
STATUTORY INSTRUMENTS

2018 No. 1380

The Feed-in Tariffs (Closure, etc.) Order 2018

New articles 7A and 7B inserted

6. After article 7, insert—

“Accreditation on or after 1st April 2019

7A.—(1) The Authority must not accredit an eligible installation in respect of which the application date is on or after 1st April 2019 as an accredited FIT installation.

(2) Paragraph (1) does not apply to—

(a) an eligible installation in respect of which—

(i) preliminary accreditation is granted in accordance with article 9(2); and

(ii) the application date is within the relevant period of validity;

(b) an eligible installation which is pre-registered in accordance with article 11(2)(a) or article 12(2)(a), and in respect of which—

(i) the application for pre-registration is received by the Authority on or before 31st March 2019; and

(ii) the application date is within the period of 1 year beginning with the date on which the Authority receives the application for pre-registration;

(c) an eligible installation which uses an MCS-FIT technology and which is not pre-registered in accordance with article 11(2)(a) or article 12(2)(a), and in respect of which—

(i) an MCS certificate is issued on or before 31st March 2019; and

(ii) the application date is on or before 31st March 2020; or

(d) an eligible installation to which article 7B applies.

(3) In this article—

“application date” has the meaning given in article 8A(5);

“relevant period of validity” means the period of validity of an eligible installation’s preliminary accreditation, as set out in article 9(8) or (8A).

Certain delays in grid or radar works

7B.—(1) This article applies to an eligible installation in relation to which the conditions in paragraph (2) are met.

(2) The conditions are that—

(a) preliminary accreditation is granted in respect of the eligible installation in accordance with article 9(2);

(b) the last day of the relevant period of validity is on or after 31st March 2019;

(c) the eligible installation is commissioned; and

- (d) an application for accreditation of the eligible installation, and the documents specified in paragraph (3) or (4), are received by the Authority within the period of 1 year beginning on the day after the last day of the relevant period of validity.
- (3) The documents specified in this paragraph are—
- (a) evidence of a grid connection agreement with a relevant network operator for the making of a grid connection in respect of the eligible installation (“the relevant grid works”);
 - (b) a copy of a document written by, or on behalf of, the relevant network operator which estimated or set a date for completion of the relevant grid works (“the planned grid works completion date”) no later than the last day of the relevant period of validity;
 - (c) a letter or email written by, or on behalf of, the relevant network operator confirming (whether or not such confirmation is subject to any conditions or other terms) that—
 - (i) the relevant grid works were completed after the planned grid works completion date; and
 - (ii) in the relevant network operator’s opinion, the failure to complete the relevant grid works on or before the planned grid works completion date was not due to any breach by the installation developer of any agreement with the relevant network operator; and
 - (d) a declaration by the FIT generator that, to the best of the FIT generator’s knowledge and belief, the eligible installation would have been commissioned on or before the last day of the relevant period of validity if the relevant grid works had been completed on or before the planned grid works completion date.
- (4) The documents specified in this paragraph are—
- (a) evidence of an agreement between the installation developer and a person who is not the installation developer (“the radar works agreement”) for radar works (“the relevant radar works”);
 - (b) a copy of a document written by, or on behalf of, a party to the radar works agreement (other than the installation developer) which estimated or set a date for completion of the relevant radar works (“the planned radar works completion date”) which was no later than the last day of the relevant period of validity;
 - (c) a letter or email written by, or on behalf of, a party to the radar works agreement (other than the installation developer) confirming (whether or not such confirmation is subject to any conditions or other terms) that—
 - (i) the relevant radar works were completed after the planned radar works completion date; and
 - (ii) in that party’s opinion, the failure to complete the relevant radar works on or before the planned radar works completion date was not due to any breach by the installation developer of the radar works agreement; and
 - (d) a declaration by the FIT generator that, to the best of the FIT generator’s knowledge and belief, the eligible installation would have been commissioned on or before the last day of the relevant period of validity if the relevant radar works had been completed on or before the planned radar works completion date.
- (5) In this article—
- “grid connection agreement” means an agreement in writing with a relevant network operator for the making of a grid connection;

“installation developer” means the FIT generator or the person who arranged for construction of the eligible installation;

“radar works” means—

- (a) the construction of a radar station;
- (b) the installation of radar equipment;
- (c) the carrying out of modifications to a radar station or to radar equipment; or
- (d) the testing of a radar station or radar equipment;

“relevant network operator” means the holder of a licence under section 6(1)(b) or 6(1)(c) of the 1989 Act;

“relevant period of validity” has the meaning given to it in article 7A(3).”.