
STATUTORY INSTRUMENTS

2012 No. 2782

The Feed-in Tariffs Order 2012

PART 3 E+W+S

Accreditation and matters relating to accreditation

CHAPTER 2 E+W+S

Preliminary accreditation and pre-registration

Preliminary accreditation E+W+S

9.—^[F1](1) This article applies where a person (“the prospective FIT generator”)—

- (a) proposes to construct or operate an eligible installation (other than an extension) which, when commissioned, will—
 - (i) use anaerobic digestion;
 - (ii) be a hydro generating station; or
 - (iii) be a wind or solar photovoltaic installation, and have a declared net capacity of more than 50 kilowatts; and
- (b) makes an application in writing to the Authority for preliminary accreditation, which is received by the Authority on or before 30th September 2015^[F2] or on or after 8th February 2016^[F3] but on or before 31st March 2019].

(2) ^[F4]Subject to article 8B, the Authority must, ^[F5]upon receiving the application referred to in paragraph (1)(b), grant preliminary accreditation in respect of that installation if the Authority is satisfied that—

- (a) the conditions in paragraphs (3) and (4) are met; and
 - (b) the installation would, if commissioned, receive accreditation under Chapter 1 of this Part were an application to be made for such accreditation ^[F6]and, for this purpose, applications for preliminary accreditation are to be considered under article 5(1A)(a) in the same way as applications for the accreditation of eligible installations mentioned in that sub-paragraph.]
- (3) The conditions in this paragraph are that the application for preliminary accreditation—
- (a) specifies—
 - (i) the eligible low-carbon energy source to be used by the installation;
 - (ii) the total installed capacity and declared net capacity of the installation;
 - (iii) the location of the installation;
 - (iv) whether the installation is to have a grid connection;
 - ^[F7](v) where the installation will be a solar photovoltaic installation with a total installed capacity of 250kW or more, whether or not the installation will be stand-alone solar photovoltaic;]

- [^{F7}(vi) whether or not the installation will be owned by a community organisation;]
- (b) is accompanied by documentary evidence, issued on or before the date of the application, of the satisfaction of the conditions in paragraph (4); and
- (c) includes such other information as may be required by the Authority.
- (4) The conditions in this paragraph are that—
- (a) either—
- (i) planning permission has been granted for the installation on or before the date of the application for preliminary accreditation; or
- (ii) the Authority is satisfied that planning permission is not required for the installation;
- (b) if the installation is to have a grid connection, either—
- (i) the prospective FIT generator has entered into a grid connection agreement on or before the date of the application; or
- (ii) the Authority is satisfied that a grid connection agreement is not required for the grid connection of the installation;
- (c) if the installation is a hydro generating station in England and Wales, the Authority is satisfied that each of the licences and consents mentioned in paragraph (5)—
- (i) has been granted for the installation on or before the date of the application; or
- (ii) is not required for the installation; ^{F8}...
- (d) if the installation is a hydro generating station in Scotland, the Authority is satisfied that an authorisation under the Water Environment (Controlled Activities)(Scotland) Regulations 2011 ^{M1} for each of the matters mentioned in paragraph (6)—
- (i) has been granted for the installation on or before the date of the application; or
- (ii) is not required for the installation[^{F9}; and]
- [^{F10}(e) if the application for preliminary accreditation specifies that the installation will be owned by a community organisation, the installation will be so owned.]
- (5) The licences and consents referred to in paragraph (4)(c) are—
- (a) an abstraction licence under section 24 of the Water Resources Act 1991 ^{M2};
- (b) an impounding works licence under section 25 of the Water Resources Act 1991 ^{M3}; and
- (c) consent under section 109(1) of the Water Resources Act 1991 ^{M4}.
- (6) The matters referred to in paragraph (4)(d) are—
- (a) abstraction;
- (b) impounding works; and
- (c) any other engineering works required for the installation.
- (7) The Authority may attach such conditions as it considers appropriate in granting preliminary accreditation.
- (8) [^{F11}Subject to [^{F12}paragraphs (8ZA) and (8A)],] preliminary accreditation shall be valid—
- (a) for solar photovoltaic installations, for 6 months beginning with the date on which the application for preliminary accreditation was [^{F13}treated as received] by the Authority;
- (b) for wind and anaerobic digestion installations, for 1 year beginning with the date on which the application for preliminary accreditation was [^{F13}treated as received] by the Authority; and

- (c) for hydro generating stations, for 2 years beginning with the date on which the application for preliminary accreditation was [^{F13}treated as received] by the Authority.

