
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

Preliminary accreditation

- 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](#).

Changes to legislation:

There are currently no known outstanding effects for the The Feed-in Tariffs Order 2012, Section 9.