
STATUTORY INSTRUMENTS

2010 No. 678

**The Feed-in Tariffs (Specified Maximum
Capacity and Functions) Order 2010 (revoked)**

PART 3

Accreditation and matters relating to accreditation

CHAPTER 1

Accreditation

Accreditation of eligible installations

- 4.—(1) The Authority must carry out accreditation as provided by this article.
- (2) The Authority must accredit an eligible installation if article 5, 6 or 7 is satisfied but must not do so if article 8 or 9 applies.
- (3) Where the Authority accredits an eligible installation, it must—
- (a) update the central FIT register; and
 - (b) give notice to the FIT licensee of the accreditation which includes—
 - (i) the confirmation date;
 - (ii) the tariff code for the installation; and
 - (iii) the unique identifier for the installation.
- (4) Where the Authority does not accredit an eligible installation, it must give notice to the FIT licensee including reasons why the eligible installation was not accredited.

Accreditation of eligible installations not previously accredited under the ROO

- [^{F15}5.—(1) Subject to articles 8 and 9, 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 (3).
- (2) The criteria referred to in paragraph (1)(b) are that—
- (a) the eligible installation—
 - (i) uses an MCS-FIT technology; and
 - (ii) is not a hydro generating station;
 - (b) the installation was first commissioned after 15th July 2009; and
 - (c) the installation has been submitted by a FIT licensee for registration under the process for MCS certified registration.

Status: Point in time view as at 01/08/2012.

Changes to legislation: There are currently no known outstanding effects for the The Feed-in Tariffs (Specified Maximum Capacity and Functions) Order 2010 (revoked), PART 3. (See end of Document for details)

- (3) The criteria referred to in paragraph (1)(b) are that—
- (a) the eligible installation 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.]

Textual Amendments

F1 Art. 5 substituted (30.5.2011) by [The Feed-in Tariffs \(Specified Maximum Capacity and Functions\) \(Amendment\) Order 2011 \(S.I. 2011/1181\)](#), arts. 1, 5

[^{F2}Accreditation of hydro generating stations with a capacity of 50 kilowatts or less

5A.—(1) Subject to articles 8 and 9, the Authority must accredit an eligible installation as an accredited FIT installation if—

- (a) it is a hydro generating station with a declared net capacity of 50 kilowatts or less; and
 - (b) the Authority is satisfied that the installation meets the criteria in paragraph (2) or (3).
- (2) The criteria referred to in paragraph (1)(b) are that—
- (a) the eligible installation is first commissioned during the period which began on 1st April 2010 and ends on [^{F3}30th September 2012]; 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.
- (3) The criteria referred to in paragraph (1)(b) are that—
- (a) the eligible installation is first commissioned after 1st October 2011; and
 - (b) the installation has been submitted by a FIT licensee for registration under the process for MCS certified registration.
- (4) In respect of an installation accredited under this article where the criteria in paragraph (2) are satisfied, the eligibility date is not as provided by Schedule A to Standard Licence Condition 33, but is the date on which the installation is first commissioned.]

Textual Amendments

F2 Art. 5A inserted (30.5.2011) by [The Feed-in Tariffs \(Specified Maximum Capacity and Functions\) \(Amendment\) Order 2011 \(S.I. 2011/1181\)](#), arts. 1, 6

F3 Words in art. 5A(2)(a) substituted (1.4.2012) by [The Feed-in Tariffs \(Specified Maximum Capacity and Functions\) \(Amendment\) Order 2012 \(S.I. 2012/671\)](#), arts. 1(2), 2

Accreditation of eligible installations previously accredited under the ROO with a capacity of 50 kilowatts or less

6.—(1) Subject to articles 8 and 9, the Authority must accredit an eligible installation as an accredited FIT installation where—

- (a) the Authority receives from the FIT generator on or before [^{F4}1st October 2011] a notice which—
 - (i) states that the FIT generator wishes the eligible installation to be accredited; and

- (ii) identifies the FIT licensee which is to make FIT payments in respect of the eligible installation; and
- (b) the Authority is satisfied that the installation meets the criteria in paragraph (2).
- (2) The criteria referred to in paragraph (1)(b) in respect of an eligible installation are that—
 - (a) it has a declared net capacity of 50 kilowatts or less;
 - (b) it was accredited under the ROO on or before the 31st March 2010; and
 - (c) it uses one of the following eligible low-carbon energy sources—
 - (i) anaerobic digestion;
 - (ii) hydro generating station;
 - (iii) solar photovoltaic; or
 - (iv) wind.

[^{F5}(3) Subject to paragraph (4), in respect of an installation accredited under this article, the eligibility date is not as provided by Schedule A to Standard Licence Condition 33, but is the date on which the notice given under paragraph (1)(a) is received by the Authority after 1st October 2010.

(4) The eligibility date as provided by Schedule A to Standard Licence Condition 33 does apply to an installation in respect of which the Authority received a notice under paragraph (1)(a) from a FIT generator on or before 1st October 2010.]

