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STATUTORY INSTRUMENTS

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**2012 No. 2782**

**The Feed-in Tariffs Order 2012**

**PART 3**

Accreditation and matters relating to accreditation

CHAPTER 1

Accreditation

**[<sup>F1</sup>The application limit**

**8B.**—(1) Paragraph (2) applies where, in any tariff period, the aggregate total installed capacity (measured in megawatts) of relevant installations of a particular description, in respect of which applications for accreditation or preliminary accreditation have been received, reaches the limit for such installations for that tariff period (“the application limit”) as set out in the [<sup>F2</sup>tables] in Schedule 1A to this Order.

- (2) Where this paragraph applies, the Authority must not within that tariff period—
- (a) accredit any relevant installations of that particular description for which an application for accreditation is received after the application limit is reached; or
  - (b) grant preliminary accreditation for installations of that particular description for which an application under article 9 (preliminary accreditation) is received after the application limit is reached,

and where the receipt of an application in respect of a relevant installation causes the application limit to be reached, the Authority must not accredit it or grant it preliminary accreditation within that tariff period, unless the total installed capacity of that installation is such that the limit is reached exactly and not exceeded.

(3) [<sup>F3</sup>Subject to paragraph (3A),] where by virtue of paragraph (2) an eligible installation is not granted accreditation or preliminary accreditation in a tariff period, and the Authority would have granted it accreditation or preliminary accreditation if paragraph (2) did not apply, the Authority must in the next tariff period determine whether to grant the installation accreditation or preliminary accreditation in that next tariff period.

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<sup>F4</sup>(3A) Where by virtue of the operation of paragraph (3) the Authority must determine whether to grant an eligible installation accreditation or preliminary accreditation in any tariff period beginning on or after 1st April 2019, the Authority must determine not to grant the installation accreditation or preliminary accreditation.]

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<sup>F4</sup>(3B) Where the Authority receives an application for accreditation in respect of a relevant community energy installation, the Authority must determine not to accredit the installation where the application limit for an installation of that particular description for the tariff period beginning on 1st January 2019—

- (a) has been exceeded; or
  - (b) is exceeded by virtue of receipt of the application for accreditation.]
- (4) For the purposes of this article and article 8C—
- (a) an application for accreditation or preliminary accreditation is to be treated as being received by the Authority—
    - (i) in relation to an application which meets the conditions in article 4(2), or for an application for preliminary accreditation, when the application is received by the Authority;
    - [<sup>F5</sup>(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);]
    - (iii) in relation to an application which the Authority is required to determine under paragraph (3), at the start of the tariff period in which it is to be determined;]<sup>F6</sup> ...
  - [<sup>F7</sup>(b) “relevant community energy installation” means an eligible installation—
    - (i) which is pre-registered in accordance with article 11(2)(a);
    - (ii) in respect of which the MCS certificate is issued on or after 1st April 2019; and
    - [<sup>F8</sup>(iii) in respect of which either—
      - (aa) the application date is within the period of 1 year beginning with the date on which the Authority received the application for pre-registration; or
      - (bb) 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, the application date is [<sup>F9</sup>within the period of 24 months beginning with the date on which the Authority received the application for pre-registration];]
 and despite sub-paragraph (a), for the purposes of paragraph (3B) an application for accreditation of a relevant community energy installation is to be treated as being received by the Authority during the tariff period beginning on 1st January 2019;]
  - [<sup>F7</sup>(c) “relevant installation” means any eligible installation other than an installation—
    - (i) which has been granted preliminary accreditation and in respect of which an application for accreditation is made within the period of validity of its preliminary accreditation;
    - (ii) to which article 7B applies; or
    - (iii) which is a relevant community energy installation.]

#### Textual Amendments

- F1** Arts. 8A-8D inserted (15.1.2016) by [The Feed-in Tariffs \(Amendment\) \(No. 3\) Order 2015 \(S.I. 2015/2045\)](#), arts. 1, 7 (with art. 24)
- F2** Word in art. 8B(1) substituted (20.3.2017) by [The Feed-in Tariffs \(Amendment\) Order 2017 \(S.I. 2017/131\)](#), arts. 1, 4
- F3** Words in art. 8B(3) inserted (1.2.2019) by [The Feed-in Tariffs \(Closure, etc.\) Order 2018 \(S.I. 2018/1380\)](#), arts. 1, 7(2)
- F4** Art. 8B(3A)(3B) inserted (1.2.2019) by [The Feed-in Tariffs \(Closure, etc.\) Order 2018 \(S.I. 2018/1380\)](#), arts. 1, 7(3)
- F5** Art. 8B(4)(a)(ii) substituted (31.3.2016) by [The Feed-in Tariffs \(Amendment\) Order 2016 \(S.I. 2016/319\)](#), arts. 1, 4(2)

- F6** Word in art. 8B(4)(a)(iii) omitted (1.2.2019) by virtue of The Feed-in Tariffs (Closure, etc.) Order 2018 (S.I. 2018/1380), arts. 1, **7(4)(a)**
- F7** Art. 8B(4)(b)(c) substituted for art. 8B(4)(b) (1.2.2019) by The Feed-in Tariffs (Closure, etc.) Order 2018 (S.I. 2018/1380), arts. 1, **7(4)(b)**
- F8** Art. 8B(4)(b)(iii) substituted (31.3.2020) by The Feed-in Tariffs (Amendment) (Coronavirus) Order 2020 (S.I. 2020/375), arts. 1, **4(2)**
- F9** Words in art. 8B(4)(b)(iii)(bb) substituted (30.9.2020) by The Feed-in Tariffs (Amendment) (Coronavirus) (No. 2) Order 2020 (S.I. 2020/957), arts. 1, **4(2)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Feed-in Tariffs Order 2012, Section 8B.