

**2011 No. 1655**

**ELECTRICITY**

**The Feed-in Tariffs (Specified Maximum Capacity and Functions) (Amendment No.2) Order 2011**

<i>Made</i>	- - - -	<i>6th July 2011</i>
<i>Laid before Parliament</i>		<i>8th July 2011</i>
<i>Coming into force</i>	- -	<i>1st August 2011</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 and commencement**

1. This Order may be cited as the Feed-in Tariffs (Specified Maximum Capacity and Functions) (Amendment No.2) Order 2011 and comes into force on 1st August 2011.

**Amendments**

2.—(1) The Feed-in Tariffs (Specified Maximum Capacity and Functions) Order 2010(b) (“the 2010 Order”) is amended by articles 3, 4 and 5.

(2) In the following provisions of this Order, a reference to an article is to that article of the 2010 Order.

**Amendment of article 5A**

3.—(1) Article 5A (accreditation of hydro generating stations with a capacity of 50 kilowatts or less)(c) is amended as follows.

(2) In paragraph (2)(a), for “1st October 2011” substitute “31st March 2012”.

**Amendment of article 10**

4.—(1) Article 10 (tariff codes) is amended as follows.

(2) Re-number the existing provision as paragraph (1).

(3) After paragraph (1) insert—

“(2) Paragraph (3) applies in relation to an accredited FIT installation (“the relevant installation”) if the FIT payment rate table specifies that two or more different FIT payment rates apply in different circumstances to accredited FIT installations of the same

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(a) 2008 c.32.

(b) S.I. 2010/678, as amended by S.I. 2011/1181.

(c) Article 5A of the 2010 Order was inserted by article 6 of S.I. 2011/1181.

description, and with an eligibility date falling in the same FIT year, as the relevant installation.

(3) Where this paragraph applies, the Authority must assign to the relevant installation a tariff code which, in addition to the matters mentioned in paragraph (1), identifies which FIT payment rate applies to it.”.

### **Amendment of article 13**

5.—(1) Article 13 (calculating and publishing FIT payment rates) is amended as follows.

(2) Omit “the FIT payment rate table applicable for that FIT year”.

(3) At the end, insert “the FIT payment rate table which is to apply for that FIT year (subject to the Secretary of State substituting a new FIT payment rate table in Schedule A to Standard Licence Condition 33)”.

*Greg Barker*  
Minister of State

6th July 2011

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”) in connection with the administration of the Feed-in tariffs scheme (“the FIT scheme”). Other provisions of the FIT scheme are contained in the modifications to electricity supply licences made under section 41 of the Energy Act 2008 (c.32) which are available from the Department of Energy and Climate Change, 3 Whitehall Place, London, SW1A 2AW.

Article 3 amends article 5A of the 2010 Order (as inserted by S.I. 2001/1181) to extend the period of application of a temporary provision enabling hydro generating stations with a declared net capacity of 50 kilowatts or less to be accredited for feed-in tariffs where, if such stations had a declared net capacity exceeding 50 kilowatts, they would meet the requirements for accreditation under the Renewables Obligation. As amended, the provision now applies to eligible hydro generating installations commissioned on or before 31st March 2012.

Articles 4 and 5 amend articles 10 and 13 of the 2010 Order to make minor changes to functions of the Authority relating to the assignment of tariff codes to accredited FIT installations, and the annual publication of a table of FIT payment rates adjusted for inflation.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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