Textual Amendments

- F4** Words in art. 6(1)(a) substituted (30.5.2011) by [The Feed-in Tariffs \(Specified Maximum Capacity and Functions\) \(Amendment\) Order 2011 \(S.I. 2011/1181\)](#), arts. 1, **7(2)**
- F5** Art. 6(3)(4) inserted (30.5.2011) by [The Feed-in Tariffs \(Specified Maximum Capacity and Functions\) \(Amendment\) Order 2011 \(S.I. 2011/1181\)](#), arts. 1, **7(3)**

Accreditation of eligible installations previously accredited under the ROO with a capacity of more than 50 kilowatts

7.—(1) Subject to article 8, the Authority must accredit an eligible installation as an accredited FIT installation where—

- (a) the Authority receives from the FIT generator on or before 1st October 2010 a notice which—
 - (i) states that the FIT generator wishes the eligible installation to be accredited; and
 - (ii) identifies the FIT licensee which is to make FIT payments in respect of the eligible installation; and
- (b) the Authority is satisfied that the installation meets the criteria in paragraph (2).
- (2) The criteria referred to in paragraph (1)(b) in respect of an eligible installation are that—
 - (a) it has a declared net capacity of more than 50 kilowatts; and
 - (b) it was accredited under the provisions of the ROO during the period beginning on 15th July 2009 and ending on 31st March 2010.

Exceptions to accreditation applicable to all eligible installations

[^{F6}8.—(1) The Authority must not accredit an eligible installation as an accredited FIT installation where—

Status: Point in time view as at 01/08/2012.

Changes to legislation: There are currently no known outstanding effects for the The Feed-in Tariffs (Specified Maximum Capacity and Functions) Order 2010 (revoked), PART 3. (See end of Document for details)

- (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 installation 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 (other than an installation accredited under article 6 or 7 of this Order); or
 - (b) under this Part.
- (3) Subject to paragraph (4), 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) a permitted grant; or
 - (b) a grant other than a permitted grant to which the conditions in paragraph (5) apply.
- (5) The conditions referred to in paragraph 4(b) are that—
- (a) the grant is made before 1st July 2011;
 - (b) the installation is first commissioned before 1st October 2011; and
 - (c) the Authority is satisfied that the making of FIT payments in respect of the installation would be in accordance with a de minimis Commission Regulation.
- (6) In this article—
- “a de minimis Commission Regulation” means—
- (a) [Commission Regulation \(EC\) No. 1998/2006](#) on the application of Articles 87 and 88 of the EU Treaty to de minimis aid;
 - (b) [Commission Regulation \(EC\) No. 875/2007](#) on the application of Articles 87 and 88 of the EU Treaty to de minimis aid in the fisheries sector and amending Regulation (EC) No. 1860/2004; or
 - (c) [Commission Regulation \(EC\) No. 1535/2007](#) on the application of Articles 87 and 88 of the EU Treaty to de minimis aid in the sector of agricultural production;
- “grant from public funds” means a grant made by a public authority or by any person distributing funds on behalf of a public authority;
- “permitted grant” means—
- (a) a grant made before 1st April 2010 in respect of the costs of purchasing or installing an eligible installation where the installation—
 - (i) was first commissioned before 15th July 2009; or

- (ii) is on a residential property and was first commissioned during the period which began on 15th July 2009 and ended on 31st March 2010; or
 - (b) 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.
- (7) In this article, a grant is made when the offer of that grant is accepted by the recipient of the offer.]

Textual Amendments

- F6** Art. 8 substituted (30.5.2011) by [The Feed-in Tariffs \(Specified Maximum Capacity and Functions\) \(Amendment\) Order 2011 \(S.I. 2011/1181\)](#), arts. 1, **8**

Limit on numbers of eligible installations using combined heat and power

9.—(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.

CHAPTER 2

Matters relating to accreditation

Tariff codes

10.—^[F7](1) The Authority must assign a tariff code to each accredited FIT installation in accordance with—

- (a) the descriptions of accredited FIT installation listed in the FIT payment rate ^[F8]tables]; and
- (b) the FIT year in which the eligibility date for the accredited FIT installation falls.

^[F9](2) Paragraph (3) applies in relation to an accredited FIT installation (“the relevant installation”) if the FIT payment rate ^[F10]tables specify] that two or more different FIT payment rates apply in different circumstances to accredited FIT installations of the same description, and with an eligibility date falling in the same FIT year, as the relevant installation.]

^[F9](3) Where this paragraph applies, the Authority must assign to the relevant installation a tariff code which, in addition to the matters mentioned in paragraph (1), identifies which FIT payment rate applies to it.]

Textual Amendments

- F7** Art. 10(1): art. 10 renumbered as art. 10(1) (1.8.2011) by [The Feed-in Tariffs \(Specified Maximum Capacity and Functions\) \(Amendment No.2\) Order 2011 \(S.I. 2011/1655\)](#), arts. 1, **4(2)**
- F8** Word in art. 10(1)(a) substituted (1.8.2012) by [The Feed-in Tariffs \(Specified Maximum Capacity and Functions\) \(Amendment No. 2\) Order 2012 \(S.I. 2012/1393\)](#), arts. 1(2), **3(a)**

Status: Point in time view as at 01/08/2012.