[^{F14}(8ZA) Where under paragraph (8)(b) or (c) preliminary accreditation would otherwise cease to be valid on or after 1st March 2020, preliminary accreditation shall be valid—

- (a) for wind and anaerobic digestion installations, for 24 months beginning with the date on which the application for preliminary accreditation was treated as received by the Authority; and
- (b) for hydro generating stations, for 36 months beginning with the date on which the application for preliminary accreditation was treated as received by the Authority.]

[^{F15}(8A) [^{F16}Subject to paragraph (8AA), where] the installation will be owned by a community organisation, preliminary accreditation shall be valid—

- (a) for solar photovoltaic installations, for 12 months;
- (b) for wind and anaerobic digestion installations, for 18 months; and
- (c) for hydro generating stations, for 30 months,

beginning with the date on which the application for preliminary accreditation was [^{F17}treated as received] by the Authority.]

[^{F18}(8AA) Where under paragraph (8A) preliminary accreditation would otherwise cease to be valid on or after 1st March 2020, preliminary accreditation shall be valid—

- (a) for solar photovoltaic installations, for 24 months beginning with the date on which the application for preliminary accreditation was treated as received by the Authority;
- (b) for wind and anaerobic digestion installations, for 30 months beginning with the date on which the application for preliminary accreditation was treated as received by the Authority; and
- (c) for hydro generating stations, for 42 months beginning with the date on which the application for preliminary accreditation was treated as received by the Authority.]

[^{F19}(8B) For the purposes of paragraphs (8) [^{F20}, (8ZA), (8A) and (8AA)], 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).]

(9) The Authority must give notice to the applicant of—

- (a) its decision on an application for preliminary accreditation of an installation;
- (b) where preliminary accreditation is granted—
 - (i) the dates on which the validity of the preliminary accreditation starts and ends;
 - (ii) the tariff date which will apply to the installation if it is accredited under article 10(2); and
 - (iii) any conditions attached to the preliminary accreditation, and the date on which they take effect; and
- (c) where preliminary accreditation is refused, reasons for the refusal [^{F21}and, where the reason for not granting preliminary accreditation is that article 8B applies, the date of the start of the next tariff period within which the application will be determined by the Authority in accordance with this article.]

(10) In this article—

“grid connection agreement” means an agreement in writing with a transmission licence holder or distribution licence holder for the making of a grid connection; and “transmission licence

holder or distribution licence holder” means the holder of a licence under section 6(1)(b) or 6(1)(c) of the 1989 Act ^{M5};

“planning permission” has the same meaning as in—

- (a) the Town and Country Planning Act 1990 ^{M6}, in relation to England and Wales;
- (b) the Town and Country Planning (Scotland) Act 1997 ^{M7}, in relation to Scotland.

