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STATUTORY INSTRUMENTS

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**2012 No. 2782**

**The Feed-in Tariffs Order 2012**

**PART 9**

Miscellaneous

**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—

- (a) whether to accredit the installation; and
- (b) 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in accordance with the 2010 Order as if it had not been revoked.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article 7(3) does not prevent the Authority from accrediting the installation if, had article 8 of the 2010 Order not been revoked, any grant from public funds made in respect of the costs of purchasing or installing the installation would have—

- (a) met the conditions in paragraph (5) of that article; or
- (b) 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<sup>(1)</sup> 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<sup>(2)</sup>

(5) The tables published by the Authority under article 13(2) of the 2010 Order<sup>(3)</sup> 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.

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<sup>(1)</sup> 2010 c. 7.

<sup>(2)</sup> 1965 c.12.

<sup>(3)</sup> Article 13(2) was inserted in the 2010 Order by [S.I. 2012/1393](#).

(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(4).