
DRAFT STATUTORY INSTRUMENTS

2011 No.

The Renewable Heat Incentive Scheme Regulations 2011

PART 2

Eligibility and matters relating to eligibility

CHAPTER 1

Eligible installations

Eligible installations

- 4.—(1) A plant meets the criteria for being an eligible installation (“the eligibility criteria”) if—
- (a) regulation 5, 6, 7, 8, 9, 10 or 11 applies;
 - (b) the plant satisfies the requirements set out in regulation 12(1);
 - (c) regulation 15 does not apply; and
 - (d) the plant satisfies the requirements set out in Chapter 3.
- (2) But this regulation is subject to regulation 14.

CHAPTER 2

Eligibility criteria for technologies

Eligible installations generating heat from solid biomass

5. This regulation applies if the plant complies with all of the following requirements—
- (a) it generates heat from solid biomass;
 - (b) the heat from the solid biomass is generated using equipment specifically designed and installed to use solid biomass as its only primary fuel source;
 - (c) in the case of a plant with an installation capacity of 45kWth or less, regulation 13 applies.

Eligible installations generating heat from solid biomass contained in municipal waste

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

Eligible installations generating heat using solar collectors

7. This regulation applies if the plant complies with all of the following requirements—
- (a) it generates heat using a solar collector;
 - (b) it has an installation capacity of less than 200kWth;
 - (c) in the case of a plant with an installation capacity of 45kWth or less, regulation 13 applies.

Eligible installations generating heat using heat pumps

8. This regulation applies if the plant is a heat pump and complies with all of the following requirements—

- (a) it generates heat using naturally occurring energy stored in the form of heat from one of the following sources of energy—
 - (i) the ground other than naturally occurring energy located and extracted from at least 500 metres below the surface of solid earth;
 - (ii) surface water;
- (b) in the case of a heat pump with an installation capacity of 45kWth or less, regulation 13 applies;
- (c) it has a coefficient of performance of at least 2.9.

Eligible installations which are CHP systems

9.—(1) Subject to paragraph (2), this regulation applies if the plant is a CHP system which complies with one of the following requirements—

- (a) it generates heat and electricity from solid biomass and either regulation 6 applies or the plant complies with the requirement in regulation 5(b);
 - (b) it generates heat and electricity from biogas and complies with regulation 11(b) and (c);
 - (c) it generates heat and electricity utilising naturally occurring energy located and extracted from at least 500 metres beneath the surface of solid earth.
- (2) This regulation does not apply if the plant—
- (a) uses solid biomass to generate heat and electricity;
 - (b) is accredited under the Renewables Obligation Order 2009(1) or the Renewables Obligation (Scotland) Order 2009(2); and
 - (c) is, or at any time since it was accredited in accordance with sub-paragraph (b), has been a qualifying CHP generating station within the meaning of article 2 of either of those Orders.

Eligible installations generating heat using geothermal sources

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

Eligible installations generating heat using biogas

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

- (a) it generates heat from biogas;
- (b) it has an installation capacity of less than 200kWth;
- (c) it does not generate heat from solid biomass.

Other eligibility requirements for technologies

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

- (a) installation of the plant was completed and the plant was first commissioned on or after 15th July 2009;

(1) S.I. 2009/785, amended by S.I. 2010/1107 and S.I. 2011/984.

(2) S.S.I. 2009/140, amended by S.S.I. 2010/147 and S.S.I. 2011/225.

- (b) the plant was new at the time of installation;
- (c) the plant uses liquid or steam as a medium for delivering heat to the space, water or process;
- (d) heat generated by the plant is used for an eligible purpose.

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

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

MCS certification for microgeneration heating equipment

13. This regulation applies where the plant for which accreditation is being sought is certified under the MCS and its installer was certified under the MCS at the time of installation.

Plants comprised of more than one plant

14.—(1) Subject to paragraph (2), and without prejudice to regulation 43(5)(b), the eligibility criteria are not met if the plant is comprised of more than one plant.

