
STATUTORY INSTRUMENTS

2012 No. 2782

ELECTRICITY

The Feed-in Tariffs Order 2012

Made - - - - *6th November 2012*
Laid before Parliament *8th November 2012*
Coming into force - - *1st December 2012*

The Secretary of State, in exercise of the powers conferred by sections 41(4), 43(3)(a), and 104(2) of the Energy Act 2008 ^{M1}, makes the following Order:

Marginal Citations

M1 2008 c.32.

PART 1

Introductory provisions

Citation and commencement

1. This Order may be cited as the Feed-in Tariffs Order 2012 and comes into force on 1st December 2012.

Interpretation

2.—(1) In this Order—

“the Act” means the Energy Act 2008;

“the 1989 Act” means the Electricity Act 1989 ^{M2};

“accreditation” means approval by the Authority of an eligible installation as an accredited FIT installation under Part 3, unless the context otherwise requires;

“accredited FIT installation” means an eligible installation which has been given accreditation;

“anaerobic digestion” means the bacterial fermentation of organic material in the absence of free oxygen (excluding anaerobic digestion of sewage and material in a landfill);

“the Authority” means the Gas and Electricity Markets Authority;

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“central FIT register” means the register kept and maintained by the Authority in accordance with article 21;

“community energy installation” has the meaning given in article 11;

“deemed export payment” means the payment made to a FIT generator or nominated recipient by a FIT licensee in respect of a deemed export of electricity;

“distribution system” has the same meaning as in section 4(4) of the 1989 Act ^{M3};

“electricity supply licence” means a licence granted by the Authority under section 6(1)(d) of the 1989 Act;

“energy performance certificate” has the same meaning as in—

- (a) [^{F1}the Energy Performance of Buildings (England and Wales) Regulations 2012] in relation to a building in England or Wales; and
- (b) the Energy Performance of Buildings (Scotland) Regulations 2008 ^{M4}, in relation to a building in Scotland;

“extension” means an increase in the capacity of an installation to generate electricity;

“FIT” means feed-in tariff;

“grant from public funds” means a grant made by a public authority or by any person distributing funds on behalf of a public authority;

“grid connection” means a connection between a generating installation and a transmission system or distribution system for the purpose of enabling electricity to be conveyed from the installation to that system;

“hydro generating station” means a generating installation driven by water, except for such an installation—

- (a) driven by waves, ocean currents or geothermal sources;
- (b) driven by tidal flows, unless also driven partly by non-tidal flows from a water course; or
- (c) where the hydrostatic head of the water has been increased by pumping;

“levelisation fund” means the fund maintained under article 25;

“licensee” means a person who is a holder of a licence under section 6(1)(d) of the 1989 Act;

“MCS” means the Microgeneration Certification Scheme ^{M5} or equivalent schemes accredited under EN 45011 ^{M6} which certify microgeneration products and installers in accordance with consistent standards;

“MCS certificate” means a certificate given under the MCS;

[^{F2}“mutualisation distribution”, “mutualisation notice” and “mutualisation payment” have the meaning given by article 30A(3);]

“ROO” means the Renewables Obligation Order 2009 ^{M7} in relation to an installation in England and Wales, and the Renewables Obligation (Scotland) Order 2009 ^{M8} in relation to an installation in Scotland;

“school installation” has the meaning given in article 12;

“Standard Licence Condition 33” and “Standard Licence Condition 34” mean the conditions so numbered in the standard conditions of electricity supply licences ^{M9};

“tariff code” has the meaning given in article 13;

“transmission system” has the same meaning as in section 4(4) of the 1989 Act ^{M10}.

[^{F3}“working day” means any day other than a Saturday or a Sunday, Christmas Day, Good Friday or a day which is a bank holiday within the meaning of the Banking and Financial Dealings Act 1971.]

(2) In this Order the following expressions have the meanings given to them in Schedule A to Standard Licence Condition 33—

“commissioned”;
“confirmation date”;
“declared net capacity”;
“deemed export”;
“eligibility date”;
“eligible installation”;
“eligible low-carbon energy source”;
“energy efficiency requirement”;
“export”;
“export meter”;
“export payment”;
“export tariff”;
“FIT generator”;
“FIT licensee”;
“FIT notification”;
“FIT payments”;
“FIT scheme”;
“FIT year”;
“generation meter”;
“generation payment”;
“generation tariff”;
[^{F4}“insolvency event”]
[^{F4}mandatory FIT licensee]
“MCS-certified installation”;
“MCS-certified registration”;
“MCS-FIT technology”;
“nominated recipient”;
“statement of FIT terms”;
“tariff date”;
“total installed capacity”.
[^{F4}“voluntary FIT licensee”]

[^{F5}(3) In this Order, the expression “last resort supply direction” has the meaning given to it in the standard conditions of electricity supply licences.]

F1 Words in art. 2(1) substituted (1.7.2013) by [The Feed-in Tariffs \(Amendment\) Order 2013 \(S.I. 2013/1099\)](#), arts. 1, **3(2)(a)**

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- F2** Words in art. 2(1) inserted (1.7.2013) by [The Feed-in Tariffs \(Amendment\) Order 2013 \(S.I. 2013/1099\)](#), arts. 1, **3(2)(b)**
- F3** Words in art. 2(1) inserted (1.7.2013) by [The Feed-in Tariffs \(Amendment\) Order 2013 \(S.I. 2013/1099\)](#), arts. 1, **3(2)(c)**
- F4** Words in art. 2(2) inserted (1.7.2013) by [The Feed-in Tariffs \(Amendment\) Order 2013 \(S.I. 2013/1099\)](#), arts. 1, **3(3)**
- F5** Art. 2(3) inserted (1.7.2013) by [The Feed-in Tariffs \(Amendment\) Order 2013 \(S.I. 2013/1099\)](#), arts. 1, **3(4)**

Marginal Citations

- M2** [1989 c.29](#).
- M3** The definition of “distribute” in section 4(4) of the 1989 Act (which explains the meaning of “distribution system”) was inserted by the [Utilities Act 2000 \(c.27\)](#), **section 28(3)**.
- M4** S.S.I 2008/309, amended by [S.S.I. 2012/208](#); there are other amending instruments but none is relevant.
- M5** Details are available at: www.microgenerationcertification.org.
- M6** ISBN 0580194153. Copies can be obtained from the British Standards Institution at: www.bsigroup.com.
- M7** [S.I. 2009/785](#), amended by [S.I. 2010/1107](#), [S.I. 2011/984](#) and [S.I. 2011/988](#).
- M8** [S.S.I. 2009/140](#), amended by [S.S.I. 2009/276](#), [S.S.I. 2010/147](#), [S.S.I. 2011/225](#) and [S.S.I. 2011/226](#).
- M9** The standard conditions of electricity supply licences are at: www.ofgem.gov.uk. Standard Conditions 33 and 34 were inserted with effect from 1st April 2010, and the Schedule to Standard Condition 33 was substituted with effect from 1st December 2012, by modifications made under section 41 of the Act. Copies are available from the Department of Energy and Climate Change, 3 Whitehall Place, London SW1A 2AW.
- M10** The definition of “transmission system” was inserted by the [Energy Act 2004 \(c.20\)](#), **section 135(4)**.

PART 2

Specified maximum capacity

Specified maximum capacity

3. The specified maximum capacity of eligible installations is 5 megawatts of total installed capacity.

PART 3

Accreditation and matters relating to accreditation

CHAPTER 1

Accreditation

Application of this Chapter

4. This Chapter applies where—
- (a) an application is made to the Authority for accreditation of an eligible installation which—
 - (i) uses anaerobic digestion;
 - (ii) is a hydro generating station; or

- (iii) uses any other eligible low-carbon energy source, and has a declared net capacity of more than 50 kilowatts; or
- (b) an application has been made to a FIT licensee for FIT payments for an eligible installation which uses an MCS-FIT technology, and the FIT licensee submits details of the installation to the Authority for accreditation under the process for MCS-certified registration.

Accreditation of eligible installations

- 5.—(1) The Authority must carry out accreditation as provided by this article.
- (2) The Authority must accredit an eligible installation if article 6 is satisfied but must not do so if article 7 or 8 applies.
- (3) Where the Authority accredits an eligible installation, it may attach such conditions as it considers appropriate.
- (4) Where the Authority accredits an eligible installation, it must—
- (a) update the central FIT register;
 - (b) in the case of an eligible installation accredited further to an application mentioned in article 4(a), give notice to the person who made that application of the accreditation and any conditions attached to it; and
 - (c) in the case of an eligible installation accredited further to an application mentioned in article 4(b), give notice to the FIT licensee of the accreditation and any conditions attached to it.
- (5) Where the Authority determines that an installation is not entitled to accreditation, it must—
- (a) in the case of an application mentioned in article 4(a), give notice of its decision to the person who made that application; and
 - (b) in the case of an application mentioned in article 4(b), give notice of its decision to the FIT licensee.
- (6) A notice given under paragraph (5) must include reasons why the installation was not accredited.

