
STATUTORY INSTRUMENTS

2015 No. 2045

The Feed-in Tariffs (Amendment) (No. 3) Order 2015

Part 3 (accreditation and matters relating to accreditation)

7. After article 8 (limit on numbers of eligible installations using combined heat and power) insert—

“The pause period

8A.—(1) Subject to paragraph (4), this article applies to an eligible installation for which the application date is within the pause period.

(2) Where this article applies, the Authority must not accredit the eligible installation until on or after 8th February 2016.

(3) If the eligible installation is accredited—

(a) its eligibility date is the later of—

(i) 8th February 2016; or

(ii) the first day of the tariff period within which it qualifies for accreditation; and

(b) its tariff date is the same as its eligibility date.

(4) This article does not apply to—

(a) an eligible installation to which article 8D (transitional installations) applies; or

(b) an eligible installation which has been granted preliminary accreditation, and in respect of which the application for accreditation is made within the period of validity of its preliminary accreditation.

(5) In paragraph (1)—

“the application date” means—

(a) in relation to an application which meets the conditions in article 4(2), the date on which the application for accreditation is received by the Authority;

(b) in relation to an application which meets the conditions in article 4(3), the date on which the application for FIT payments is received by a FIT licensee; and

“the pause period” means the period starting on 15th January 2016 and ending on 7th February 2016.

The application limit

8B.—(1) Paragraph (2) applies where, in any tariff period, the aggregate total installed capacity (measured in megawatts) of relevant installations of a particular description, in respect of which applications for accreditation or preliminary accreditation have been received, reaches the limit for such installations for that tariff period (“the application limit”) as set out in the Table in Schedule 1A to this Order.

(2) Where this paragraph applies, the Authority must not within that tariff period—

- (a) accredit any relevant installations of that particular description for which an application for accreditation is received after the application limit is reached; or
- (b) grant preliminary accreditation for installations of that particular description for which an application under article 9 (preliminary accreditation) is received after the application limit is reached,

and where the receipt of an application in respect of a relevant installation causes the application limit to be reached, the Authority must not accredit it or grant it preliminary accreditation within that tariff period, unless the total installed capacity of that installation is such that the limit is reached exactly and not exceeded.

(3) Where by virtue of paragraph (2) an eligible installation is not granted accreditation or preliminary accreditation in a tariff period, and the Authority would have granted it accreditation or preliminary accreditation if paragraph (2) did not apply, the Authority must in the next tariff period determine whether to grant the installation accreditation or preliminary accreditation in that next tariff period.

(4) For the purposes of this article and article 8C—

- (a) an application for accreditation or preliminary accreditation is to be treated as being received by the Authority—
 - (i) in relation to an application which meets the conditions in article 4(2), or for an application for preliminary accreditation, when the application is received by the Authority;
 - (ii) in relation to an application which meets the conditions in article 4(3), when an MCS Certificate is issued for the installation in respect of which the application for FIT payments is made; and
 - (iii) in relation to an application which the Authority is required to determine under paragraph (3), at the start of the tariff period in which it is to be determined; and
- (b) “relevant installation” means any eligible installation other than an installation which has been granted preliminary accreditation and in respect of which an application for accreditation is made within the period of validity of its preliminary accreditation.

The application limit: adjustments

8C.—(1) This paragraph applies where, at the end of a tariff period (“Tariff Period A”), the aggregate total installed capacity (measured in megawatts) of eligible installations of a particular description, in respect of which applications have been received by the Authority, has not reached the limit for that period as set out in the Table in Schedule 1A for such installations.

(2) If paragraph (1) applies, then in relation to the following tariff period (“Tariff Period B”), the application limit *NLB*, given by the formula below, is to be substituted for the application limit specified in the Table in Schedule 1A—

$$NLB = (ELA - MWA) + ELB$$

where—

- (a) *ELA* is the application limit for Tariff Period A for eligible installations of a particular description;
- (b) *MWA* is the aggregate total installed capacity of eligible installations of that description in respect of which the Authority received applications in Tariff Period A;

- (c) ELB is the application limit which would, but for this article, apply for Tariff Period B for eligible installations of that description; and
- (d) NLB is the new application limit which will apply for Tariff Period B.

Transitional installations

- 8D.**—(1) This article applies where—
- (a) an application has been made to the Authority before 15th January 2016 for accreditation of an eligible installation which is of a type mentioned in article 4(2)(a), whose commissioning date is on or after 15th January 2016; or
 - (b) an application is made to a FIT licensee between 15th January 2016 and 31st March 2016 for FIT payments for an eligible installation which uses a MCS-FIT technology, whose MCS certificate’s issue date is before 15th January 2016.
- (2) Where this article applies—
- (a) in the case of the installation referred to in paragraph (1)(a), its eligibility date will be the later of—
 - (i) the date on which its application for accreditation was received by the Authority; or
 - (ii) the date on which the installation is commissioned;and its tariff date will be the same as its eligibility date; and
 - (b) in the case of an installation referred to in paragraph (1)(b), its eligibility date and tariff date will be 8th February 2016.”.