
STATUTORY INSTRUMENTS

2012 No. 2782

The Feed-in Tariffs Order 2012

PART 3

Accreditation and matters relating to accreditation

CHAPTER 2

Preliminary accreditation and pre-registration

Pre-registration of community energy installations

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) [^{F1}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.

[^{F2}(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 [^{F3}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.

[^{F4}(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, [^{F5}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—

[^{F6}(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;]

[^{F6}(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;]

[^{F6}(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;]

[^{F6}(d) where the installation is commissioned and its application for pre-registration is received by the Authority on or after 8th February 2016 [^{F7}, 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][^{F8}; and]

[^{F9}(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—
- [^{F10}“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;]
- [^{F11}“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 ^{M1};
- [^{F12}“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) [^{F13}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 ^{M2}, 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

- F1** 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)**
- F2** Art. 11(2A) inserted (1.2.2019) by [The Feed-in Tariffs \(Closure, etc.\) Order 2018 \(S.I. 2018/1380\)](#), arts. 1, **11(3)**
- F3** 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)**
- F4** Art. 11(4) substituted (31.3.2020) by [The Feed-in Tariffs \(Amendment\) \(Coronavirus\) Order 2020 \(S.I. 2020/375\)](#), arts. 1, **6(2)**

Changes to legislation: There are currently no known outstanding effects for the
The Feed-in Tariffs Order 2012, Section 11. (See end of Document for details)

- F5** 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)**
- F6** 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)
- F7** 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)**
- F8** 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)**
- F9** 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)**
- F10** 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)**
- F11** 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)**
- F12** 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)**
- F13** 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

- M1** 2004 c.27. Sections 36B and 38A were inserted by S.I. 2009/1941.
- M2** S.S.I 2008/309, to which there are amendments which are not relevant.

Changes to legislation:

There are currently no known outstanding effects for the The Feed-in Tariffs Order 2012, Section 11.