
STATUTORY INSTRUMENTS

2012 No. 2782

The Feed-in Tariffs Order 2012

PART 6

Levelisation

[^{F1}Mutualisation

- 30A.**—(1) This article applies—
- (a) if one or more licensees fail to make the whole or part of a periodic levelisation payment to the Authority within 5 working days of the date on which it is due (“the due date”); and
 - (b) after 5 working days following the due date, the total of unpaid amounts (“the total”) is equal to or greater than the lower limit of the mutualisation trigger range.
- (2) In paragraph (3), “the amount to be mutualised” means the lesser of—
- (a) the total referred to in paragraph (1)(b); or
 - (b) the upper limit of the mutualisation trigger range.
- (3) The Authority must—
- (a) apportion the amount to be mutualised between all licensees other than the defaulting licensee, in proportion to each licensee’s market share at the due date;
 - (b) give notice to each of those licensees (a “mutualisation notice”)—
 - (i) that it is liable to make a payment of the amount apportioned to it (a “mutualisation payment”);
 - (ii) of the date by which the mutualisation payment is due; and
 - (c) where paragraph (4) applies, make a distribution of the total amounts received by the Authority (a “mutualisation distribution”) to any licensee which—
 - (i) is not a defaulting licensee; and
 - (ii) to whom, because of the unpaid amounts, payment of all or part of a periodic levelisation payment to which it is entitled to under article 28 has been deferred.
- (4) Paragraph (3)(c) applies if—
- (a) the date by which the mutualisation payment is due has passed; and
 - (b) the Authority has received mutualisation payments.
- (5) If after giving a mutualisation notice to a licensee, the Authority identifies that any mutualisation payment specified in that notice is incorrect, the Authority must—
- (a) cancel that mutualisation notice; and
 - (b) issue a further mutualisation notice under paragraph (3).
- (6) Where a mutualisation notice is issued to a licensee in accordance with paragraph (5)(b) (“the new notice”), the Authority may treat any mutualisation payment made by that licensee in respect of the cancelled notice as a mutualisation payment made in respect of the new notice.

(7) Where, after receiving mutualisation payments from licensees, the Authority receives an unpaid amount from a defaulting licensee, the Authority must within 20 working days distribute that amount among qualifying licensees in proportion to their market shares at the unpaid amount's due date.

- (8) Where the Authority receives a mutualisation payment after the date on which it is due—
- (a) if the Authority has not yet made a mutualisation distribution, then this amount shall be included in the distribution; or
 - (b) if the Authority has made a mutualisation distribution, then this amount shall be distributed in accordance with article 30D(2).

(9) In this article—

“defaulting licensee” means a licensee which has failed to make the whole or part of a periodic levelisation payment to the Authority by the date on which it is due;

“market share” is to be determined in accordance with article 27;

“mutualisation trigger range” has the meaning set out in article 38;

“qualifying licensee” is a licensee who has made a mutualisation payment under paragraph (3) in respect of the unpaid amount mentioned in paragraph (7); and

“unpaid amount” means an amount of a periodic levelisation payment which a defaulting licensee has failed to pay by the date on which it is due.]

Textual Amendments

- F1** Arts. 30A-30D inserted (1.7.2013) by [The Feed-in Tariffs \(Amendment\) Order 2013 \(S.I. 2013/1099\)](#), arts. 1, **6(6)**

Changes to legislation:

There are currently no known outstanding effects for the The Feed-in Tariffs Order 2012, Section 30A.