Textual Amendments

- F1** Art. 9(1) substituted (30.9.2015) by [The Feed-in Tariffs \(Amendment\) \(No. 2\) Order 2015](#) (S.I. 2015/1659), arts. 1, **3(a)**
- F2** Words in art. 9(1)(b) inserted (15.1.2016) by [The Feed-in Tariffs \(Amendment\) \(No. 3\) Order 2015](#) (S.I. 2015/2045), arts. 1, **8(a)** (with art. 24)
- F3** Words in art. 9(1)(b) inserted (1.2.2019) by [The Feed-in Tariffs \(Closure, etc.\) Order 2018](#) (S.I. 2018/1380), arts. 1, **9(2)**
- F4** Words in art. 9(2) substituted (15.1.2016) by [The Feed-in Tariffs \(Amendment\) \(No. 3\) Order 2015](#) (S.I. 2015/2045), arts. 1, **8(b)** (with art. 24)
- F5** Words in art. 9(2) substituted (30.9.2015) by [The Feed-in Tariffs \(Amendment\) \(No. 2\) Order 2015](#) (S.I. 2015/1659), arts. 1, **3(b)**
- F6** Words in art. 9(2)(b) added (15.1.2016) by [The Feed-in Tariffs \(Amendment\) \(No. 3\) Order 2015](#) (S.I. 2015/2045), arts. 1, **8(c)** (with art. 24)
- F7** Art. 9(3)(a)(v)(vi) inserted (1.4.2015) by [The Feed-in Tariffs \(Amendment\) Order 2015](#) (S.I. 2015/35), arts. 1, **4(a)**
- F8** Word in art. 9(4)(c)(ii) omitted (1.4.2015) by virtue of [The Feed-in Tariffs \(Amendment\) Order 2015](#) (S.I. 2015/35), arts. 1, **4(b)**
- F9** Word in art. 9(4)(d) substituted (1.4.2015) by virtue of [The Feed-in Tariffs \(Amendment\) Order 2015](#) (S.I. 2015/35), arts. 1, **4(c)**
- F10** Art. 9(4)(e) inserted (1.4.2015) by [The Feed-in Tariffs \(Amendment\) Order 2015](#) (S.I. 2015/35), arts. 1, **4(d)**
- F11** Words in art. 9(8) inserted (1.4.2015) by [The Feed-in Tariffs \(Amendment\) Order 2015](#) (S.I. 2015/35), arts. 1, **4(e)**
- F12** Words in art. 9(8) substituted (31.3.2020) by [The Feed-in Tariffs \(Amendment\) \(Coronavirus\) Order 2020](#) (S.I. 2020/375), arts. 1, **5(2)**
- F13** Words in art. 9(8) substituted (31.3.2016) by [The Feed-in Tariffs \(Amendment\) Order 2016](#) (S.I. 2016/319), arts. 1, **4(4)(a)**
- F14** Art. 9(8ZA) substituted (30.9.2020) by [The Feed-in Tariffs \(Amendment\) \(Coronavirus\) \(No. 2\) Order 2020](#) (S.I. 2020/957), arts. 1, **5(2)**
- F15** Art. 9(8A) inserted (1.4.2015) by [The Feed-in Tariffs \(Amendment\) Order 2015](#) (S.I. 2015/35), arts. 1, **4(f)**
- F16** Words in art. 9(8A) substituted (31.3.2020) by [The Feed-in Tariffs \(Amendment\) \(Coronavirus\) Order 2020](#) (S.I. 2020/375), arts. 1, **5(4)**
- F17** Words in art. 9(8A) substituted (31.3.2016) by [The Feed-in Tariffs \(Amendment\) Order 2016](#) (S.I. 2016/319), arts. 1, **4(4)(a)**
- F18** Art. 9(8AA) substituted (30.9.2020) by [The Feed-in Tariffs \(Amendment\) \(Coronavirus\) \(No. 2\) Order 2020](#) (S.I. 2020/957), arts. 1, **5(3)**
- F19** Art. 9(8B) inserted (31.3.2016) by [The Feed-in Tariffs \(Amendment\) Order 2016](#) (S.I. 2016/319), arts. 1, **4(4)(b)**
- F20** Words in art. 9(8B) substituted (31.3.2020) by [The Feed-in Tariffs \(Amendment\) \(Coronavirus\) Order 2020](#) (S.I. 2020/375), arts. 1, **5(6)**
- F21** Words in art. 9(9)(c) added (15.1.2016) by [The Feed-in Tariffs \(Amendment\) \(No. 3\) Order 2015](#) (S.I. 2015/2045), arts. 1, **8(d)** (with art. 24)

Marginal Citations

- M1** S.S.I. 2011/209.
- M2** 1991 c.57. Section 24 was amended by the [Environment Act 1995 \(c.25\)](#), Schedule 22, paragraph 128, the Water Act 2003, section 60(1), and [S.I. 1996/593](#), Schedule 2, paragraph 8.
- M3** 1991 c.57. Section 25 was amended by the Water Act 2003, sections 2 and 60(1) and Schedule 9, Part 1.
- M4** 1991 c.57. Section 109(1) was amended by the [Environment Act 1995 \(c.25\)](#), Schedule 22, paragraph 128.
- M5** Section 6(1)(b) of the 1989 Act was substituted by the [Energy Act 2004 \(c.20\)](#), section 136(1). Section 6(1)(c) was substituted by the [Utilities Act 2000 \(c.27\)](#), section 30, and amended by the [Energy Act 2004 \(c.20\)](#), Schedule 23, Part 1.
- M6** 1990 c.8.
- M7** 1997 c.8.