Accreditation of eligible installations not previously accredited under the ROO

- 6.—(1) Subject to articles 7 and 8, the Authority must accredit an eligible installation as an accredited FIT installation if it is satisfied that—
- (a) where it has a declared net capacity of more than 50 kilowatts, it would receive accreditation under the ROO were an application to be made for such accreditation; or
 - (b) where it has a declared net capacity of 50 kilowatts or less, the installation meets the criteria in paragraph (2) or the criteria in paragraph (3).
- (2) The criteria in this paragraph are that the eligible installation—
- (a) uses an MCS-FIT technology;
 - (b) was first commissioned after 15th July 2009; and
 - (c) has been submitted by a FIT licensee for accreditation under the process for MCS-certified registration.
- (3) The criteria in this paragraph are that—
- (a) the eligible installation—
 - (i) is a hydro generating station; or
 - (ii) uses anaerobic digestion; and

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- (b) were the installation to have a declared net capacity of more than 50 kilowatts, it would receive accreditation under the ROO were an application to be made for such accreditation.

Exceptions to accreditation applicable to all eligible installations

7.—(1) The Authority must not accredit an eligible installation as an accredited FIT installation where—

- (a) the installation has a total installed capacity which exceeds the specified maximum capacity;
- (b) the installation is an extension to—
 - (i) an accredited FIT installation; or
 - (ii) another installation using an eligible low-carbon energy source, and the aggregate total installed capacity of the extension and the installation referred to in paragraph (i) or (ii) exceeds the specified maximum capacity; or
- (c) electricity from the installation is or has been sold pursuant to a NFFO arrangement.

(2) The Authority must not accredit an eligible installation as an accredited FIT installation where it has good reason to believe that any generating equipment used at the installation has formed part of an installation previously accredited—

- (a) under the ROO; or
- (b) under this Part.

(3) Subject to paragraph (4) and to article 40(3), the Authority must not accredit an eligible installation as an accredited FIT installation unless the FIT generator has given notice to the Authority that—

- (a) no grant from public funds has been made in respect of any of the costs of purchasing or installing the installation; or
- (b) where any such grant has been made, the grant has been repaid to the person or authority which made it.

(4) Paragraph (3) does not prohibit the Authority from accrediting an eligible installation where a grant referred to in paragraph (3) has been made and not repaid if the grant is a permitted grant.

(5) In this article—

“NFFO arrangement” has the meaning given to it in the ROO; and

“permitted grant” means a grant made in respect of the reasonable additional costs of an installation to avoid or mitigate environmental harm, where the amount of the grant does not exceed the amount of those costs.

Limit on numbers of eligible installations using combined heat and power

8.—(1) Paragraph (3) applies once the Authority has accredited 30,000 relevant eligible installations.

(2) “Relevant eligible installation” means an installation which—

- (a) uses combined heat and power as an eligible low-carbon energy source; and
- (b) is powered by fossil fuel.

(3) Where this paragraph applies, the Authority must not accredit any more relevant eligible installations.

(4) In this article, “fossil fuel” has the meaning given to it by section 100(3) of the Act.

CHAPTER 2

Preliminary accreditation and pre-registration

Preliminary accreditation

9.—(1) This article applies where a person (“the prospective FIT generator”) proposes to construct or operate an eligible installation (other than an extension) which, when commissioned, will—

- (a) use anaerobic digestion;
- (b) be a hydro generating station; or
- (c) be a wind or solar photovoltaic installation, and have a declared net capacity of more than 50 kilowatts.

(2) The Authority must, upon an application in writing by the prospective FIT generator, grant preliminary accreditation in respect of that installation if the Authority is satisfied that—

- (a) the conditions in paragraphs (3) and (4) are met; and
- (b) the installation would, if commissioned, receive accreditation under Chapter 1 of this Part were an application to be made for such accreditation.

(3) The conditions in this paragraph are that the application for preliminary accreditation—

- (a) specifies—
 - (i) the eligible low-carbon energy source to be used by the installation;
 - (ii) the total installed capacity and declared net capacity of the installation;
 - (iii) the location of the installation;
 - (iv) whether the installation is to have a grid connection;
- (b) is accompanied by documentary evidence, issued on or before the date of the application, of the satisfaction of the conditions in paragraph (4); and
- (c) includes such other information as may be required by the Authority.

(4) The conditions in this paragraph are that—

- (a) either—
 - (i) planning permission has been granted for the installation on or before the date of the application for preliminary accreditation; or
 - (ii) the Authority is satisfied that planning permission is not required for the installation;
- (b) if the installation is to have a grid connection, either—
 - (i) the prospective FIT generator has entered into a grid connection agreement on or before the date of the application; or
 - (ii) the Authority is satisfied that a grid connection agreement is not required for the grid connection of the installation;
- (c) if the installation is a hydro generating station in England and Wales, the Authority is satisfied that each of the licences and consents mentioned in paragraph (5)—
 - (i) has been granted for the installation on or before the date of the application; or
 - (ii) is not required for the installation; and
- (d) if the installation is a hydro generating station in Scotland, the Authority is satisfied that an authorisation under the Water Environment (Controlled Activities)(Scotland) Regulations 2011^{M11} for each of the matters mentioned in paragraph (6)—
 - (i) has been granted for the installation on or before the date of the application; or

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- (ii) is not required for the installation.
- (5) The licences and consents referred to in paragraph (4)(c) are—
- (a) an abstraction licence under section 24 of the Water Resources Act 1991 ^{M12};
 - (b) an impounding works licence under section 25 of the Water Resources Act 1991 ^{M13}; and
 - (c) consent under section 109(1) of the Water Resources Act 1991 ^{M14}.
- (6) The matters referred to in paragraph (4)(d) are—
- (a) abstraction;
 - (b) impounding works; and
 - (c) any other engineering works required for the installation.
- (7) The Authority may attach such conditions as it considers appropriate in granting preliminary accreditation.
- (8) Preliminary accreditation shall be valid—
- (a) for solar photovoltaic installations, for 6 months beginning with the date on which the application for preliminary accreditation was received by the Authority;
 - (b) for wind and anaerobic digestion installations, for 1 year beginning with the date on which the application for preliminary accreditation was received by the Authority; and
 - (c) for hydro generating stations, for 2 years beginning with the date on which the application for preliminary accreditation was received by the Authority.
- (9) The Authority must give notice to the applicant of—
- (a) its decision on an application for preliminary accreditation of an installation;
 - (b) where preliminary accreditation is granted—
 - (i) the dates on which the validity of the preliminary accreditation starts and ends;
 - (ii) the tariff date which will apply to the installation if it is accredited under article 10(2); and
 - (iii) any conditions attached to the preliminary accreditation, and the date on which they take effect; and
 - (c) where preliminary accreditation is refused, reasons for the refusal.
- (10) In this article—
- “grid connection agreement” means an agreement in writing with a transmission licence holder or distribution licence holder for the making of a grid connection; and “transmission licence holder or distribution licence holder” means the holder of a licence under section 6(1)(b) or 6(1)(c) of the 1989 Act ^{M15};
- “planning permission” has the same meaning as in—
- (a) the Town and Country Planning Act 1990 ^{M16}, in relation to England and Wales;
 - (b) the Town and Country Planning (Scotland) Act 1997 ^{M17}, in relation to Scotland.

Marginal Citations

M11 S.S.I. 2011/209.

M12 1991 c.57. Section 24 was amended by the Environment Act 1995 (c.25), Schedule 22, paragraph 128, the Water Act 2003, section 60(1), and S.I. 1996/593, Schedule 2, paragraph 8.

M13 1991 c.57. Section 25 was amended by the Water Act 2003, sections 2 and 60(1) and Schedule 9, Part 1.

- M14** 1991 c.57. Section 109(1) was amended by the [Environment Act 1995 \(c.25\)](#), [Schedule 22](#), paragraph 128.
- M15** Section 6(1)(b) of the 1989 Act was substituted by the [Energy Act 2004 \(c.20\)](#), [section 136\(1\)](#). Section 6(1)(c) was substituted by the [Utilities Act 2000 \(c.27\)](#), [section 30](#), and amended by the [Energy Act 2004 \(c.20\)](#), [Schedule 23](#), Part 1.
- M16** 1990 c.8.
- M17** 1997 c.8.

