

## **ENERGY**

### **FEED-IN TARIFFS**

#### **FEED-IN TARIFFS: MODIFICATIONS TO THE STANDARD CONDITIONS OF ELECTRICITY SUPPLY LICENCES**

The Secretary of State makes the following licence modifications in exercise of the powers conferred by section 41(1) of the Energy Act 2008 (“the Act”).

The Secretary of State has consulted the holders of any licence being modified, the Gas and Electricity Markets Authority and such other persons as the Secretary of State considered appropriate in accordance with section 42(1) of the Act.

A draft of these licence modifications has been laid before Parliament in accordance with section 42(3) of the Act.

#### **Modifications to the standard conditions of electricity supply licences**

The standard conditions of supply licences granted, or treated as granted under section 6(1)(d) of the Electricity Act 1989, are modified by the modifications set out below with effect from 1<sup>st</sup> July 2013.

1. After Standard Condition 21B, insert—

**“Condition 21C Declaration of a Licensee’s FIT status**

21C.1 The licensee must keep each of its Customers informed as to whether it is a Mandatory FIT Licensee, Voluntary FIT Licensee or neither.

21C.2 The licensee may comply with paragraph 21C.1. by—

(a) providing each Customer whose premises is supplied with electricity under a Contract or a Deemed Contract with the information referred to in that paragraph when the licensee first begins to supply electricity to the customer’s premises or, in the case of a Deemed Contract, becomes aware that it is doing so; or

(b) providing the information referred to in that paragraph to a Customer as soon as reasonably practicable after the Customer requests it.

21C.3. In this condition, “Mandatory FIT Licensee” and “Voluntary FIT Licensee” have the meaning set out in Schedule A to Standard Condition 33.”.

2. Condition 6 (Statement of FIT Terms) of Part 1 of Schedule A to Standard Condition 33 is amended as follows.

2.1 After clause 6.4.6, insert—

“6.4.7. a term requiring the FIT generator to retain the following information for the period of 1 year—

(a) all meter readings taken from or supplied by the FIT generator, including the Generation Meter Readings or Export Meter Readings supplied to the Mandatory FIT Licensee as part of the request for FIT payments in respect of the FIT installation; and

(b) details of all FIT payments made to the FIT generator throughout the period.”.

2.2. After clause 6.8, insert—

“6.9 By 1<sup>st</sup> October 2013, the Mandatory FIT Licensee shall modify the Principal FIT Licensee Terms of each FIT Generator to whom (or to whose nominated recipient) it makes FIT payments by including the requirements set out in Part 1 clause 6.4.7.”.

3. After Condition 7 of Part 1 of Schedule A to Standard Condition 33, insert—

**“7A. Continuity of FIT Payments for accredited FIT installations following licence revocation etc**

7A.1 If the Authority gives a continuity of FIT payments direction to a Mandatory FIT Licensee in respect of an Accredited FIT Installation, the Mandatory FIT Licensee shall be under an obligation to-

- (a) make FIT Payments as regards electricity generated or exported by the Accredited FIT Installation; and
- (b) determine the date from which such payments are to be made in accordance with the matters to be taken into account set out by the Authority in the continuity of FIT payments direction.

7A.2 In clause 7A.1, “continuity of FIT payments direction” has the same meaning as in article 24A of the FIT Order.

**7B. Treatment of other installations not yet accredited following licence revocation**

7B.1 Where, following the events described in article 24B(1) (a) and (b) of the FIT Order, a FIT generator has notified a Mandatory FIT Licensee that its request for MCS-certified Registration of an eligible installation is to be treated as having been made to that Licensee, that Licensee must treat that request as though it had been made to it.”.

4. Condition 2 (To whom obligation is owed) of Part 2 of Schedule A to Standard Condition 33 is amended as follows.

After clause 2.2, insert—

“2.3 Where an event described in article 24A(1)(a) of the FIT Order has happened and a FIT generator has made a request to the Voluntary FIT Licensee to transfer to that Licensee for FIT payments in respect of its accredited FIT installation, the Voluntary FIT Licensee shall, within 10 working days of receiving the request, confirm in writing to the FIT generator whether or not it accepts that request.

2.4 Where, following the events described in article 24B(1)(a) and (b) of the FIT Order, a FIT generator has made a request to the Voluntary FIT Licensee that its request for MCS-certified Registration be treated as having been made to that Licensee, the Voluntary FIT Licensee shall, within 10 working days of receiving the request, confirm in writing to the FIT generator whether or not it accepts that request.”.

5. Condition 3 (Applicability of principles in Part 1 to Voluntary FIT Licensees) of Part 2 of Schedule A to Standard Condition 33 is amended as follows.

5.1 At the end of clause 3.1 omit “both”;

5.2 At the end of clause 3.1.1 omit “and”; and

5.3 After clause 3.1.2, insert:

“3.1.3 FIT generators in respect of which it elects to accept requests following an event described in article 24A(1)(a) or 24B(1)(b) of the FIT Order.”.

6. Condition 5 (Provision of information to Authority) of Part 3 of Schedule A to Standard Condition 33 is amended as follows.

After clause 5.2, insert—

“5.3 The documents referred to above shall include the following information in such form as directed from time to time by the Authority—

5.3.1 All meter readings taken from or supplied by FIT Generators, including where applicable—

(a) Generation Meter Readings or Export Meter Readings supplied to the licensee as part of the request for FIT Payments in respect of each FIT installation; or

(b) Deemed Export Readings made in respect of the installation by the licensee;

5.3.2 Details of all FIT Payments made to FIT Generators throughout the operation of the FIT scheme; and

5.3.3. All FIT Generators’ written requests for MCS-certified Registration (whether or not such requests were accepted) and the date of each request.”.

7. Annex 5 of Schedule A to Standard Condition 33 is amended as follows.

7.1 In paragraph 2.1(a), for “the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007”, substitute “the Energy Performance of Buildings (England and Wales) Regulations 2012”.

7.2 In paragraph 2.4, omit “by a letter from A to G”.

7.3 For paragraph 6.2, substitute—

“6.2 a qualifying asset rating is—

- (a) for a dwelling, an energy efficiency rating of band D or better;
- (b) for a building which is not a dwelling—
  - (i) an asset rating of band D or better, unless sub-paragraph (ii) applies;
  - (ii) an asset rating of band G or better, if the relevant installation is a community energy installation or school installation and, in the case of an installation with a declared net capacity of 50kW or less, has been pre-registered in accordance with the FIT Order.”.



*Gregory Barker*  
Minister of State  
Department of Energy and Climate Change

Date 9 July 2013