Effect of preliminary accreditation **E+W+S**

10.—(1) Paragraph (2) applies where—

(a) an installation has been granted preliminary accreditation; and

[^{F22}(b) either—

(i) during the period of validity of the preliminary accreditation—

(aa) the installation is commissioned; and

(bb) the Authority receives an application for accreditation of the installation; or

(ii) article 7B applies to the installation.]

(2) The Authority must grant the accreditation if it is satisfied that the installation has been commissioned unless—

(a) article 7 applies;

(b) the installation which has been commissioned is materially different from the installation for which preliminary accreditation was granted;

(c) there has been a material change in circumstances since the preliminary accreditation was granted such that, had the application for preliminary accreditation been made after the change, it would have been refused;

(d) any condition attached to the preliminary accreditation has not been complied with;

(e) the information on which the decision to grant the preliminary accreditation was based was incorrect in a material particular such that, had the Authority known the true position when the application for preliminary accreditation was made, it would have been refused.

[^{F23}(3) If the Authority grants the application for accreditation pursuant to paragraph (2), the installation's tariff date is the later of the date on which—

(a) the application for preliminary accreditation is received by the Authority; or

[^{F24}(b) the tariff period within which the installation qualifies for accreditation commences.]]

(4) For the purposes of this article, a commissioned installation is materially different from an installation for which preliminary accreditation was granted if—

(a) its site is different;

(b) it uses a different eligible low-carbon energy source;

(c) either—

- (i) it does not have a grid connection, and the application for preliminary accreditation stated that it would have a grid connection; or
- (ii) it has a grid connection, and the application for preliminary accreditation stated that it would not have a grid connection;
- [^{F25}(d) its total installed capacity is greater;]
- [^{F25}(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;]
- ^{F26}(e)
- [^{F27}(f) the application for preliminary accreditation specified that the installation—
 - (i) would not be stand-alone solar photovoltaic and it is stand-alone solar photovoltaic; or
 - (ii) would be stand-alone solar photovoltaic and it is not stand-alone solar photovoltaic;]
- [^{F27}(g) the application for preliminary accreditation specified that the installation would be owned by a community organisation and the Authority is not satisfied that it is owned by a community organisation.]

Textual Amendments

F22 Art. 10(1)(b) substituted (1.2.2019) by [The Feed-in Tariffs \(Closure, etc.\) Order 2018 \(S.I. 2018/1380\)](#), arts. 1, **10(2)**

F23 Art. 10(3) substituted (15.1.2016) by [The Feed-in Tariffs \(Amendment\) \(No. 3\) Order 2015 \(S.I. 2015/2045\)](#), arts. 1, **9(a)** (with art. 24)

F24 Art. 10(3)(b) substituted (31.3.2016) by [The Feed-in Tariffs \(Amendment\) Order 2016 \(S.I. 2016/319\)](#), arts. 1, **4(5)(a)**

F25 Art. 10(4)(d)(da) substituted for art. 10(4)(d) (31.3.2016) by [The Feed-in Tariffs \(Amendment\) Order 2016 \(S.I. 2016/319\)](#), arts. 1, **4(5)(b)**

F26 Art. 10(4)(e) omitted (15.1.2016) by virtue of [The Feed-in Tariffs \(Amendment\) \(No. 3\) Order 2015 \(S.I. 2015/2045\)](#), arts. 1, **9(c)** (with art. 24)

F27 Art. 10(4)(f)(g) inserted (1.4.2015) by [The Feed-in Tariffs \(Amendment\) Order 2015 \(S.I. 2015/35\)](#), arts. 1, **5(b)**

Pre-registration of community energy installations **E+W+S**

- 11.—**(1) This article applies where a community organisation proposes to commission, or has commissioned, a community energy installation which—
- (a) is a solar photovoltaic installation;
 - (b) is not an extension; and
 - (c) has a declared net capacity not exceeding 50 kilowatts.
- (2) [^{F28}Subject to paragraph (2A),] the Authority must, upon receiving an application by a community organisation for pre-registration of a community energy installation referred to in paragraph (1), which the Authority is satisfied meets the conditions in paragraph (3)—
- (a) pre-register the installation; and
 - (b) give notice to the applicant of the pre-registration, and the period for which it is valid.

