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**Changes to legislation:** There are currently no known outstanding effects for the Infrastructure Act 2015, Cross Heading: Identification of qualifying facilities. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 6

#### COMMUNITY ELECTRICITY RIGHT REGULATIONS

##### PART 1

##### THE RIGHT TO BUY

###### *Identification of qualifying facilities*

- 3 (1) Right to buy regulations must make provision enabling those renewable electricity generation facilities which are qualifying facilities to be identified.
- (2) The regulations may make provision enabling the following to be identified—
- (a) different renewable electricity generation facilities located at the same site;
  - (b) any facility at that site which is a qualifying facility.
- (3) The regulations may make provision enabling the following to be identified in cases where there is expansion at a site where a renewable electricity generation facility is located—
- (a) any new renewable electricity generation facility created by the expansion;
  - (b) any facility at that site which is a qualifying facility (including any existing facility which becomes a qualifying facility because its total installed capacity is expected to be 5 megawatts or more as a result of the expansion).
- (4) Right to buy regulations may make provision about cases in which the right to buy is not to be exercisable in relation to a renewable electricity generation facility which would otherwise be a qualifying facility (an “excepted facility”).
- (5) The functions that may be conferred by regulations under sub-paragraph (4) (in accordance with section 39(1)) include—
- (a) the function of determining whether or not a renewable electricity generation facility is an excepted facility;
  - (b) the function of specifying that a particular renewable electricity generation facility is an excepted facility.
- (6) The regulations may provide for an excepted facility to be identified by reference to one or more of the following factors—
- (a) community ownership of the facility;
  - (b) community ownership of a stake in the facility;
  - (c) non-participation in a statutory energy scheme (whether or not there could be participation in the scheme in respect of the facility).

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**Commencement Information**

**II** Sch. 6 para. 3 in force at 1.6.2016, see s. 57(7)(a)

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