Effect of preliminary accreditation

- 10.**—(1) Paragraph (2) applies where—
- (a) an installation has been granted preliminary accreditation; and
 - (b) during the period of validity of the preliminary accreditation—
 - (i) the installation is commissioned; and
 - (ii) the Authority receives an application for accreditation of the installation.
- (2) The Authority must grant the accreditation if it is satisfied that the installation has been commissioned unless—
- (a) article 7 applies;
 - (b) the installation which has been commissioned is materially different from the installation for which preliminary accreditation was granted;
 - (c) there has been a material change in circumstances since the preliminary accreditation was granted such that, had the application for preliminary accreditation been made after the change, it would have been refused;
 - (d) any condition attached to the preliminary accreditation has not been complied with;
 - (e) the information on which the decision to grant the preliminary accreditation was based was incorrect in a material particular such that, had the Authority known the true position when the application for preliminary accreditation was made, it would have been refused.
- (3) If the Authority grants the application for accreditation pursuant to paragraph (2), the installation's tariff date is—
- (a) the date on which the Authority received the application for preliminary accreditation, if the Authority received it between 1st April and 31st December; or
 - (b) the 1st April following the date on which the Authority received the application for preliminary accreditation, if the Authority received it between 1st January and 31st March.
- (4) For the purposes of this article, a commissioned installation is materially different from an installation for which preliminary accreditation was granted if—
- (a) its site is different;
 - (b) it uses a different eligible low-carbon energy source;
 - (c) either—
 - (i) it does not have a grid connection, and the application for preliminary accreditation stated that it would have a grid connection; or
 - (ii) it has a grid connection, and the application for preliminary accreditation stated that it would not have a grid connection;
 - (d) its total installed capacity is greater; or
 - (e) its total installed capacity is less, such that electricity generated by the installation would be eligible for payment at a different generation tariff to that which would have been

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payable had the total installed capacity of the installation been as stated in the application for preliminary accreditation.

Pre-registration of community energy installations

11.—(1) This article applies where a community organisation proposes to commission, or has commissioned, a community energy installation which—

- (a) is a solar photovoltaic installation;
- (b) is not an extension; and
- (c) has a declared net capacity not exceeding 50 kilowatts.

(2) The Authority must, upon receiving an application by a community organisation for pre-registration of a community energy installation referred to in paragraph (1), which the Authority is satisfied meets the conditions in paragraph (3)—

- (a) pre-register the installation; and
- (b) give notice to the applicant of the pre-registration, and the period for which it is valid.

(3) The conditions are that the application—

- (a) specifies—
 - (i) the eligible low-carbon energy source used, or to be used, by the installation;
 - (ii) the total installed capacity and declared net capacity of the installation;
 - (iii) the address of the building to which the installation is wired, or to be wired;
- (b) is accompanied by—
 - (i) evidence that the applicant is a community organisation; and
 - (ii) an energy performance certificate for the building to which the installation is wired, or to be wired; and
- (c) contains such other information as the Authority may require.

(4) A pre-registration under this article is valid for one year beginning with the date on which the Authority received the application for pre-registration.

(5) If an application for FIT payments for a pre-registered community energy installation is received by a FIT licensee during the period of validity of its pre-registration, and the community energy installation is accredited pursuant to that application—

- (a) the eligibility date of the installation is the later of—
 - (i) the date on which the Authority received the application for pre-registration; or
 - (ii) the date on which the installation was commissioned,
 and is not as provided in Standard Licence Condition 33; and
- (b) the tariff date of the installation is the date on which the Authority received the application for pre-registration.

(6) In this article—

“community benefit or co-operative society” means—

- (a) a society registered under the Co-operative and Community Benefit Societies and Credit Unions Act 1965^{M18} (“the 1965 Act”) as a community benefit society or as a co-operative society; or
- (b) a pre-2010 Act society (as defined in section 4A(1) of the 1965 Act^{M19});

“community energy installation” means an eligible installation—

- (a) which is wired to provide electricity to a building which is not a dwelling; and
 - (b) in relation to which the FIT generator is a community organisation;
- “community interest company” means a company issued a certificate of incorporation under section 36B(1) or 38A(1) of the Companies (Audit, Investigations and Community Enterprise) Act 2004 ^{M20};
- “community organisation” means—
- (a) a community interest company; or
 - (b) a community benefit or co-operative society,
- other than such a company or society with more than 50 employees;
- “dwelling” has the same meaning as in—
- (a) [^{F6}the Energy Performance of Buildings (England and Wales) Regulations 2012;] in relation to a building in England or Wales; and
 - (b) the Energy Performance of Buildings (Scotland) Regulations 2008 ^{M21}, in relation to a building in Scotland; and
- “employee” means an individual who has entered into or works under a contract of employment with the company or society.

F6 Words in art. 11(6) substituted (1.7.2013) by [The Feed-in Tariffs \(Amendment\) Order 2013 \(S.I. 2013/1099\)](#), arts. 1, 4

Marginal Citations

- M18** 1965 c.12. The Act is renamed the Co-operative and Community Benefit Societies Act 1965 by section 2 of the Co-operative and [Community Benefit Societies Act 2010 \(c.7\)](#).
- M19** Section 4A is inserted by section 1 of the Co-operative and [Community Benefit Societies Act 2010 \(c.7\)](#).
- M20** 2004 c.27. Sections 36B and 38A were inserted by [S.I. 2009/1941](#).
- M21** S.S.I 2008/309, to which there are amendments which are not relevant.

Pre-registration of school installations

12.—(1) This article applies where an education provider has commissioned a school installation which—

- (a) is a solar photovoltaic installation;
- (b) is not an extension; and
- (c) has a declared net capacity not exceeding 50 kilowatts.

(2) The Authority must, upon receiving an application by an education provider for pre-registration of a school installation referred to in paragraph (1), which the Authority is satisfied meets the conditions in paragraph (3)—

- (a) pre-register the installation; and
- (b) give notice to the applicant of the pre-registration, and the period for which it is valid.

(3) The conditions are that the application—

- (a) specifies—
 - (i) the eligible low-carbon energy source used by the installation;
 - (ii) the total installed capacity and declared net capacity of the installation;

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- (iii) the address of the building to which the installation is wired;
 - (b) is accompanied by—
 - (i) evidence that the applicant is an education provider; and
 - (ii) an energy performance certificate for the building to which the installation is wired; and
 - (c) contains such other information as the Authority may require.
- (4) A pre-registration under this article is valid for one year beginning with the date on which the Authority received the application for pre-registration.
- (5) If an application for FIT payments for a pre-registered school installation is received by a FIT licensee during the period of validity of its pre-registration, and the school installation is accredited pursuant to that application—
- (a) the eligibility date of the installation is the date on which the Authority received the application for pre-registration, and is not as provided in Standard Licence Condition 33; and
 - (b) the tariff date of the installation is the same as its eligibility date.
- (6) In this article—
- “education provider” means—
- (a) the owner of a building used as the premises of a qualifying educational institution; or
 - (b) a person or body responsible for the management of such an institution;
- “qualifying educational institution” means—
- (a) in England and Wales—
 - (i) a school within the meaning of section 4 of the Education Act 1996 ^{M22};
 - (ii) an institution within the further education sector, within the meaning of section 91(3) of the Further and Higher Education Act 1992 ^{M23}; or
 - (iii) a 16 to 19 Academy within the meaning of section 1B of the Academies Act 2010 ^{M24},
 - (b) in Scotland—
 - (i) a school within the meaning of section 135(1) of the Education (Scotland) Act 1980 ^{M25}, or
 - (ii) a college of further education within the meaning of section 36(1) of the Further and Higher Education (Scotland) Act 1992 ^{M26};
- “school installation” means an eligible installation—
- (a) which is wired to provide electricity to a building which is used as the premises of a qualifying educational institution; and
 - (b) in relation to which the FIT generator is the education provider which owns that building or is responsible for the management of that institution.

Marginal Citations

M22 1996 c.56. Section 4 was amended by the Education Act 1997 (c.44), [section 51](#) and Schedule 7, paragraph 10, the Education Act 2002 (c.32), [Schedule 22](#), Part 3, the Childcare Act 2006 (c.21) section 95, the Education Act 2011 (c.21), [Schedule 13](#), paragraph 9, and S.I. 2010/1080, [Schedule 1](#), Part 2, paragraph 97.