[^{F29}(2A) The Authority must not pre-register a community energy installation in respect of which an MCS certificate has not been issued where, at the time that the application for pre-registration is received by the Authority, the application limit for installations of that particular description for the tariff period beginning on 1st January 2019—

- (a) has been exceeded; or
- (b) would be exceeded if an MCS certificate were to be issued for the installation during the tariff period beginning on 1st January 2019.]

(3) The conditions are that the application [^{F30}is received by the Authority on or before 31st March 2019, and]—

- (a) specifies—
 - (i) the eligible low-carbon energy source used, or to be used, by the installation;
 - (ii) the total installed capacity and declared net capacity of the installation;
 - (iii) the address of the building to which the installation is wired, or to be wired;
- (b) is accompanied by—
 - (i) evidence that the applicant is a community organisation; and
 - (ii) an energy performance certificate for the building to which the installation is wired, or to be wired; and
- (c) contains such other information as the Authority may require.

[^{F31}(4) A pre-registration under this article is valid—

- (a) for one year beginning with the date on which the Authority received the application for pre-registration; or
- (b) where the date on which the Authority received the application for pre-registration was within the period beginning on 1st March 2019 and ending on 31st March 2019, [^{F32}for 24 months beginning with the date on which the Authority received the application for pre-registration].]

(5) If an application for FIT payments for a pre-registered community energy installation is received by a FIT licensee during the period of validity of its pre-registration, and the community energy installation is accredited pursuant to that application—

[^{F33}(a) where the application for pre-registration was received by the Authority before 1st October 2015—

- (i) the eligibility date of the installation is the later of the—
 - (aa) date on which the Authority received the application for pre-registration; or
 - (bb) date on which the installation was commissioned; and
- (ii) the tariff date is the date on which the Authority received the application for pre-registration;]

[^{F33}(b) where the application for pre-registration was received by the Authority after 30th September 2015 but before 15th January 2016—

- (i) the eligibility date of the installation is the later of—
 - (aa) the date on which the Authority received the application for pre-registration; or
 - (bb) the date on which the installation is commissioned, and
- (ii) the tariff date is the same date as the eligibility date;]

[^{F33}(c) where the installation was commissioned before 15th January 2016 but the application for pre-registration was received by the Authority on or after 15th January 2016—

- (i) the eligibility date is the later of—
 - (aa) the date on which the Authority received the application for pre-registration;
or
 - (bb) the first date of the tariff period within which the installation qualifies for accreditation; and
- (ii) the tariff date is the same as the eligibility date;]
- [^{F33}(d) where the installation is commissioned and its application for pre-registration is received by the Authority on or after 8th February 2016 [^{F34}, and its MCS certificate is issued on or before 31st March 2019]—
 - (i) the eligibility date is the later of—
 - (aa) the date on which the Authority received the application for pre-registration;
or
 - (bb) the first date of the tariff period within which the installation qualifies for accreditation; and
 - (ii) the tariff date is the first day of the tariff period within which the installation qualifies for accreditation][^{F35}; and]
- [^{F36}(e) where the installation’s MCS certificate is issued on or after 1st April 2019—
 - (i) the eligibility date is the date on which the application for FIT payments is received by a FIT licensee; and
 - (ii) the tariff date is 1st January 2019.]
- (6) In this article—
 - [^{F37}“charity” means a charity—
 - (a) registered in the register of charities kept by the Charity Commission in accordance with section 29 of the Charities Act 2011; or
 - (b) as defined by section 106 (interpretation) of the Charities and Trustee Investment (Scotland) Act 2005;]
 - [^{F38}“community benefit or co-operative society” means a society registered under the Co-operative and Community Benefit Societies Act 2014 as a community benefit society or as a co-operative society;]
 - “community energy installation” means an eligible installation—
 - (a) which is wired to provide electricity to a building which is not a dwelling; and
 - (b) in relation to which the FIT generator is a community organisation;
 - “community interest company” means a company issued a certificate of incorporation under section 36B(1) or 38A(1) of the Companies (Audit, Investigations and Community Enterprise) Act 2004 ^{M8};
 - [^{F39}“community organisation” means—
 - (a) any of the following which has 50 or fewer employees—
 - (i) a charity;
 - (ii) a community benefit or co-operative society; or
 - (iii) a community interest company; or
 - (b) a subsidiary (as defined in section 1159 of the Companies Act 2006), wholly owned by a charity, where the subsidiary has 50 or fewer employees and the parent charity has 50 or fewer employees;]

