STATUTORY INSTRUMENTS

2016 No. 319

ELECTRICITY

The Feed-in Tariffs (Amendment) Order 2016

Made - - - -	*8th March 2016*
Laid before Parliament	*10th March 2016*
Coming into force - -	*31st March 2016*

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 2016 and comes into force on 31st March 2016.

Amendment to the Feed-in Tariffs Order 2012

2.—(1) Articles 3 to 5 of this Order amend the Feed-in Tariffs Order 2012(**2**) ("the 2012 Order").

(2) Article 6 amends the Feed-in Tariffs (Amendment) (No. 3) Order 2015(**3**) ("the 2015 Order").

(3) A reference in this Order to a numbered article or Part or Schedule is, unless otherwise stated, to the article or Part or Schedule so numbered in the 2012 Order.

Amendment to Article 2 (interpretation)

3. In article 2, in paragraph (2), after "nominated recipient;", insert "qualifies for accreditation;".

Amendments to Part 3 (accreditation and matters relating to accreditation)

4. In article 4 (application of this Chapter)(**4**)—

(a) in paragraph (3)(a), after "application", insert ", other than an excluded transitional application,"; and

(b) after paragraph (3), insert—

(**1**) 2008 c. 32.
(**2**) S.I. 2012/2782 as amended by S.I. 2013/1099, 2014/1601, 2014/2865, 2015/35, 2015/1659 and 2015/2045.
(**3**) S.I. 2015/2045.
(**4**) Article 4 was substituted by S.I. 2015/2045.

"(4) In paragraph (3)(a), "an excluded transitional application" means an application which—

(a) is made to a FIT licensee on or after 1st April 2016; and

(b) would have been within article 8D(1)(b) if it had been made to a FIT licensee between 15th January and 31st March 2016.".

(2) In article 8B (the application limit)(**5**), in paragraph (4)(a), for sub-paragraph (ii), substitute—

"(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);".

(3) In article 8D (transitional installations)(**6**), in paragraph (1), for sub-paragraph (b), substitute —

"(b) an application is made to a FIT licensee between 15th January 2016 and 31st March 2016 for FIT payments for an eligible installation which uses a MSC-FIT technology and whose MCS certificate's issue date is before 15th January 2016, but is not—

(i) a community energy installation which has been pre-registered in accordance with article 11(pre-registration of community energy installations); or

(ii) a school installation which has been pre-registered in accordance with article 12 (pre-registration of school installations).".

(4) In article 9 (preliminary accreditation)(**7**)—

(a) in paragraphs (8) and (8A), for "received", in each place that it occurs, substitute "treated as received"; and

(b) after paragraph (8A) insert—

"(8B) For the purposes of paragraphs (8) and (8A), 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).".

(5) In article 10 (effect of preliminary accreditation)(**8**)—

(a) for paragraph (3)(b), substitute—

"(b) the tariff period within which the installation qualifies for accreditation commences.";

(b) in paragraph (4), for sub-paragraph (d), substitute—

"(d) its total installed capacity is greater;

(da) its total installed capacity is less, such that electricity generated by the installation would be eligible for payment at a different generation tariff to that which would have been payable had the total installed capacity of the installation been as stated in the application for preliminary accreditation;".

Amendments to Part 7 (administrative functions of the Authority) and Part 8 (functions of the Secretary of State)

5.—(1) After article 35 (notices to reduce, withhold or recoup FIT payments), insert—

(**5**) Article 8B was inserted by S.I. 2015/2045.
(**6**) Article 8D was inserted by S.I. 2015/2045.
(**7**) Article 9 was amended by S.I. 2015/35, 2015/1659 and 2015/2045.
(**8**) Article 10 was amended by S.I. 2015/35 and 2015/2045.

"**FIT applications data**

35A. The Authority must determine and publish data in accordance with Schedule 2.".

(2) Omit article 36.

(3) For Schedule 2, substitute the new Schedule 2 set out in the Schedule to this Order.

Amendment to the 2015 Order

6. In article 24 of the 2015 Order, at the end of paragraph (1), add "or by the Feed-in Tariffs (Amendment) Order 2016.".

Andrea Leadsom
Minister of State
8th March 2016 Department of Energy and Climate Change