- (2) Where two or more plants—
 - (a) use the same source of energy and technology,
 - (b) form part of the same heating system, and
 - (c) are not accredited RHI installations,

those plants (the “component plants”) are to be regarded as a single plant for the purposes of paragraph (1) provided that paragraph (3) applies.

(3) This paragraph applies where each component plant meets the eligibility criteria; and for that purpose a component plant can be taken to meet the eligibility criteria notwithstanding that regulation 13 does not apply.

Excluded plants

- 15.—**(1) This regulation applies where the plant—
 - (a) is generating heat solely for the use of one domestic premises;
 - (b) is, in the Authority’s opinion, generating heat solely for an ineligible purpose; or
 - (c) is a plant which—
 - (i) is additional RHI capacity within the meaning of regulation 43(2) and was first commissioned more than 12 months after the original installation was first commissioned;
 - (ii) generates heat from biogas or using a solar collector; and
 - (iii) has an installation capacity which, together with the installation capacities of all related plants, is 200kWth or above.

- (2) For the purposes of this regulation—

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

“related plant” means any plant for which an application for accreditation has been made (whether or not it has been accredited) which uses the same source of energy and technology and forms part of the same heating system as the plant referred to in paragraph (1)(c).

CHAPTER 3

Eligibility criteria in relation to metering and steam measuring

Metering of plants in simple systems

16.—(1) This regulation applies where—

- (a) the plant is generating and supplying heat solely for one or more eligible purposes within one building;
- (b) no heat generated by the plant is delivered by steam; and
- (c) the plant is not a CHP system.

(2) Where this regulation applies, a class 2 heat meter must be installed to measure the heat in kWhth generated by the plant.

Metering of plants in complex systems

17.—(1) This regulation applies where regulation 16(1) does not apply.

(2) Subject to regulation 19—

- (a) where heat generated by the plant is delivered by liquid, class 2 heat meters must be installed to measure both the kWhth of heat generated by that plant and the kWhth of heat used for eligible purposes by the heating system of which that plant forms part; and
- (b) where heat generated by the plant is delivered by steam, the following must be installed—
 - (i) steam measuring equipment to measure both the heat generated in the form of steam by the plant and the heat in the form of steam used for eligible purposes; and
 - (ii) a class 2 heat meter or steam measuring equipment to measure any condensate or steam which returns to the plant.

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

Shared meters

18.—(1) Subject to paragraph (2), the heat generated by the plant must be individually metered.

(2) Subject to regulation 43(8), the heat generated by two or more plants may be metered using one meter provided that—

- (a) the plants use the same source of energy and technology;
- (b) the plants will, once given accreditation, be eligible to receive the same tariff;
- (c) the plants will then share the same tariff start date and tariff end date; and
- (d) it is the Authority’s opinion that a single meter is capable of metering the heat generated by all of those plants.

Metering of CHP systems generating electricity only before 15th July 2009

19.—(1) This regulation applies where the plant is a CHP system and the requirements of regulation 12(1)(a) and (b) are deemed to be satisfied in accordance with regulation 12(2).

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

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

Matters relating to all heat meters and steam measuring equipment

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

- (a) be calibrated prior to use;
- (b) be calibrated correctly for any water/ethylene glycol mixture; and
- (c) be (or have been) properly installed in accordance with manufacturer’s instructions.

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

- (a) calibrated prior to use;
- (b) capable of displaying measured steam pressure and temperature;
- (c) capable of displaying the current steam mass flow rate and the cumulative mass of steam which has passed through it since it was installed; and
- (d) properly installed in accordance with manufacturer’s instructions.

Additional metering requirements for plants generating heat from biogas

21.—(1) This regulation sets out additional requirements in relation to metering where a plant is generating heat from biogas.

(2) In that case—

- (a) a class 2 heat meter must be installed to meter any heat directed from the plant combusting the biogas to the biogas production plant; and
- (b) a class 2 heat meter must be installed to meter any heat supplied to the biogas production plant from any source other than—
 - (i) the plant combusting the biogas; and
 - (ii) where the biogas has been produced by anaerobic digestion, the feedstock from which it was produced.