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STATUTORY INSTRUMENTS

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**2016 No. 319**

**ELECTRICITY**

**The Feed-in Tariffs (Amendment) Order 2016**

<i>Made</i>	- - - -	<i>8th March 2016</i>
<i>Laid before Parliament</i>		<i>10th March 2016</i>
<i>Coming into force</i>	- -	<i>31st March 2016</i>

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

**Citation and commencement**

1. This Order may be cited as the Feed-in Tariffs (Amendment) Order 2016 and comes into force on 31st March 2016.

**Amendment to the Feed-in Tariffs Order 2012**

2.—(1) Articles 3 to 5 of this Order amend the Feed-in Tariffs Order 2012(b) (“the 2012 Order”).

(2) Article 6 amends the Feed-in Tariffs (Amendment) (No. 3) Order 2015(c) (“the 2015 Order”).

(3) A reference in this Order to a numbered article or Part or Schedule is, unless otherwise stated, to the article or Part or Schedule so numbered in the 2012 Order.

**Amendment to Article 2 (interpretation)**

3. In article 2, in paragraph (2), after “nominated recipient;”, insert “qualifies for accreditation;”.

**Amendments to Part 3 (accreditation and matters relating to accreditation)**

4. In article 4 (application of this Chapter)(d)—

(a) in paragraph (3)(a), after “application”, insert “, other than an excluded transitional application,”; and

(b) after paragraph (3), insert—

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(a) 2008 c. 32.

(b) S.I. 2012/2782 as amended by S.I. 2013/1099, 2014/1601, 2014/2865, 2015/35, 2015/1659 and 2015/2045.

(c) S.I. 2015/2045.

(d) Article 4 was substituted by S.I. 2015/2045.

“(4) In paragraph (3)(a), “an excluded transitional application” means an application which—

- (a) is made to a FIT licensee on or after 1st April 2016; and
- (b) would have been within article 8D(1)(b) if it had been made to a FIT licensee between 15th January and 31st March 2016.”.

(2) In article 8B (the application limit)(a), in paragraph (4)(a), for sub-paragraph (ii), substitute—

“(ii) in relation to any eligible installation which uses an MCS-FIT technology and for which an MCS certificate is issued, when the MCS certificate is issued, (whether or not an application for FIT payments for that installation is actually made);”.

(3) In article 8D (transitional installations)(b), in paragraph (1), for sub-paragraph (b), substitute—

“(b) an application is made to a FIT licensee between 15th January 2016 and 31st March 2016 for FIT payments for an eligible installation which uses a MSC-FIT technology and whose MCS certificate’s issue date is before 15th January 2016, but is not—

- (i) a community energy installation which has been pre-registered in accordance with article 11(pre-registration of community energy installations); or
- (ii) a school installation which has been pre-registered in accordance with article 12 (pre-registration of school installations).”.

(4) In article 9 (preliminary accreditation)(c)—

(a) in paragraphs (8) and (8A), for “received”, in each place that it occurs, substitute “treated as received”; and

(b) after paragraph (8A) insert—

“(8B) For the purposes of paragraphs (8) and (8A), an application for preliminary accreditation is treated as received by the Authority on the date on which it is treated as received under article 8B(4)(a).”.

(5) In article 10 (effect of preliminary accreditation)(d)—

(a) for paragraph (3)(b), substitute—

“(b) the tariff period within which the installation qualifies for accreditation commences.”;

(b) in paragraph (4), for sub-paragraph (d), substitute—

“(d) its total installed capacity is greater;

(da) 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 payable had the total installed capacity of the installation been as stated in the application for preliminary accreditation;”.

## **Amendments to Part 7 (administrative functions of the Authority) and Part 8 (functions of the Secretary of State)**

**5.—**(1) After article 35 (notices to reduce, withhold or recoup FIT payments), insert—

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(a) Article 8B was inserted by S.I. 2015/2045.  
(b) Article 8D was inserted by S.I. 2015/2045.  
(c) Article 9 was amended by S.I. 2015/35, 2015/1659 and 2015/2045.  
(d) Article 10 was amended by S.I. 2015/35 and 2015/2045.

### **“FIT applications data**

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

(2) Omit article 36.

(3) For Schedule 2, substitute the new Schedule 2 set out in the Schedule to this Order.

### **Amendment to the 2015 Order**

**6.** In article 24 of the 2015 Order, at the end of paragraph (1), add “or by the Feed-in Tariffs (Amendment) Order 2016.”.

8th March 2016

*Andrea Leadsom*  
Minister of State  
Department of Energy and Climate Change

## **SCHEDULE**

Article 5

### **“SCHEDULE 2**

Article 35A

#### **FIT applications data**

**1.** Within the first 5 working days of each tariff period, the Authority must determine and publish the data set out in paragraph 2.

