
STATUTORY INSTRUMENTS

2012 No. 2782

The Feed-in Tariffs Order 2012

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.—^[F1](A1) This article does not apply where any loss of entitlement to FIT payments arises by virtue of Part 8A.]

(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.

<p>F1 Art. 35(A1) inserted (20.3.2017) by The Feed-in Tariffs (Amendment) Order 2017 (S.I. 2017/131), arts. 1, 6</p>

^[F2]Notices to reduce, withhold or recoup generation payments for the purposes of Part 8A

35ZA.—(1) Where the Authority has good reason to believe that a FIT generator or nominated recipient may have received a generation payment to which it was not entitled by virtue of articles 38C or 38E, the Authority may give notice to the FIT licensee which made the payment to—

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

(2) Where the Authority has good reason to believe that a FIT generator or nominated recipient may have received a generation payment to which it was not entitled by virtue of articles 38D(3), 38F(3), 38G(5) or 38H(3) the Authority may, if it considers it appropriate to do so in the circumstances, give notice to the FIT licensee which made the payment to—

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

(3) At the same time as the Authority gives notice to the FIT licensee under paragraph (1) or (2), the Authority must give notice to the FIT generator or nominated recipient—

- (a) stating the reasons why payments are being reduced, withheld or recouped; and
- (b) providing the FIT generator or nominated recipient with a right to make representations or objections to the Authority within a reasonable time limit specified by the Authority.

(4) On receiving representations or objections from a FIT generator or nominated recipient, the Authority must take those representations and objections into account when determining, for the purpose of paragraph (5), whether the FIT generator or nominated recipient was entitled to receive the generation payment.

(5) Where, having issued a notice under paragraph (1) or (2), the Authority subsequently establishes that the FIT generator or nominated recipient was entitled to receive the generation payment, the Authority must give notice to the FIT licensee that—

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

F2 Art. 35ZA inserted (20.3.2017) by [The Feed-in Tariffs \(Amendment\) Order 2017 \(S.I. 2017/131\)](#), arts. 1, 7

[^{F3}FIT applications data

35A. The Authority must determine and publish data in accordance with Schedule 2.]

F3 Art. 35A inserted (31.3.2016) by [The Feed-in Tariffs \(Amendment\) Order 2016 \(S.I. 2016/319\)](#), arts. 1, 5(1)

Changes to legislation:

There are currently no known outstanding effects for the The Feed-in Tariffs Order 2012, PART 7.