- M23** 1992 c.13. Section 91(3) was amended by the [Apprenticeships, Skills, Children and Learning Act 2009](#) (c.22), [Schedule 8](#), paragraph 13.
- M24** 2010 c.32. Section 1B was inserted by the [Education Act 2011](#) (c.21), [section 53\(7\)](#).
- M25** 1980 c.44. The definition of “school” in section 135(1) was amended by the [Registered Establishments \(Scotland\) Act 1987](#) (c.4), [section 2\(2\)](#), and the Standards in Scotland's Schools etc. Act 2000 (asp 6), [Schedule 3](#).
- M26** 1992 c.37.

CHAPTER 3

Matters relating to accreditation

Tariff codes

13. The Authority must assign a tariff code to each accredited FIT installation in accordance with—

- (a) the eligible low-carbon energy source used by, and capacity of, the accredited FIT installation;
- (b) the period in which the tariff date for the accredited FIT installation falls; and
- (c) such other information as may be relevant,

so that the tariff code enables identification of the FIT payment rates which apply to the installation.

Unique identifiers for accredited FIT installations

14. The Authority must assign an identifier which is unique to each accredited FIT installation.

Site of accredited FIT installations

15.—(1) Where an application has been made to the Authority—

- (a) for accreditation of an eligible installation as mentioned in article 4(a); or
- (b) for preliminary accreditation of an eligible installation,

before granting accreditation or preliminary accreditation the Authority must determine the site of the eligible installation in accordance with this article.

(2) Subject to paragraphs (3) to (5), the Authority must determine the site of an installation by reference to such of the following criteria as the Authority considers appropriate—

- (a) the meter point administration number (“MPAN”) of the meter measuring the supply of electricity to the premises at which the installation is, or is to be, located;
- (b) the address of the premises at which the installation is, or is to be, located;
- (c) the Ordnance Survey grid reference at which the installation is, or is to be, located; and
- (d) any other factors which the Authority considers relevant.

(3) Where—

- (a) two installations (“A” and “B”) share, or are to share, a single grid connection;
- (b) A and B are not otherwise electrically or mechanically connected; and
- (c) any of the circumstances in paragraph (4) applies,

paragraph (2)(a) is not to be taken into account in determining the site of A or B.

(4) The circumstances in this paragraph are that—

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- (a) A and B are, or are to be, attached to separate self-contained private residential dwellings;
 - (b) A and B are, or are to be, hydro generating stations which are supplied with water by or from different civil works;
 - (c) A and B are, or are to be, hydro generating stations which are supplied with water by or from the same civil works, and A or B consists of one or more turbines (with their associated infrastructure) driven by a compensation flow supplied by or from those civil works in a natural water course where there is a statutory obligation to maintain that compensation flow in that water course.
- (5) Except where paragraph (4)(c) applies, all hydro generating station turbines which are, or are to be, supplied with water by or from the same civil works have a single site.
- (6) In this article, “civil works”, in relation to a hydro generating station, means all man-made structures or works for holding water which are located on the inlet side of a turbine (turbine A), other than any such structures or works which supply water to another turbine before water is supplied to the structures or works which supply turbine A.

Calculating and publishing FIT payment rates

- 16.**—(1) On or before 1st February in each year, the Authority must publish a table setting out, for the following FIT year (“the relevant FIT year”)—
- (a) the generation tariffs which are to apply to solar photovoltaic installations with a tariff date before the start of the relevant FIT year;
 - (b) the generation tariffs which are to apply (subject to any changes under paragraph (2)) to all other accredited FIT installations; and
 - (c) the export tariffs which are to apply to all accredited FIT installations.
- (2) On or before 1st August in 2014 and each subsequent year, the Authority must—
- (a) determine whether any changes to the generation tariffs published under paragraph (1)(b) are to apply to accredited FIT installations with a tariff date on or after the following 1st October; and
 - (b) publish those changes.
- (3) On or before the dates specified in the first column of the following table the Authority must publish a table setting out the generation tariffs which are to apply, for the FIT year in which the period specified in the corresponding entry in the second column of the table (the “solar tariff period”) falls, to solar photovoltaic eligible installations with a tariff date in that solar tariff period.

<i>Publication date</i>	<i>Solar tariff period</i>
1st March 2013	1st May 2013 to 30th June 2013
1st May (in 2013 and each subsequent year)	the following 1st July to 30th September
1st August (in 2013 and each subsequent year)	the following 1st October to 31st December
1st November (in 2013 and each subsequent year)	the following 1st January to 31st March
1st February (in 2014 and each subsequent year)	the following 1st April to 30th June

- (4) The Authority must determine the FIT payment rates under paragraphs (1), (2) and (3)—
- (a) in accordance with Annexes 3, 4 and 5 to Schedule A to Standard Licence Condition 33; and
 - (b) by reference to the data published by the Secretary of State under article 36 and Schedule 2.

Withdrawal of accreditation, etc.

17.—(1) The Authority may take any of the actions mentioned in paragraph (2) in relation to an accredited FIT installation if—

- (a) the Authority has reason to believe that any of the circumstances mentioned in paragraph (3) apply; and
 - (b) the Authority considers the action to be appropriate having regard to those circumstances.
- (2) The actions referred to in paragraph (1) are—
- (a) withdrawing accreditation of the installation;
 - (b) suspending accreditation of the installation;
 - (c) changing the tariff code assigned to the installation;
 - (d) attaching conditions to the accreditation; or
 - (e) amending conditions attached to the accreditation.
- (3) The circumstances referred to in paragraph (1)(a) are that—
- (a) the decision to grant the accreditation (or, if the installation had preliminary accreditation, the decision to grant the preliminary accreditation) was based on information which was incorrect in a material particular;
 - (b) any condition attached to the accreditation has not been complied with;
 - (c) the installation has been extended or otherwise modified in such a way that it would not be entitled to accreditation; or
 - (d) the Authority has received notice from a relevant public authority that the construction or operation of the installation is in breach of any provision of legislation or of any licence or consent granted for the installation;

(4) In paragraph (3)(d), “relevant public authority” means a court or tribunal, or a public authority responsible for enforcing the legislative provision or the licence or authorisation in question.

(5) If the Authority takes any action under this article in relation to an accredited FIT installation it must—

- (a) amend the central FIT register to record the action; and
- (b) give notice to the FIT licensee and FIT generator, which must—
 - (i) include reasons for taking the action; and
 - (ii) specify the date on which the action taken has effect.

(6) The Authority may revoke or vary any action taken under this article and, if it does so, paragraph (5) applies to the variation or revocation as it does to the taking of that action.

PART 4

Accreditation of extensions to installations

Accreditation of extensions to accredited FIT installations

18.—(1) Paragraph (2) applies where the Authority receives notice that an accredited FIT installation has been extended.

- (2) Where this paragraph applies, the Authority must—
- (a) treat the extension as a separate eligible installation;
 - (b) decide whether or not to accredit the extension in accordance with Part 3; and

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Changes to legislation: There are currently no known outstanding effects for the The Feed-in Tariffs Order 2012. (See end of Document for details)

- (c) where it decides to accredit the extension, assign the extension a separate tariff code based on the aggregate total installed capacity of both the extension and the existing accredited FIT installation.

Accreditation of extensions to installations which are not accredited FIT installations

19.—(1) Paragraph (2) applies where—

- (a) the Authority receives notice that an installation which uses an eligible low-carbon energy source (“the existing installation”) has been extended; and
- (b) either—
 - (i) a request for accreditation of the existing installation as an accredited FIT installation has been refused; or
 - (ii) if a request were made for accreditation of the existing installation, the request would be refused.

(2) Where this paragraph applies, the Authority must—

- (a) treat the extension as a separate eligible installation;
- (b) decide whether or not to accredit the extension in accordance with Part 3; and
- (c) where it decides to accredit the extension, assign the extension a tariff code based on the aggregate total installed capacity of both the extension and the existing installation.

Part 4: interpretation

20. In this Part, “notice”, in relation to an installation, means a notice given to the Authority by—

- (a) a FIT licensee; or
- (b) the owner of the installation.

PART 5

The central FIT register

The central FIT register

21.—(1) It is the function of the Authority to keep and maintain the central FIT register.

(2) The central FIT register—

- (a) must contain the information described in Schedule 1; and
- (b) may contain such additional information which the Authority considers is relevant to the efficient operation of the FIT scheme.

(3) The Authority must, so far as it is possible, ensure that entries in the central FIT register are accurate and up to date.