“dwelling” has the same meaning as in—

- (a) [^{F40}the Energy Performance of Buildings (England and Wales) Regulations 2012;] in relation to a building in England or Wales; and
- (b) the Energy Performance of Buildings (Scotland) Regulations 2008 ^{M9}, in relation to a building in Scotland; and

“employee” means an individual who has entered into or works under a contract of employment with the company or society.

Textual Amendments

- F28** Words in art. 11(2) inserted (1.2.2019) by [The Feed-in Tariffs \(Closure, etc.\) Order 2018 \(S.I. 2018/1380\)](#), arts. 1, **11(2)**
- F29** Art. 11(2A) inserted (1.2.2019) by [The Feed-in Tariffs \(Closure, etc.\) Order 2018 \(S.I. 2018/1380\)](#), arts. 1, **11(3)**
- F30** Words in art. 11(3) inserted (1.2.2019) by [The Feed-in Tariffs \(Closure, etc.\) Order 2018 \(S.I. 2018/1380\)](#), arts. 1, **11(4)**
- F31** Art. 11(4) substituted (31.3.2020) by [The Feed-in Tariffs \(Amendment\) \(Coronavirus\) Order 2020 \(S.I. 2020/375\)](#), arts. 1, **6(2)**
- F32** Words in art. 11(4)(b) substituted (30.9.2020) by [The Feed-in Tariffs \(Amendment\) \(Coronavirus\) \(No. 2\) Order 2020 \(S.I. 2020/957\)](#), arts. 1, **6(2)**
- F33** Art. 11(5)(a)-(d) substituted for art. 11(5)(a)(b) (15.1.2016) by [The Feed-in Tariffs \(Amendment\) \(No. 3\) Order 2015 \(S.I. 2015/2045\)](#), arts. 1, **10** (with art. 24)
- F34** Words in art. 11(5)(d) inserted (1.2.2019) by [The Feed-in Tariffs \(Closure, etc.\) Order 2018 \(S.I. 2018/1380\)](#), arts. 1, **11(5)(a)**
- F35** Word in art. 11(5)(d)(ii) inserted (1.2.2019) by [The Feed-in Tariffs \(Closure, etc.\) Order 2018 \(S.I. 2018/1380\)](#), arts. 1, **11(5)(b)**
- F36** Art. 11(5)(e) inserted (1.2.2019) by [The Feed-in Tariffs \(Closure, etc.\) Order 2018 \(S.I. 2018/1380\)](#), arts. 1, **11(5)(c)**
- F37** Words in art. 11(6) inserted (1.4.2015) by [The Feed-in Tariffs \(Amendment\) Order 2015 \(S.I. 2015/35\)](#), arts. 1, **6(a)**
- F38** Words in art. 11(6) substituted (1.4.2015) by [The Feed-in Tariffs \(Amendment\) Order 2015 \(S.I. 2015/35\)](#), arts. 1, **6(b)**
- F39** Words in art. 11(6) substituted (1.4.2015) by [The Feed-in Tariffs \(Amendment\) Order 2015 \(S.I. 2015/35\)](#), arts. 1, **6(c)**
- F40** Words in art. 11(6) substituted (1.7.2013) by [The Feed-in Tariffs \(Amendment\) Order 2013 \(S.I. 2013/1099\)](#), arts. 1, **4**

Marginal Citations

- M8** [2004 c.27](#). Sections 36B and 38A were inserted by [S.I. 2009/1941](#).
- M9** [S.S.I 2008/309](#), to which there are amendments which are not relevant.

Pre-registration of school installations **E+W+S**

12.—(1) This article applies where an education provider has commissioned a school installation which—

- (a) is a solar photovoltaic installation;
- (b) is not an extension; and
- (c) has a declared net capacity not exceeding 50 kilowatts.

