
STATUTORY INSTRUMENTS

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;”; and

(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.”.

(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) “(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) “(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) “(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”.

(3) 2011 c. 25.
(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.

15th January 2015

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

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.