
STATUTORY INSTRUMENTS

2012 No. 2782

The Feed-in Tariffs Order 2012

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
 - (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.