(4) From information on the central FIT register, the Authority must publish the number of—

- (a) accredited FIT installations participating in the FIT scheme;
- (b) accredited FIT installations using combined heat and power; and
- (c) FIT licensees.

(5) The Authority must publish the information described in paragraph (4) as often as it sees fit during the FIT year but, in any event, at least once every 3 months.

Error in the central FIT register

22. Where the Authority discovers that there is an error on the central FIT register, the Authority must—

- (a) update the central FIT register to correct the error; and
- (b) if the correction affects the entitlement of a person to FIT payments, give notice of the change to the FIT licensee responsible for making those FIT payments.

Modifications, nominations and terminations

23.—(1) Paragraph (2) applies where the Authority is given notice by a FIT licensee of any of the following matters—

- (a) that an accredited FIT installation has been modified;
- (b) that the statement of FIT terms has been amended; or
- (c) that a FIT generator has—
 - (i) appointed or changed a nominated recipient; or
 - (ii) terminated the FIT generator's participation in the FIT scheme.

(2) Where this paragraph applies, the Authority must update the central FIT register and give notice to the FIT licensee (and, in the case of a termination, the FIT generator)—

- (a) that the central FIT register has been updated; and
- (b) when the update was made.

(3) In this article, “modified” in relation to an accredited FIT installation excludes an extension to the installation.

Switching

24.—(1) Paragraph (2) applies where FIT payments in respect of an accredited FIT installation are paid by a FIT licensee (“A”) in substitution for the FIT licensee (“B”) entered on the central FIT register (a “switch”).

(2) Where the Authority receives notice from both A and B of the switch and the date of the switch, the Authority must—

- (a) update the central FIT register and include the date of the switch; and
- (b) give notice of that update to A and B.

[^{F7}PART 5A

Treatment of FIT generators following licence revocation

F7 Pt. 5A inserted (1.7.2013) by [The Feed-in Tariffs \(Amendment\) Order 2013 \(S.I. 2013/1099\)](#), arts. 1, 5

Accredited FIT installations

24A.—(1) Paragraph (2) applies where—

- (a) a specified event has happened in relation to a FIT licensee (“A”);
- (b) immediately before the event a FIT generator (“P”), or P’s nominated recipient, was entitled to receive FIT payments from A in respect of an accredited FIT installation; and

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- (c) another FIT licensee (“B”)—
 - (i) (where B is a mandatory FIT licensee) has received a notification from P that P is to transfer to B for FIT payments in respect of an accredited FIT installation; or
 - (ii) (where B is a voluntary FIT licensee) has received a request from P to transfer to B for FIT payments in respect of that installation and B has accepted that request in writing to P.
- (2) Where this paragraph applies—
 - (a) the Authority may give a direction to B (“a continuity of FIT payments direction”) as to the matters to be taken into account by B in determining the date upon which P shall be deemed to have transferred from A to B in respect of the installation referred to in paragraph (1); and
 - (b) the date determined by B may be earlier than the date of the notification or the request referred to in paragraph (1)(c).
- (3) For the purposes of paragraph (1), a specified event has happened in relation to A if—
 - (a) A’s electricity supply licence is revoked;
 - (b) a last resort supply direction is issued due to circumstances having arisen entitling the Authority to revoke A’s electricity supply licence; or
 - (c) A suffers an insolvency event.

Other installations not yet accredited

- 24B.**—(1) Paragraph (2) applies where—
- (a) a FIT licensee (“A”) has received a written request for MCS-certified registration from a FIT generator (“P”) in respect of an eligible installation accompanied by an MCS certificate in respect of that installation;
 - (b) following receipt of that request, a specified event has happened in relation to A; and
 - (c) another FIT licensee (“B”)—
 - (i) (where B is a mandatory FIT licensee) has received a notification from P that P’s request for MCS-certified registration is to be treated as having been made to B; or
 - (ii) (where B is a voluntary FIT licensee) has received a request from P that P’s request for MCS-certified registration be treated as having been made to B, and B has accepted this request in writing to P; and
 - (d) the installation is subsequently accredited.
- (2) Where this paragraph applies, the eligibility date for the installation referred to in paragraph (1)(a) is the later of—
- (a) the date on which the written request for MCS-certified registration accompanied by an MCS certificate in respect of that installation was received by A; or
 - (b) the date on which the installation was commissioned.
- (3) For the purposes of paragraph (1)(b), a specified event has happened in relation to A if an event in article 24A(3) has occurred.]

PART 6

Levelisation

Levelisation fund

25. The Authority must maintain a fund (the “levelisation fund”) into which payments by licensees and from which payments by the Authority under this Part are to be made.

Calculation of annual levelisation payments

26.—(1) On or before 1st October following the end of each FIT year, the Authority must calculate the amount which each licensee is entitled to receive from, or required to pay into, the levelisation fund in respect of that FIT year in accordance with paragraphs (2) and (3).

(2) If the adjusted FIT contribution of a licensee for the FIT year was greater than its market share FIT contribution, the licensee is entitled to receive an annual levelisation payment equal to the difference between those amounts.

(3) If the adjusted FIT contribution of a licensee for the FIT year was less than its market share FIT contribution, the licensee must make an annual levelisation payment equal to the difference between those amounts.

Calculation of FIT contributions, etc.

27.—(1) Before the Authority calculates annual levelisation payments under article 26, it must determine in relation to each licensee—

- (a) the FIT contribution (if any);
- (b) the adjusted FIT contribution;
- (c) the market share; and
- (d) the market share FIT contribution,

of the licensee for the FIT Year.

(2) The FIT contribution of a licensee (“A”) in respect of a FIT year is the sum of the following payments made and costs incurred by A during that FIT year—

- (a) generation payments;
- ^{F8}(b)
- (c) net deemed export payments; and
- (d) qualifying FIT costs.

(3) The adjusted FIT contribution of A in respect of a FIT year is A's FIT contribution (if any) adjusted by—

- (a) adding the amounts of any periodic levelisation payments [^{F9}and mutualisation payments] made by A in respect of that FIT year; and
- (b) subtracting the amounts of any periodic levelisation payments [^{F10}and mutualisation distributions] received by A in respect of that FIT year.

(4) The market share of A in a FIT year means the relevant amount of electricity supplied by A in that FIT year, expressed as a percentage of the electricity supply market of Great Britain.

(5) The market share FIT contribution of A in respect of a FIT year is the sum of the FIT contributions of all licensees for that FIT year multiplied by the market share of A in that FIT year.

(6) In this article—

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Changes to legislation: There are currently no known outstanding effects for the The Feed-in Tariffs Order 2012. (See end of Document for details)

“customer” has the same meaning as in the standard conditions of electricity supply licences;
 “the electricity supply market of Great Britain” means the amount of electricity supplied by all licensees to customers in Great Britain, less the amount of any electricity so supplied that is sourced from renewable sources and generated outside the United Kingdom;

“net deemed export payments” means deemed export payments made by a FIT licensee, less the value of deemed exports to that licensee as calculated at the rate determined by the Secretary of State under article 38(1)(a);

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 ...

“qualifying FIT costs” means the reasonable costs of a licensee incurred as a result of the FIT scheme (excluding the cost of FIT payments), as determined by the Secretary of State under article 38(1)(c); and

“the relevant amount of electricity supplied by A” means the amount of electricity supplied by A to customers in Great Britain, less the amount of any electricity so supplied that is sourced from renewable sources and generated outside the United Kingdom.

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| F8 | Art. 27(2)(b) omitted (1.7.2013) by virtue of The Feed-in Tariffs (Amendment) Order 2013 (S.I. 2013/1099) , arts. 1, 6(2) |
| F9 | Words in art. 27(3)(a) added (1.7.2013) by The Feed-in Tariffs (Amendment) Order 2013 (S.I. 2013/1099) , arts. 1, 6(3)(a) |
| F10 | Words in art. 27(3)(b) added (1.7.2013) by The Feed-in Tariffs (Amendment) Order 2013 (S.I. 2013/1099) , arts. 1, 6(3)(b) |
| F11 | Words in art. 27(6) omitted (1.7.2013) by virtue of The Feed-in Tariffs (Amendment) Order 2013 (S.I. 2013/1099) , arts. 1, 6(3)(c) |

Periodic levelisation

28.—(1) In this Part—

- (a) a “periodic levelisation payment” is a payment—
- (i) made to a licensee out of the levelisation fund; or
 - (ii) made by a licensee into the levelisation fund,
- on account of the licensee's annual levelisation payment for a FIT year.
- (b) a “periodic levelisation period” is a period determined and published by the Authority in accordance with this article.

