

**2012 No. 1393**

**ELECTRICITY**

**The Feed-in Tariffs (Specified Maximum Capacity and Functions) (Amendment No. 2) Order 2012**

<i>Made</i>	- - - -	<i>24th May 2012</i>
<i>Laid before Parliament</i>		<i>29th May 2012</i>
<i>Coming into force</i>	- -	<i>1st August 2012</i>

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

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Feed-in Tariffs (Specified Maximum Capacity and Functions) (Amendment No. 2) Order 2012.

(2) This Order comes into force on 1st August 2012.

(3) In this Order, “the 2010 Order” means the Feed-in Tariffs (Specified Maximum Capacity and Functions) Order 2010(b), and a reference to a numbered article is a reference to the article so numbered in the 2010 Order.

**Amendments**

2. In article 2 (interpretation), in the list of expressions in paragraph (3), insert in the appropriate places—

““MCS database”;” and  
““quarter”;”.

3. In article 10 (tariff codes)—

- (a) in paragraph (1)(a), for “table” substitute “tables”; and
- (b) in paragraph (2), for “table specifies” substituted “tables specify”.

4. For article 13 (calculating and publishing FIT payment rates) there is substituted—

**“Calculating and publishing FIT payment rates**

13.—(1) On or before 1st March immediately before the beginning of each FIT year, the Authority must publish in accordance with clause 3.3.4 of Part 1 of Schedule A to Standard Licence Condition 33 a table or tables setting out the FIT payment rates which are to apply for that FIT year to the eligible installations specified in clause 3.3.2.2 of that Part (subject

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(a) 2008 c.32.

(b) S.I. 2010/678, as amended by S.I. 2011/1181, S.I. 2011/1655, S.I. 2011/2364 and S.I. 2012/671.

to the Secretary of State substituting or inserting in Schedule A to Standard Licence Condition 33 a new FIT payment rate table applying to those eligible installations).

(2) On or before the last day of the first month of each quarter the Authority must publish a table setting out the FIT payment rates which are to apply to solar photovoltaic eligible installations with an eligibility date in the following quarter.

(3) The Authority must determine the FIT payment rates in the table under paragraph (2)—

- (a) in accordance with Annex 3 to Schedule A to Standard Licence Condition 33; and
- (b) by reference to the data published by the Secretary of State under article 13A.”.

5. After article 13 there is inserted—

**“FIT deployment data for solar photovoltaic installations**

**13A.**—(1) On or before the sixth working day before the end of the first month of each quarter, the Secretary of State must determine and publish—

- (a) the aggregate declared net capacity of solar photovoltaic installations with declared net capacity of 10 kilowatts or less which, in the preceding quarter, were registered on the MCS database;
- (b) the aggregate declared net capacity of solar photovoltaic installations with declared net capacity greater than 10 kilowatts but not exceeding 50 kilowatts which, in the preceding quarter, were registered on the MCS database; and
- (c) the aggregate total installed capacity of solar photovoltaic installations with declared net capacity greater than 50 kilowatts which, in the preceding quarter, were determined by the Authority to be entitled to accreditation.

(2) In paragraph (1)—

- (a) references to solar photovoltaic installations include extensions to existing installations; and
- (b) “working day” means any day except a Saturday or Sunday or a day which is a bank holiday or other public holiday in England and Wales.”.

*Greg Barker*  
Minister of State

Date 24th May 2012

Department of Energy and Climate Change

**EXPLANATORY NOTE**

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

This Order amends the Feed-in Tariffs (Specified Maximum Capacity and Functions) Order 2010 (S.I. 2010/678) (“the 2010 Order”).

The 2010 Order gives functions to the Gas and Electricity Markets Authority (“the Authority”) and the Secretary of State in connection with the administration of the feed-in tariffs scheme for small-scale low carbon electricity generation.

Article 4 of this Order amends article 13 of the 2010 Order to include a new duty on the Authority to publish a quarterly table setting out the FIT payment rates which are to apply to solar photovoltaic installations with an eligibility date in the following quarter. Those payment rates are to be calculated in accordance with provisions in Standard Licence Condition 33 of the standard conditions of electricity supply licences.

Article 5 inserts a new article 13A in the 2010 Order which requires the Secretary of State to publish quarterly data about the deployment of solar photovoltaic installations, which is to be used by the Authority in calculating the FIT payment rates to apply in the following quarter.

An impact assessment has been prepared in respect of this Order and copies can be obtained from the Department of Energy and Climate Change, 3 Whitehall Place, London, SW1A 2AW.

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STATUTORY INSTRUMENTS

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