heat meters for this purpose, any other type of eligible meters which can be used to determine heat generated by the other plant are installed;
- (c) temperature sensors are installed which enable the recording of—
 - (i) the temperature of the liquid leaving the plant to provide space heating; and
 - (ii) if the heat pump generates heat for the purpose of heating domestic hot water, the temperature of the liquid leaving the plant for the sole purpose of heating domestic hot water or entering the domestic hot water cylinder;
- (d) eligible electricity meters are installed to record—
 - (i) any electricity supplied to any components of the plant included in the heat recorded under sub paragraph (a);
 - (ii) if the plant is used for the purpose of heating domestic hot water, the total electricity supplied to the domestic hot water system including the electrical consumption by any immersion element in a domestic hot water cylinder;
- (e) temperature sensors are installed to measure the indoor temperature in at least one room in the RHI property to which the plant provides heat;
- (f) if the plant is a ground source heat pump, temperature sensors are installed to record the temperature of the liquid in the part of the plant that extracts heat from the ground or water as it enters, and returns from, the ground or water; and
- (g) if the plant is an air source heat pump, temperature sensors are installed to measure the external air temperature.

Accuracy requirements for meters and temperature sensors

5. The requirements referred to in paragraph 1(c) are that the agreement requires that—

- (a) all meters installed or used under the agreement meet the metering requirements and records information at least every 2 minutes;
- (b) all temperature sensors used under the agreement are properly installed and records information at least every 2 minutes;
- (c) the smallest amount of energy that eligible heat meters used under the agreement can detect is equal to or less than 1Wh or, if not, is equal to or less than—

- (i) 10Wh, if the eligible heat meter is measuring the heat in domestic hot water as it leaves a domestic hot water cylinder; or
- (ii) 3% of the smallest amount of heat that the plant being measured is designed to produce in two minutes in Wh, if the eligible heat meter is not measuring the heat in domestic hot water as it leaves a domestic hot water cylinder;
- (d) the smallest amount of energy that eligible electricity meters used in relation to the components of a heat pump under the agreement can detect is equal to or less than—
 - (i) 1Wh; or
 - (ii) 3% of the smallest amount of electricity that the heat pump compressor, any supplementary electric heater and any electric immersion heater (where the energy consumed by those components is metered) is designed to consume in Wh in two minutes;
- (e) the smallest amount of energy that eligible electricity meters used in relation to a metering and monitoring biomass boiler under a metering and monitoring agreement can detect is equal to or less than—
 - (i) 1Wh; or
 - (ii) 7.5% of the smallest amount of electricity that the metering and monitoring biomass boiler is designed to consume in Wh in two minutes;
- (f) the smallest volume that eligible gas meters used under a metering and monitoring agreement can detect is equal to or less than 10 litres or the equivalent volume in any other unit;
- (g) the smallest volume that eligible oil meters used under a metering and monitoring agreement can detect is equal to or less than 0.1 litres or the equivalent volume in any other unit; and
- (h) the data completeness of the information recorded by all measuring instruments under the metering and monitoring agreement over any consecutive 12 month period is at least 75%.

Requirements for presentation of information

6. The requirements referred to in paragraph 1(c) are that the agreement requires that information recorded under the metering and monitoring agreement is—

- (a) presented in a format which is automatically available for viewing by the metering and monitoring installer (“the installer view”) and the participant (“the participant view”); and
- (b) updated automatically within one week of that information being recorded by the relevant measuring instruments.

7. The requirements referred to in paragraph 1(c) are that agreement requires that the installer view—

- (a) includes all of the information recorded by all measuring instruments required under the metering and monitoring agreement over a period which is—
 - (i) at least the past 12 months; or
 - (ii) if the agreement has been in force for less than 12 months, the period in which the agreement has been in force;
- (b) shows the data as it was recorded in 2 minute intervals or smaller intervals;
- (c) indicates the data completeness of the recorded information—
 - (i) in each three month period for the past 12 months; or
 - (ii) if the information has been recorded for a period which is shorter than 12 months, in any three month period for which information has been recorded.