(2) The Authority must, not later than 1st March before the beginning of each FIT year, determine and publish the periodic levelisation periods which are to apply in that FIT year.

(3) Each periodic levelisation period must be a period of three months or less falling wholly within the relevant FIT year.

(4) The Authority may vary the periodic levelisation periods that apply in a FIT year, but if it does so it must publish the variation at least one month before the variation is to take effect.

(5) In each periodic levelisation period, the Authority must calculate the periodic levelisation payment which each licensee is required to make, or is entitled to receive.

(6) A calculation under paragraph (5) must be based on the Authority's estimate of the difference between the licensee's FIT contribution and its market share FIT contribution for the FIT year in which the periodic levelisation period falls.

Notice of levelisation payments

29. After the Authority has calculated ^{F12}... levelisation payments, it must give notice—
- (a) to each licensee which is liable to make or entitled to receive a levelisation payment, of the amount of that payment; and
 - (b) to each licensee which is liable to make a levelisation payment, of the date by which the payment is to be made.

F12 Words in art. 29 deleted (1.7.2013) by [The Feed-in Tariffs \(Amendment\) Order 2013 \(S.I. 2013/1099\)](#), arts. 1, 6(4)

Payments by the Authority

30.—(1) Where a licensee is given notice that it is entitled to receive a levelisation payment, subject to paragraphs (2) and (3) the Authority must make that payment as soon as possible after the notice is given.

(2) If a licensee fails to make a levelisation payment to the Authority by the date on which it is due (a “late payment”), the Authority may suspend in whole or in part any levelisation payment due to that licensee until the late payment has been made.

[^{F13}(2A) Where the late payment is in respect of a periodic levelisation payment and article 30A does not apply, if the payment is received by the Authority—

- (a) before the Authority makes an annual levelisation calculation for that FIT year under article 26, the payment shall be included in the Authority’s calculations under that article; or
- (b) after the Authority makes an annual levelisation calculation for that FIT year under article 26, the payment shall be distributed in accordance with article 30D(2).]

(3) If the Authority believes that the amount in the levelisation fund will not be sufficient to enable it to make a levelisation payment out of the fund, the Authority may defer all or part of that payment until there is a sufficient amount in the levelisation fund.

F13 Art. 30(2A) inserted (1.7.2013) by [The Feed-in Tariffs \(Amendment\) Order 2013 \(S.I. 2013/1099\)](#), arts. 1, 6(5)

[^{F14}Mutualisation

- 30A.—(1) This article applies—
- (a) if one or more licensees fail to make the whole or part of a periodic levelisation payment to the Authority within 5 working days of the date on which it is due (“the due date”); and
 - (b) after 5 working days following the due date, the total of unpaid amounts (“the total”) is equal to or greater than the lower limit of the mutualisation trigger range.
- (2) In paragraph (3), “the amount to be mutualised” means the lesser of—
- (a) the total referred to in paragraph (1)(b); or
 - (b) the upper limit of the mutualisation trigger range.
- (3) The Authority must—
- (a) apportion the amount to be mutualised between all licensees other than the defaulting licensee, in proportion to each licensee’s market share at the due date;
 - (b) give notice to each of those licensees (a “mutualisation notice”)—

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Changes to legislation: There are currently no known outstanding effects for the The Feed-in Tariffs Order 2012. (See end of Document for details)

- (i) that it is liable to make a payment of the amount apportioned to it (a “mutualisation payment”);
- (ii) of the date by which the mutualisation payment is due; and
- (c) where paragraph (4) applies, make a distribution of the total amounts received by the Authority (a “mutualisation distribution”) to any licensee which—
 - (i) is not a defaulting licensee; and
 - (ii) to whom, because of the unpaid amounts, payment of all or part of a periodic levelisation payment to which it is entitled to under article 28 has been deferred.
- (4) Paragraph (3)(c) applies if—
 - (a) the date by which the mutualisation payment is due has passed; and
 - (b) the Authority has received mutualisation payments.
- (5) If after giving a mutualisation notice to a licensee, the Authority identifies that any mutualisation payment specified in that notice is incorrect, the Authority must—
 - (a) cancel that mutualisation notice; and
 - (b) issue a further mutualisation notice under paragraph (3).
- (6) Where a mutualisation notice is issued to a licensee in accordance with paragraph (5)(b) (“the new notice”), the Authority may treat any mutualisation payment made by that licensee in respect of the cancelled notice as a mutualisation payment made in respect of the new notice.
- (7) Where, after receiving mutualisation payments from licensees, the Authority receives an unpaid amount from a defaulting licensee, the Authority must within 20 working days distribute that amount among qualifying licensees in proportion to their market shares at the unpaid amount’s due date.
- (8) Where the Authority receives a mutualisation payment after the date on which it is due—
 - (a) if the Authority has not yet made a mutualisation distribution, then this amount shall be included in the distribution; or
 - (b) if the Authority has made a mutualisation distribution, then this amount shall be distributed in accordance with article 30D(2).
- (9) In this article—
 - “defaulting licensee” means a licensee which has failed to make the whole or part of a periodic levelisation payment to the Authority by the date on which it is due;
 - “market share” is to be determined in accordance with article 27;
 - “mutualisation trigger range” has the meaning set out in article 38;
 - “qualifying licensee” is a licensee who has made a mutualisation payment under paragraph (3) in respect of the unpaid amount mentioned in paragraph (7); and
 - “unpaid amount” means an amount of a periodic levelisation payment which a defaulting licensee has failed to pay by the date on which it is due.

F14 Arts. 30A-30D inserted (1.7.2013) by [The Feed-in Tariffs \(Amendment\) Order 2013 \(S.I. 2013/1099\)](#), arts. 1, **6(6)**

Termination of supply licence

- 30B.**—(1) This article applies if the electricity supply licence of a licensee (E) is terminated.
- (2) E is not to be treated as a licensee for the purposes of any periodic levelisation, annual levelisation or mutualisation which takes place after the termination of its licence.

(3) If, before the termination of E's licence, it has been determined upon a periodic or annual levelisation under this Part that E is liable to pay or entitled to receive an amount, to the extent that the amount is unpaid, E remains subject—

- (a) to that liability, or
- (b) to such part of the entitlement that the Authority shall determine.

(4) If—

- (a) an annual levelisation takes place after the termination of E's licence; and
- (b) E had received or paid periodic levelisation payments for the FIT Year to which the annual levelisation relates,

the Authority may adjust the annual levelisation payment of each remaining licensee to ensure that the total amount of levelisation payments made or due to be made by licensees for the FIT Year is equal to the total amount of levelisation payments received or due to be received by licensees for the FIT Year.

(5) For the purposes of this article an electricity supply licence is terminated if—

- (a) it is revoked by the Authority in accordance with the terms of the licence;
- (b) it is surrendered by the licensee; or
- (c) it expires by effluxion of time.

F14 Arts. 30A-30D inserted (1.7.2013) by [The Feed-in Tariffs \(Amendment\) Order 2013 \(S.I. 2013/1099\)](#), arts. 1, **6(6)**

Levelisation correction

30C.—(1) Paragraph (2) applies where the Authority identifies that any determination or calculation under article 26(1) or article 27, made before or after the coming into force of this article, is incorrect.

(2) The Authority may, having regard to any payment made or received under the articles listed in paragraph (1), calculate any levelisation payment that each licensee is entitled to receive from, or is required to pay into, the levelisation fund in order to correct the error identified under paragraph (1).

(3) After making a calculation under paragraph (2), the Authority must give notice to licensees in accordance with article 29.

(4) Payments received from licensees in respect of a FIT year as a result of paragraph (2) shall be distributed in accordance with article 30D(2).

F14 Arts. 30A-30D inserted (1.7.2013) by [The Feed-in Tariffs \(Amendment\) Order 2013 \(S.I. 2013/1099\)](#), arts. 1, **6(6)**

Late payments

30D.—(1) This article applies when the Authority receives a payment as a consequence of the application of—

- (a) article 30(2A)(b);
- (b) article 30A(8); or
- (c) article 30C(3).

(2) The Authority must distribute the payment to licensees in proportion to each licensee's market share.

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(3) For the purposes of paragraph (2), a licensee's market share is to be calculated in accordance with article 27(4) in respect of the FIT year in which the payment was received by the Authority.

(4) The distribution under paragraph (2) must be made on or before 1st October following the end of the FIT year in which the payment was received.

(5) Before making a distribution under paragraph (2), the Authority must give notice to each licensee entitled to receive part of the distribution setting out—

- (a) what the distribution relates to; and
- (b) the amount the licensee is to receive.]

