
STATUTORY INSTRUMENTS

2012 No. 2782

The Feed-in Tariffs Order 2012

PART 1

Introductory provisions

Citation and commencement

1. This Order may be cited as the Feed-in Tariffs Order 2012 and comes into force on 1st December 2012.

Interpretation

2.—(1) In this Order—

“the Act” means the Energy Act 2008;

“the 1989 Act” means the Electricity Act 1989(1);

“accreditation” means approval by the Authority of an eligible installation as an accredited FIT installation under Part 3, unless the context otherwise requires;

“accredited FIT installation” means an eligible installation which has been given accreditation;

“anaerobic digestion” means the bacterial fermentation of organic material in the absence of free oxygen (excluding anaerobic digestion of sewage and material in a landfill);

“the Authority” means the Gas and Electricity Markets Authority;

“central FIT register” means the register kept and maintained by the Authority in accordance with article 21;

“community energy installation” has the meaning given in article 11;

“deemed export payment” means the payment made to a FIT generator or nominated recipient by a FIT licensee in respect of a deemed export of electricity;

“distribution system” has the same meaning as in section 4(4) of the 1989 Act(2);

“electricity supply licence” means a licence granted by the Authority under section 6(1)(d) of the 1989 Act;

“energy performance certificate” has the same meaning as in—

- (a) the Energy Performance of Buildings (Certificates and Inspections) Regulations 2007(3), in relation to a building in England or Wales; and
- (b) the Energy Performance of Buildings (Scotland) Regulations 2008(4), in relation to a building in Scotland;

(1) 1989 c.29.

(2) The definition of “distribute” in section 4(4) of the 1989 Act (which explains the meaning of “distribution system”) was inserted by the Utilities Act 2000 (c.27), section 28(3).

(3) S.I. 2007/991, amended by S.I. 2010/2214; there are other amending instruments but none is relevant.

(4) S.S.I 2008/309, amended by S.S.I. 2012/208; there are other amending instruments but none is relevant.

“extension” means an increase in the capacity of an installation to generate electricity;

“FIT” means feed-in tariff;

“grant from public funds” means a grant made by a public authority or by any person distributing funds on behalf of a public authority;

“grid connection” means a connection between a generating installation and a transmission system or distribution system for the purpose of enabling electricity to be conveyed from the installation to that system;

“hydro generating station” means a generating installation driven by water, except for such an installation—

- (a) driven by waves, ocean currents or geothermal sources;
- (b) driven by tidal flows, unless also driven partly by non-tidal flows from a water course; or
- (c) where the hydrostatic head of the water has been increased by pumping;

“levelisation fund” means the fund maintained under article 25;

“licensee” means a person who is a holder of a licence under section 6(1)(d) of the 1989 Act;

“MCS” means the Microgeneration Certification Scheme⁽⁵⁾ or equivalent schemes accredited under EN 45011⁽⁶⁾ which certify microgeneration products and installers in accordance with consistent standards;

“MCS certificate” means a certificate given under the MCS;

“ROO” means the Renewables Obligation Order 2009⁽⁷⁾ in relation to an installation in England and Wales, and the Renewables Obligation (Scotland) Order 2009⁽⁸⁾ in relation to an installation in Scotland;

“school installation” has the meaning given in article 12;

“Standard Licence Condition 33” and “Standard Licence Condition 34” mean the conditions so numbered in the standard conditions of electricity supply licences⁽⁹⁾;

“tariff code” has the meaning given in article 13;

“transmission system” has the same meaning as in section 4(4) of the 1989 Act⁽¹⁰⁾.

(2) In this Order the following expressions have the meanings given to them in Schedule A to Standard Licence Condition 33—

“commissioned”;

“confirmation date”;

“declared net capacity”;

“deemed export”;

“eligibility date”;

“eligible installation”;

“eligible low-carbon energy source”;

“energy efficiency requirement”;

(5) Details are available at: www.microgenerationcertification.org.

(6) ISBN 0580194153. Copies can be obtained from the British Standards Institution at: www.bsigroup.com.

(7) S.I. 2009/785, amended by S.I. 2010/1107, S.I. 2011/984 and S.I. 2011/988.

(8) S.S.I. 2009/140, amended by S.S.I. 2009/276, S.S.I. 2010/147, S.S.I. 2011/225 and S.S.I. 2011/226.

(9) The standard conditions of electricity supply licences are at: www.ofgem.gov.uk. Standard Conditions 33 and 34 were inserted with effect from 1st April 2010, and the Schedule to Standard Condition 33 was substituted with effect from 1st December 2012, by modifications made under section 41 of the Act. Copies are available from the Department of Energy and Climate Change, 3 Whitehall Place, London SW1A 2AW.

(10) The definition of “transmission system” was inserted by the Energy Act 2004 (c.20), section 135(4).

“export”;
“export meter”;
“export payment”;
“export tariff”;
“FIT generator”;
“FIT licensee”;
“FIT notification”;
“FIT payments”;
“FIT scheme”;
“FIT year”;
“generation meter”;
“generation payment”;
“generation tariff”;
“MCS-certified installation”;
“MCS-certified registration”;
“MCS-FIT technology”;
“nominated recipient”;
“statement of FIT terms”;
“tariff date”;
“total installed capacity”.