**2.** The data referred to in paragraph 1 are—

- (a) the aggregate total installed capacities of anaerobic digestion installations applied for within the deployment period;
- (b) the aggregate total installed capacities of hydro generating stations with total installed capacity of 100 kilowatts or less, applied for within the deployment period;
- (c) the aggregate total installed capacity of hydro generating stations with total installed capacity greater than 100 kilowatts applied for within the deployment period;
- (d) the aggregate total installed capacities of solar photovoltaic (other than stand-alone), with total installed capacity of 10 kilowatts or less, which were registered on the MCS database within the deployment period;
- (e) the aggregate total installed capacities of solar photovoltaic (other than stand-alone), with total installed capacity greater than 10 kilowatts but not exceeding 50 kilowatts, which were registered on the MCS database within the deployment period;
- (f) the aggregate total installed capacities of solar photovoltaic installations (other than stand-alone), with total installed capacity greater than 50 kilowatts applied for within the deployment period;
- (g) the aggregate total installed capacities of stand-alone solar photovoltaic installations applied for within the deployment period, including those which were registered on the MCS database within the deployment period;

- (h) the aggregate total installed capacities of wind installations, with total installed capacity of 50 kilowatts or less, which were registered on the MCS database within the deployment period;
- (i) the aggregate total installed capacities of wind installations, with total installed capacity greater than 50 kilowatts but not exceeding 100 kilowatts applied for within the deployment period;
- (j) the aggregate total installed capacities of wind installations, with total installed capacity greater than 100 kilowatts but not exceeding 1500 kilowatts, applied for within the deployment period; and
- (k) the aggregate total installed capacity of wind installations, with total installed capacity greater than 1500 kilowatts, applied for within the deployment period.

**3. In this Schedule—**

“applied for” refers to an application for accreditation or preliminary accreditation made in respect of a relevant installation;

“the deployment period” in relation to a tariff period in which data is required to be determined and published, means the period of three months immediately preceding that tariff period;

“MCS database” means the database maintained by the Microgeneration Certification Scheme that records the details of MCS-certified installations; and

“relevant installation” has the meaning given in article 8B(4)(b).”

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

The Order, which applies to Great Britain, amends the Feed-in Tariffs Order 2012 (“the 2012 Order”) to make corrections to amendments to that Order inserted by the Feed-in Tariffs (Amendment) (No. 3) Order 2015 (“the 2015 Order”), and also amends the 2015 Order by inserting a saving provision.

Article 3 amends article 2 to the 2012 Order so that the expression “qualifies for accreditation” defined in Schedule A to the standard conditions of electricity supply licences has the same meaning in the 2012 Order.

Article 4 amends the following articles of the 2012 Order—

- article 4 (application of this Chapter) to insert a cut-off date of 31st March 2016 so that “excluded transitional applications” made after that date can no longer be accredited. An excluded transitional installation is one that would fall into the definition of transitional installation within the meaning of article 8D(1)(b) had it been made between 15th January and 31st March 2016;
- article 8B (the application limit), paragraph (4)(a)(ii) so that for the purposes of article 8B and 8C (the application limit: adjustments), an application is treated as being received by the Authority in respect of an eligible installation that uses an MCS-FIT technology at the point that the MCS certificate is issued, even if no application is actually made for that installation;
- article 8D (transitional installations), paragraph (1)(b) so that an application for a community energy installation that has been pre-registered under article 11 of the 2012 Order (pre-registration of community energy installations) or a school installation under article 12 of the 2012 Order (pre-registration of school installations), are not transitional installations;

- article 9 (preliminary accreditation), paragraphs (8) and (8A) so that the expression “treated as being received by the Authority” is inserted into those paragraphs with the meaning set out in article 8B(4)(a);
- article 10 (effect of preliminary accreditation), paragraph (3)(b) so that the tariff date for an installation with preliminary accreditation is the later of either the date on which the application is received by the Authority or the beginning of the tariff period in which the application qualifies for accreditation; and
- article 10(4) so that a commissioned installation is materially different to the one for which preliminary accreditation was granted if, among other things, its total installed capacity is greater, or if it has been reduced to the extent that it would have been eligible for a different generation tariff.

Article 5 inserts a new article 35A (FIT applications data) into Part 7 of the 2012 Order (administrative functions of the Authority) and a new Schedule 2 (FIT applications data). Schedule 2 now lists the types of eligible installation in line with column 1 of the table in Schedule 1A to the 2012 Order.

Article 6 inserts a saving provision into article 24(1) of the 2015 Order.

An impact assessment has been prepared in respect of the changes to the FIT scheme effected by the 2015 Order and copies can be obtained from the Department of Energy and Climate Change, 3 Whitehall Place, London SW1A 2AW or on [www.gov.uk](http://www.gov.uk).

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