Changes to legislation: There are currently no known outstanding effects for the The Feed-in Tariffs (Specified Maximum Capacity and Functions) Order 2010 (revoked), PART 3. (See end of Document for details)

- F9** Art. 10(2)(3) inserted (1.8.2011) by [The Feed-in Tariffs \(Specified Maximum Capacity and Functions\) \(Amendment No.2\) Order 2011 \(S.I. 2011/1655\)](#), arts. 1, **art. 4(3)**
- F10** Words in art. 10(2) substituted (1.8.2012) by [The Feed-in Tariffs \(Specified Maximum Capacity and Functions\) \(Amendment No. 2\) Order 2012 \(S.I. 2012/1393\)](#), arts. 1(2), **3(b)**

Unique identifiers for accredited FIT installations

- 11.** The Authority must assign an identifier which is unique to each accredited FIT installation.

Site of accredited FIT installations

- 12.** The Authority must determine the site of an accredited FIT installation in accordance with the definition of “site” in Schedule A to Standard Licence Condition 33.

Calculating and publishing FIT payment rates

[^{F11}13.—(1) On or before 1st March immediately before the beginning of each FIT year, the Authority must publish in accordance with clause 3.3.4 of Part 1 of Schedule A to Standard Licence Condition 33 a table or tables setting out the FIT payment rates which are to apply for that FIT year to the eligible installations specified in clause 3.3.2.2 of that Part (subject to the Secretary of State substituting or inserting in Schedule A to Standard Licence Condition 33 a new FIT payment rate table applying to those eligible installations).

(2) On or before the last day of the first month of each quarter the Authority must publish a table setting out the FIT payment rates which are to apply to solar photovoltaic eligible installations with an eligibility date in the following quarter.

- (3) The Authority must determine the FIT payment rates in the table under paragraph (2)—
- (a) in accordance with Annex 3 to Schedule A to Standard Licence Condition 33; and
 - (b) by reference to the data published by the Secretary of State under article 13A.]

Textual Amendments

- F11** Art. 13 substituted (1.8.2012) by [The Feed-in Tariffs \(Specified Maximum Capacity and Functions\) \(Amendment No. 2\) Order 2012 \(S.I. 2012/1393\)](#), arts. 1(2), **4**

[^{F12}FIT deployment data for solar photovoltaic installations

13A.—(1) On or before the sixth working day before the end of the first month of each quarter, the Secretary of State must determine and publish—

- (a) the aggregate declared net capacity of solar photovoltaic installations with declared net capacity of 10 kilowatts or less which, in the preceding quarter, were registered on the MCS database;
- (b) the aggregate declared net capacity of solar photovoltaic installations with declared net capacity greater than 10 kilowatts but not exceeding 50 kilowatts which, in the preceding quarter, were registered on the MCS database; and
- (c) the aggregate total installed capacity of solar photovoltaic installations with declared net capacity greater than 50 kilowatts which, in the preceding quarter, were determined by the Authority to be entitled to accreditation.

- (2) In paragraph (1)—

- (a) references to solar photovoltaic installations include extensions to existing installations; and
- (b) “working day” means any day except a Saturday or Sunday or a day which is a bank holiday or other public holiday in England and Wales.]

Textual Amendments

F12 Art. 13A inserted (1.8.2012) by [The Feed-in Tariffs \(Specified Maximum Capacity and Functions\) \(Amendment No. 2\) Order 2012 \(S.I. 2012/1393\)](#), arts. 1(2), 5

Deeming the amount of electricity exported from an accredited FIT installation

14.—(1) The Secretary of State must determine the amount of electricity deemed to be exported by different categories of accredited FIT installation with a total installed capacity of 30 kilowatts or less where that amount is not measured by an export meter which is registered under the Balancing and Settlement Code.

(2) The amount under paragraph (1) must be expressed as a percentage of the amount of electricity shown on the generation meter of the accredited FIT installation.

(3) Different percentages may apply to different categories of accredited FIT installation.

(4) The determination of a percentage under paragraph (1) must be based on an estimate of the amount of electricity generated by the category of installation that would be exported.

(5) Except in respect of FIT year 1, a determination under paragraph (1) must be published 1 month before the beginning of each FIT year.

(6) For FIT year 1, the percentages are—

(a) 50% of the generation meter reading for accredited FIT installations using the following eligible low-carbon energy sources—

(i) combined heat and power

(ii) anaerobic digestion;

(iii) solar photovoltaic; or

(iv) wind;

and

(b) 75% of the generation meter reading for an accredited FIT installation which is a hydro generating station.

Status:

Point in time view as at 01/08/2012.

Changes to legislation:

There are currently no known outstanding effects for the The Feed-in Tariffs (Specified Maximum Capacity and Functions) Order 2010 (revoked), PART 3.