F14 Arts. 30A-30D inserted (1.7.2013) by [The Feed-in Tariffs \(Amendment\) Order 2013 \(S.I. 2013/1099\)](#), arts. 1, **6(6)**

PART 7

Administrative functions of the Authority

Publication of guidance

31. The Authority may publish procedural guidance to FIT generators, nominated recipients and licensees in connection with the administration of the FIT scheme.

List of FIT licensees

32.—(1) In respect of each FIT year, the Authority must publish the information it has received in FIT notifications from FIT licensees.

(2) The Authority must publish that information as soon as possible after the start of each FIT year.

Annual reports

33. On or before 31st December after the end of each FIT year the Authority must provide to the Secretary of State a report in respect of that FIT year setting out the following—

- (a) whether or not each FIT licensee has complied with its obligations under Standard Licence Conditions 33 and 34;
- (b) in respect of each FIT licensee—
 - (i) the total FIT payments made;
 - (ii) the total generation payments made; and
 - (iii) the total export payments made,
 by the FIT licensee;
- (c) the total amount of electricity generated under the FIT scheme; and
- (d) the total number of accredited FIT installations participating in the FIT scheme.

Additional information

34.—(1) The Authority may require a licensee to provide it with any information which it believes the licensee holds and which, in the Authority's opinion, it requires in order to discharge its functions under the FIT scheme.

(2) On request from the Secretary of State, the Authority must provide to the Secretary of State such additional information in relation to the FIT scheme as is requested.

Notices to reduce, withhold or recoup FIT payments

35.—(1) Where the Authority has good reason to believe that a FIT generator or nominated recipient may have received a FIT payment to which it was not entitled, the Authority may give notice to the FIT licensee which made the payment to—

- (a) reduce further FIT payments due to be made to the FIT generator or nominated recipient until any amount overpaid has been recovered;
- (b) withhold further FIT payments due to be made to the FIT generator or nominated recipient; or
- (c) recoup any amount overpaid from the FIT generator or nominated recipient.

(2) Where the Authority subsequently establishes that the FIT generator or nominated recipient was entitled to receive the FIT payment, the Authority must give notice to the FIT licensee that—

- (a) the amount of any FIT payment which was reduced, withheld or recouped should be paid to the FIT generator or nominated recipient as soon as possible; and
- (b) where FIT payments have been withheld, FIT payments to the FIT generator or nominated recipient should recommence.

PART 8

Functions of the Secretary of State

FIT deployment data

36. The Secretary of State must determine and publish data in accordance with Schedule 2.

Deemed exports

37.—(1) The Secretary of State must determine in respect of each FIT year the amount of electricity deemed to be exported by accredited FIT installations with a total installed capacity of 30 kilowatts or less where the amount of electricity exported by such installations is not measured by an export meter.

(2) The amount under paragraph (1) must be expressed as a percentage of the amount of electricity shown on the generation meter of the accredited FIT installation.

(3) Different percentages may apply to different categories of accredited FIT installation.

(4) The determination of a percentage under paragraph (1) must be based on an estimate of the proportion of electricity generated by the category of installation that would be exported.

(5) The Secretary of State must publish a determination under paragraph (1) not less than one month before the beginning of the FIT year to which it relates.

Determinations relating to levelisation

38.—(1) The Secretary of State must determine in respect of each FIT year—

- (a) the value to FIT licensees, in pence per kilowatt hour, of deemed exports for the purpose of calculating the net deemed export payments of FIT licensees;

^{F15}(b)

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- (c) the costs of licensees which constitute qualifying FIT costs^{F16}and]
- ^{F16}(d) a lower and a higher limit for the unpaid amounts (as referred to in article 30A(1)(b) and defined in article 30A(9)) that will trigger a mutualisation (“the mutualisation trigger range”).]
- (2) The Secretary of State must publish a determination under paragraph (1) not less than one month before the beginning of the FIT year to which it relates.

^{F17}**38A.** For the period commencing on 1st July 2013 until the end of the FIT year within which that date falls, the mutualisation trigger range (as defined in article 38(1)(d)) shall be £1,700,000 to £16,900,000.]

- F15** Art. 38(1)(b) omitted (1.7.2013) by virtue of [The Feed-in Tariffs \(Amendment\) Order 2013 \(S.I. 2013/1099\)](#), arts. 1, **7(2)(a)**
- F16** Art. 38(1)(d) and word inserted (1.7.2013) by [The Feed-in Tariffs \(Amendment\) Order 2013 \(S.I. 2013/1099\)](#), arts. 1, **7(2)(b)**
- F17** Art. 38A inserted (1.7.2013) by [The Feed-in Tariffs \(Amendment\) Order 2013 \(S.I. 2013/1099\)](#), arts. 1, **7(3)**

PART 9

Miscellaneous

Notices

- 39.** A notice under this Order—
- must be in writing; and
 - may be transmitted by electronic means.

Revocations, transitional provisions and savings

- 40.—**(1) The instruments listed in Schedule 3 are revoked.
- (2) Where an application for accreditation of an eligible installation has been made before 1st December 2012 and has not been determined before that date, articles 5 to 8 and 14 do not apply, and the Authority must determine—
- whether to accredit the installation; and
 - the site of the installation,
- in accordance with the 2010 Order as if it had not been revoked.
- (3) Where an application for accreditation of an eligible installation is made on or after 1st December 2012, article 7(3) does not prevent the Authority from accrediting the installation if, had article 8 of the 2010 Order not been revoked, any grant from public funds made in respect of the costs of purchasing or installing the installation would have—
- met the conditions in paragraph (5) of that article; or
 - fallen within sub-paragraph (a) of the definition of “permitted grant” in paragraph (6) of that article.
- (4) Until such time as section 1 of the Co-operative and Community Benefit Societies and Credit Unions Act 2010^{M27} comes into force, the definition of “community organisation” in article 11(6) has effect as if for sub-paragraph (b) there were substituted—

“(b) a society registered under the Industrial and Provident Societies Act 1965 ”^{M28}

(5) The tables published by the Authority under article 13(2) of the 2010 Order^{M29} setting out the FIT payment rates to apply to solar photovoltaic eligible installations with an eligibility date in the periods from—

(a) 1st November 2012 to 31st January 2013; and

(b) 1st February 2013 to 30th April 2013,

shall continue to have effect, subject to the modification in paragraph (6).

(6) In relation to eligible installations with a tariff date on or after 1st December 2012, the tables referred to in paragraph (5) shall, instead of applying to installations with an eligibility date in the period referred to in paragraph (5)(a) or (b), apply to installations with a tariff date in that period.

(7) The determinations made by the Secretary of State under articles 14 and 28 of the 2010 Order in respect of FIT Year 3 shall continue to have effect, except as provided in paragraph (8).

(8) The determination made under article 28(1)(a) of the 2010 Order shall have effect in respect of the period from 1st April 2012 to 30th November 2012 only, and in respect of the period from 1st December 2012 to 31st March 2013 the value of electricity for the purpose of net metered exports is 4.5 pence per kilowatt hour.

(9) In this article, “the 2010 Order” means the Feed-in Tariffs (Specified Maximum Capacity and Functions) Order 2010^{M30}.

Marginal Citations

M27 2010 c. 7.

M28 1965 c.12.

M29 Article 13(2) was inserted in the 2010 Order by [S.I. 2012/1393](#).

M30 [S.I. 2010/678](#), amended by [S.I. 2011/1181](#), [S.I. 2011/1655](#), [S.I. 2011/2364](#), [S.I. 2012/671](#), [S.I. 2012/1393](#) and [S.I. 2012/2268](#).

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SCHEDULE 1

Article 21

The central FIT register

1.—(1) The central FIT register must contain sufficient information to identify each accredited FIT installation.

(2) Information under paragraph (1) must include, in respect of each accredited FIT installation—

- (a) the tariff code assigned under article 13;
- (b) the unique identifier assigned under article 14;
- (c) the site of the installation determined under article 15;
- (d) the confirmation date;
- (e) whether or not the installation has been extended;
- (f) whether or not the installation has been modified (other than by way of an extension which falls within Part 4);
- (g) if applicable, the number of the MCS certificate;
- (h) the eligible low carbon energy source used;
- (i) the total installed capacity;
- (j) details of the FIT generator and, if applicable, details of the FIT generator's nominated recipient;
- (k) whether or not an export payment is paid and how that export payment is determined;
- (l) the date of the statement of FIT terms;
- (m) details of the generation and, if applicable, export meters which apply to the accredited FIT installation, including meter point administration numbers.

