

***PROPOSED TEXT OF REGULATIONS TO AMEND SECTION 100 OF THE ENERGY ACT 2008***

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 100(5) of the Energy Act 2008(a).

In accordance with section 105(3) of that Act, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

In accordance with section 100(7), the Secretary of State has consulted the Scottish Ministers and the Scottish Ministers have given their consent to the making of these Regulations.

**Citation and commencement**

1. These Regulations may be cited as the Renewable Heat Incentive (Amendment to the Energy Act 2008) Regulations 2011 and come into force on [ ] 2011.

**Preliminary**

2. Section 100 of the Energy Act 2008 is amended as follows.

**Amendments to section 100(3) of the Energy Act 2008**

3. In section 100(3)—

(a) for the definition of “biogas”, substitute—

““biogas” means gas produced by the anaerobic or thermal conversion of biomass;”;

(b) in the definition of biomass, after “fossil fuel” insert “or peat”.

**Amendment to section 100(4) of the Energy Act 2008**

4. In section 100(4), at the end insert—

“(i) biogas.”.