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STATUTORY INSTRUMENTS

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**2015 No. 35**

**ELECTRICITY**

**The Feed-in Tariffs (Amendment) Order 2015**

*Made* - - - - *15th January 2015*  
*Laid before Parliament* *19th January 2015*  
*Coming into force* - - *1st April 2015*

The Secretary of State, in exercise of the powers conferred by sections 43(3)(a) and 104(2) of the Energy Act 2008(1), makes the following Order:

**Citation and commencement**

1. This Order may be cited as the Feed-in Tariffs (Amendment) Order 2015 and comes into force on 1st April 2015.

**Amendment to the Feed-in Tariffs Order 2012**

2.—(1) This Order amends the Feed-in Tariffs Order 2012(2) (“the 2012 Order”).

(2) A reference in this Order to a numbered article or Schedule is to the article or Schedule so numbered in the 2012 Order.

**Article 2**

3. In article 2 (interpretation)—

(a) in paragraph (1), after “community energy installation”, insert—

““community organisation” has the meaning given in article 11;”;

(b) for paragraph (3), substitute—

“(3) In this Order—

“last resort supply direction” has the meaning given to it in the standard conditions of electricity supply licences; and

“stand-alone solar photovoltaic” has the meaning given to it in Annex 3 to Schedule A to Standard Licence Condition 33 of the standard conditions of electricity supply licences.”.

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(1) 2008 c. 32.

(2) S.I. 2012/2782 as amended by S.I. 2013/1099, 2014/1601 and 2014/2865.

## Article 9

### 4. Article 9 (preliminary accreditation) is amended as follows—

- (a) after paragraph (iv), in paragraph (3)(a), insert—
  - “(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;
  - (vi) whether or not the installation will be owned by a community organisation.”;
- (b) in paragraph (4)(c)(ii), omit “and”;
- (c) at the end of sub-paragraph (d) of paragraph (4), omit the full stop and insert “; and”;
- (d) after sub-paragraph (d) of paragraph (4) insert—
  - “(e) if the application for preliminary accreditation specifies that the installation will be owned by a community organisation, the installation will be so owned.”;
- (e) at the beginning of paragraph (8), insert “Subject to paragraph (8A).”; and
- (f) after paragraph (8), insert—
  - “(8A) 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 received by the Authority.”.

## Article 10

### 5. In paragraph (4) of article 10 (effect of preliminary accreditation)—

- (a) at the end of sub-paragraph (d), omit “or”; and
- (b) after sub-paragraph (e) insert—
  - “(f) the application for preliminary accreditation specified that the installation—
    - (i) would not be stand-alone solar photovoltaic and it is stand-alone solar photovoltaic; or
    - (ii) would be stand-alone solar photovoltaic and it is not stand-alone solar photovoltaic;
  - (g) the application for preliminary accreditation specified that the installation would be owned by a community organisation and the Authority is not satisfied that it is owned by a community organisation.”.

## Article 11

### 6. In paragraph (6) of article 11 (pre-registration of community energy installations)—

- (a) before the definition of “community benefit or co-operative society”, insert—
  - ““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(3); or

- (b) as defined by section 106 (interpretation) of the Charities and Trustee Investment (Scotland) Act 2005(4);”;
- (b) for the definition of “community benefit or cooperative society”, substitute—  
““community benefit or co-operative society” means a society registered under the Co-operative and Community Benefit Societies Act 2014(5) as a community benefit society or as a co-operative society;”;
- (c) for the definition of “community organisation”, substitute—  
““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(6)), wholly owned by a charity, where the subsidiary has 50 or fewer employees and the parent charity has 50 or fewer employees;”.

## Article 15

- 7. In article 15 (site of accredited FIT installations)—
  - (a) after paragraph (4)(c), insert—
    - “(d) at least one of A or B is owned, or is to be owned, by a community organisation and the conditions in paragraph (7) are met.”; and
  - (b) after paragraph (6) insert—
    - “(7) The conditions referred to in paragraph (4)(d) are that—
      - (a) only A and B share, or are to share, the single grid connection referred to in paragraph (3)(a); and
      - (b) for both A and B—
        - (i) the Tariff Dates; or
        - (ii) the Eligibility Dates,are on or after 1st April 2015.”.

## Schedule 2

- 8. In paragraph 5 of Schedule 2 (publication of FIT deployment data), omit the definition of “stand-alone solar photovoltaic installation”.

15th January 2015

*Amber Rudd*  
Parliamentary Under Secretary of State  
Department of Energy and Climate Change

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(4) 2005 asp.10.  
(5) 2014 c. 14.  
(6) 2006 c. 46.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order, which extends to Great Britain, amends the Feed-in Tariffs Order 2012 ([S.I. 2012/ 2782](#)) (“the 2012 Order”).

Article 3 amends article 2(3) of the 2012 Order to include a definition of “stand-alone solar photovoltaic” which is consistent with the definition in the standard conditions of Electricity Supply Licences. A consequential amendment is made to Schedule 2, paragraph (5) to the 2012 Order by article 8.

By articles 4 and 5, articles 9 and 10 of the 2012 Order are amended such that the period of validity of a preliminary accreditation is extended where the installation included in an application is owned by a community organisation. Furthermore, an application will need to specify whether or not the installation will be stand-alone solar photovoltaic and whether or not the installation will be owned by a community organisation.

By article 6, the definition of “community organisation” in article 11(6) of the 2012 Order is amended to include registered charities and their wholly-owned subsidiaries.

By article 7, article 15(4) of the 2012 Order is amended to extend the circumstances in which a separate meter point administration number shall not be taken into account where at least one of the installations is owned by a community organisation.

An impact assessment has been prepared in respect of the changes to the Feed-in Tariffs scheme brought about by this Order and can be obtained from the Department of Energy and Climate Change, 3 Whitehall Place, London SW1A 2AW.