8. The requirements referred to in paragraph 1(c) are that agreement requires that the participant view—

- (a) separately identifies, as a minimum, each of the following sets of information recorded under the metering and monitoring agreement—
 - (i) the energy output of the accredited domestic plant;
 - (ii) the energy consumption by the accredited domestic plant;
 - (iii) the internal temperature in any room for which the internal temperature is recorded;
 - (iv) the external temperature;
 - (v) if the accredited domestic plant is a ground source heat pump, the temperature of the liquid in the part of the plant that extracts heat from ground of water as it enters, and returns from, the ground or water;
 - (vi) the efficiency of the accredited domestic plant over the past 12 months or over any period for which data is available if less than 12 months of data is available (“the efficiency assessment”);
 - (vii) an assessment as to the accuracy of the efficiency assessment; and
 - (viii) information about the components of the accredited domestic plant which have contributed to the efficiency assessment;
- (b) displays the information referred to in sub-paragraph (a) in a way that—
 - (i) shows the information collected in any other period (at least for data collected in the previous 12 months), broken down by month or by a smaller unit of time; and
- (c) identifies the data completeness of the information recorded by the measuring instruments.

Requirements for provision of information and advice to participants

9. The requirements referred to in paragraph 1(c) are that the agreement requires the metering and monitoring installer to provide to the participant, on request—

- (a) at least once every three months, an explanation about the meaning of the information collected under the metering and monitoring agreement;
- (b) all of the information collected under the metering and monitoring agreement over the 12 month period ending on the date on which the information is requested; and
- (c) any other information relating to the participant or the metering and monitoring agreement which is held by the metering and monitoring installer.

Requirements for provision of information to the Department

10. the requirements referred to in paragraph 1(c) are that the agreement requires the metering and monitoring installer—

- (a) to provide to the Department or an agent nominated by the Department, on request, information relating to—
 - (i) the metering and monitoring agreement including any data collected, and anything else done, under that agreement; or
 - (ii) the accredited domestic plant; and
- (b) to provide that information in such manner and form and by such date as is specified in the request.

Consumer protection requirements

11. The requirements referred to in paragraph 1(c) are that the agreement requires the metering and monitoring installer to inform the participant—

- (a) of the identity of any person who is providing a service under the metering and monitoring agreement and to notify the participant if that person changes;

- (b) if any service required under the metering and monitoring agreement is to be delivered by another person on behalf of the metering and monitoring installer.

12. The requirements referred to in paragraph 1(c) are that the agreement permits assignment of all rights and obligations under the agreement—

- (a) by the metering and monitoring installer to another certified installer if the participant consents; and
- (b) where the participant ceases to be the owner of the accredited domestic plant—
 - (i) by the participant who entered into the metering and monitoring agreement;
 - (ii) to another owner of the accredited domestic plant;
 - (iii) on the giving of notice to the metering and monitoring installer.

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, 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 32) 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 that RHI payments for plant which is not metered, are based on the heat which the plant is deemed to have generated, multiplied by the tariff applicable for the plant once any grant from public funds has been deducted. Regulation 28 provides that RHI payments for metered heat pump plants are based on the heat generated by the plant, multiplied by the tariff applicable for the plant once any grant from public funds has been deducted and provided that the RHI payment calculated in that way does not exceed the RHI payment that would have been payable if the plant was not metered. Regulation 29 provides that RHI payments for solar thermal

which is not metered are based on the heat which the plant is deemed to have generated, multiplied by the tariff applicable for the plant once any grant from public funds has been deducted.

Regulation 30 provides the arrangements for calculating RHI payments where plant is metered, and Regulation 31 by how much the RHI payment is reduced by reference to grants from public funds.

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) sets out the procedure for registration of any metering and monitoring agreement which relates to an accredited plant and which meets the requirements in Schedule 5. Regulation 45 requires the Department to make additional payments (“metering and monitoring payments”) to participants for registered metering and monitoring agreements and specifies the amount of metering and monitoring payments. Regulation 46 provides for the Department to withdraw registration.

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).