2. The central FIT register must contain sufficient information to identify, in respect of each accredited FIT installation—

- (a) the FIT licensee responsible for making FIT payments;
- (b) the FIT generator and any nominated recipient to which the FIT licensee makes FIT payments.

SCHEDULE 2

Article 36

Publication of FIT deployment data

1. On or before the sixth working day before the end of each month specified in the first column of the following table, the Secretary of State must, for the period specified in the corresponding entry in the second column of the table (the “solar deployment period”), determine and publish the data set out in paragraph 2.

<i>Month of publication</i>	<i>Solar deployment period</i>
February 2013	1st November 2012 to 31st January 2013
April 2013	1st February 2013 to 31st March 2013
July (in 2013 and each subsequent year)	the preceding 1st April to 30th June
October (in 2013 and each subsequent year)	the preceding 1st July to 30th September

January (in 2014 and each subsequent year)	the preceding 1st October to 31st December
April (in 2014 and each subsequent year)	the preceding 1st January to 31st March

2. The data referred to in paragraph 1 are—

- (a) the aggregate declared net capacities of solar photovoltaic installations with declared net capacity of 10 kilowatts or less which were registered on the MCS database in the solar deployment period;
- (b) the aggregate declared net capacity of solar photovoltaic installations with declared net capacity greater than 10 kilowatts but not exceeding 50 kilowatts which were registered on the MCS database in the solar deployment period;
- (c) the aggregate total installed capacity of solar photovoltaic installations with declared net capacity greater than 50 kilowatts—
 - (i) which, in the solar deployment period, were determined by the Authority to be entitled to accreditation (excluding installations for which preliminary accreditation had previously been granted);
 - (ii) which, in the solar deployment period, the Authority granted preliminary accreditation.

3. On or before the sixth working day before the end of January and July in each year, commencing in January 2014, the Secretary of State must determine and publish—

- (a) the aggregate total installed capacity of hydro generating stations—
 - (i) which, in the relevant deployment period, were determined by the Authority to be entitled to accreditation (excluding installations for which preliminary accreditation had previously been granted);
 - (ii) which, in the relevant deployment period, the Authority granted preliminary accreditation;
- (b) the aggregate declared net capacity of wind installations with declared net capacity not exceeding 50 kilowatts which, in the relevant deployment period, were registered on the MCS database;
- (c) the aggregate total installed capacity of wind installations with declared net capacity greater than 50 kilowatts but not exceeding 100 kilowatts—
 - (i) which, in the relevant deployment period, were determined by the Authority to be entitled to accreditation (excluding installations for which preliminary accreditation had previously been granted);
 - (ii) which, in the relevant deployment period, the Authority granted preliminary accreditation;
- (d) the aggregate total installed capacity of wind installations with declared net capacity greater than 100 kilowatts—
 - (i) which, in the relevant deployment period, were determined by the Authority to be entitled to accreditation (excluding installations for which preliminary accreditation had previously been granted);
 - (ii) which, in the relevant deployment period, the Authority granted preliminary accreditation;
- (e) the aggregate total installed capacity of anaerobic digestion installations with declared net capacity not exceeding 500 kilowatts—

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- (i) which, in the relevant deployment period, were determined by the Authority to be entitled to accreditation (excluding installations for which preliminary accreditation had previously been granted);
 - (ii) which, in the relevant deployment period, the Authority granted preliminary accreditation;
 - (f) the aggregate total installed capacity of anaerobic digestion installations with declared net capacity greater than 500 kilowatts—
 - (i) which, in the relevant deployment period, were determined by the Authority to be entitled to accreditation (excluding installations for which preliminary accreditation had previously been granted);
 - (ii) which, in the relevant deployment period, the Authority granted preliminary accreditation.
4. In paragraph 3, “relevant deployment period” means—
- (a) in relation to the data to be published in January, the preceding calendar year; and
 - (b) in relation to the data to be published in July, the preceding 1st January to 30th June.
5. In this Schedule—
- “MCS database” means the database maintained by the Microgeneration Certification Scheme that records the details of MCS-certified installations;
- “working day” means any day except a Saturday or Sunday or a day which is a bank holiday or other public holiday in England and Wales.

SCHEDULE 3

Article 40

Revocations

Orders revoked

References

The Feed-in Tariffs (Specified Maximum Capacity and Functions) Order 2010	S.I. 2010/678
The Feed-in Tariffs (Specified Maximum Capacity and Functions) (Amendment) Order 2011	S.I. 2011/1181
The Feed-in Tariffs (Specified Maximum Capacity and Functions) (Amendment No. 2) Order 2011	S.I. 2011/1655
The Feed-in Tariffs (Specified Maximum Capacity and Functions) (Amendment No. 3) Order 2011	S.I. 2011/2364
The Feed-in Tariffs (Specified Maximum Capacity and Functions) (Amendment) Order 2012	S.I. 2012/671
The Feed-in Tariffs (Specified Maximum Capacity and Functions) (Amendment No. 2) Order 2012	S.I. 2012/1393
The Feed-in Tariffs (Specified Maximum Capacity and Functions) (Amendment No. 3) Order 2012	S.I. 2012/2268

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which applies to Great Britain, revokes and remakes with amendments the Feed-in Tariffs (Specified Maximum Capacity and Functions) Order 2010 (“the 2010 Order”).

The Order confers functions on the Gas and Electricity Markets Authority (“the Authority”) and the Secretary of State in connection with the administration of the feed-in tariffs scheme (“FIT scheme”) for small-scale low carbon electricity generation. Other provisions of the FIT scheme are contained in modifications made under section 41 of the Energy Act 2008 to the standard conditions of electricity supply licences (“the FIT licence conditions”), which are available from the Department of Energy and Climate Change, 3 Whitehall Place, London SW1A 2AW.

Article 3 sets the specified maximum capacity for eligible installations in the FIT scheme at 5 megawatts.

Part 3 (articles 4 to 17) makes provision about the accreditation by the Authority of eligible installations for the purposes of the FIT scheme. An “eligible installation” means an installation capable of producing small-scale low carbon generation from one of the following sources of energy or technologies: (a) anaerobic digestion, (b) hydro generating station, (c) combined heat and power with an electrical capacity of 2kW or less, (d) solar photovoltaic, or (e) wind.

Part 4 (articles 18 to 20) make provision about the accreditation by the Authority of extensions to existing accredited installations.

Part 5 (articles 21 to 24) require the Authority to keep a register for the purposes of the scheme (“the central FIT register”).

Part 6 (articles 25 to 30) make provision for a levelisation process, under which licensed electricity suppliers are to make payments to or receive payments from the Authority for the purpose of ensuring that the costs of participating in the FIT scheme are proportionate to their market shares in the electricity supply market in Great Britain.

Part 7 (articles 31 to 35) confers administrative functions on the Authority.

Part 8 (articles 36 to 38) gives the Secretary of State duties to publish data and to make certain annual determinations for the purposes of the FIT scheme.

Article 40 contains transitional provisions and savings.

The principal changes to the 2010 Order are as follows.

The Authority is given power to attach conditions when it accredits an eligible installation (article 5(3)).

A preliminary accreditation process is introduced for anaerobic digestion installations, hydro generating stations, and solar photovoltaic and wind installations with capacity of more than 50 kilowatts (articles 9 and 10). Preliminary accreditation gives assurance to a prospective generator, before constructing an installation, that subject to meeting certain requirements it will be accredited under the FIT scheme if it is commissioned and an application for accreditation is made within a specified time.

Provision is also made for the pre-registration with the Authority of certain solar photovoltaic community energy installations, and solar photovoltaic installations wired to provide electricity to schools or further education institutions (articles 11 and 12). The FIT licence conditions provide for a dispensation for pre-registered installations from an energy efficiency requirement which applies in relation to solar photovoltaic installations that are wired to a building.

Special provision is made about how the site of an eligible installation is to be determined in certain cases (article 15).

The Secretary of State is given a duty to publish data about deployment of eligible installations using energy sources other than solar photovoltaic (for which such data is already published) (article 36 and Schedule 2). This data is to be used by the Authority when calculating, in

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accordance with the FIT licence conditions, the payment rates for new eligible installations which become accredited in future years (article 16).

Additional provision is made about the Authority's enforcement powers in relation to generators participating in the FIT scheme, including power to withdraw or suspend accreditation of installations in specified circumstances (article 17).

An impact assessment has been prepared in respect of the changes to the FIT scheme effected by this Order and copies can be obtained from the Department of Energy and Climate Change, 3 Whitehall Place, London SW1A 2AW.

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Changes to legislation:

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