(2) The Authority must, upon receiving an application by an education provider for pre-registration of a school installation referred to in paragraph (1), which the Authority is satisfied meets the conditions in paragraph (3)—

- (a) pre-register the installation; and
- (b) give notice to the applicant of the pre-registration, and the period for which it is valid.

(3) The conditions are that the application [^{F41}is received by the Authority on or before 31st March 2019, and]—

- (a) specifies—
 - (i) the eligible low-carbon energy source used by the installation;
 - (ii) the total installed capacity and declared net capacity of the installation;
 - (iii) the address of the building to which the installation is wired;
- (b) is accompanied by—
 - (i) evidence that the applicant is an education provider; and
 - (ii) an energy performance certificate for the building to which the installation is wired; and
- (c) contains such other information as the Authority may require.

(4) A pre-registration under this article is valid for one year beginning with the date on which the Authority received the application for pre-registration.

(5) If an application for FIT payments for a pre-registered school installation is received by a FIT licensee during the period of validity of its pre-registration, and the school installation is accredited pursuant to that application—

[^{F42}(a) where the application for pre-registration was received by the Authority before 15th January 2016—

- (i) the eligibility date of the installation is the date on which the Authority received the application for pre-registration, and
- (ii) the tariff date is the same as the eligibility date;]

[^{F42}(b) where the application for pre-registration is received on or after 15th January 2016—

- (i) the eligibility date is the later of—
 - (aa) the date on which the Authority received the application for pre-registration, or
 - (bb) the first date of the tariff period within which the installation qualifies for accreditation; and
- (ii) the tariff date is the same as the eligibility date.]

(6) In this article—

“education provider” means—

- (a) the owner of a building used as the premises of a qualifying educational institution; or
- (b) a person or body responsible for the management of such an institution;

“qualifying educational institution” means—

- (a) in England and Wales—
 - (i) a school within the meaning of section 4 of the Education Act 1996 ^{M10};
 - (ii) an institution within the further education sector, within the meaning of section 91(3) of the Further and Higher Education Act 1992 ^{M11}; or

- (iii) a 16 to 19 Academy within the meaning of section 1B of the Academies Act 2010^{M12},
 - (b) in Scotland—
 - (i) a school within the meaning of section 135(1) of the Education (Scotland) Act 1980^{M13}; or
 - (ii) a college of further education within the meaning of section 36(1) of the Further and Higher Education (Scotland) Act 1992^{M14};
- “school installation” means an eligible installation—
- (a) which is wired to provide electricity to a building which is used as the premises of a qualifying educational institution; and
 - (b) in relation to which the FIT generator is the education provider which owns that building or is responsible for the management of that institution.

Textual Amendments

- F41** Words in art. 12(3) inserted (1.2.2019) by [The Feed-in Tariffs \(Closure, etc.\) Order 2018 \(S.I. 2018/1380\)](#), arts. 1, **12(2)**
- F42** Art. 12(5)(a)(b) substituted (15.1.2016) by [The Feed-in Tariffs \(Amendment\) \(No. 3\) Order 2015 \(S.I. 2015/2045\)](#), arts. 1, **11** (with art. 24)

Marginal Citations

- M10** [1996 c.56](#). Section 4 was amended by the [Education Act 1997 \(c.44\)](#), section 51 and Schedule 7, paragraph 10, the [Education Act 2002 \(c.32\)](#), Schedule 22, Part 3, the [Childcare Act 2006 \(c.21\)](#) section 95, the [Education Act 2011 \(c.21\)](#), Schedule 13, paragraph 9, and [S.I. 2010/1080](#), Schedule 1, Part 2, paragraph 97.
- M11** [1992 c.13](#). Section 91(3) was amended by the [Apprenticeships, Skills, Children and Learning Act 2009 \(c.22\)](#), Schedule 8, paragraph 13.
- M12** [2010 c.32](#). Section 1B was inserted by the [Education Act 2011 \(c.21\)](#), section 53(7).
- M13** [1980 c.44](#). The definition of “school” in section 135(1) was amended by the [Registered Establishments \(Scotland\) Act 1987 \(c.4\)](#), section 2(2), and the [Standards in Scotland's Schools etc. Act 2000 \(asp 6\)](#), Schedule 3.
- M14** [1992 c.37](#).

Changes to legislation:

There are currently no known outstanding effects for the The Feed-in Tariffs Order 2012,
CHAPTER 2.