
STATUTORY INSTRUMENTS

2013 No. 1099

The Feed-in Tariffs (Amendment) Order 2013

PART 2

Amendments to the Order

Treatment of FIT generators following licence revocation

5. After article 24, insert—

“PART 5A

Treatment of FIT generators following licence revocation

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
- (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.”.