

SCHEDULE 1

Article 2(1)

CONDITIONS OF ELIGIBILITY FOR GBROCS

1. The electricity to which the GBROC relates was generated from renewable sources.
2. The electricity to which the GBROC relates was not generated by a generating station located outside the United Kingdom unless it is a generating station which is not on land and which is directly and exclusively connected to a transmission and distribution network in Northern Ireland.
3. The electricity to which the GBROC relates was not generated under a qualifying arrangement.
4. The electricity to which the GBROC relates was not generated by a generating station that is a large hydro generating station unless it was first commissioned after 1st April 2002.
5. Subject to paragraphs 6 and 7, the electricity to which the GBROC relates was not generated by a generating station (other than a micro hydro generating station) that was first commissioned before 1st January 1990 where the main components of that generating station have not been renewed since 31st December 1989 as described in paragraph 22.
6. Paragraph 5 shall not apply in relation to a GBROC issued in respect of electricity generated by a generating station that during the month to which the GBROC relates was fuelled partly by fossil fuel and partly by biomass (and by no other fuel).
7. Paragraph 5 shall not apply in relation to a GBROC issued in respect of electricity generated by a generating station that during the month to which the GBROC relates was fuelled wholly by biomass, if—
 - (a) prior to 1st April 2003 at least 75 per cent of the energy content of the fuel by which it was fuelled was derived from fossil fuel; and
 - (b) during no month (being a month after March 2004) after the first month during which the generating station was fuelled wholly by biomass has the energy content of the fuel by which it was fuelled been derived as to more than 75 per cent from fossil fuel.
8. The electricity to which the GBROC relates was not generated by a generating station that in the month to which the GBROC relates was fuelled wholly or partly by waste unless—
 - (a) the only waste or wastes by which it is fuelled in that month is or are biomass or liquids comprised wholly or mainly of hydrocarbon compounds.
 - (b) all the waste by which it is fuelled in that month which is not biomass has first been manufactured into fuel which is in either a gaseous or liquid form (or both) by means of plant and equipment using advanced conversion technologies only; or,
 - (c) the generating station is a qualifying combined heat and power generating station.
9. The electricity to which the GBROC relates was not generated by a generating station that in the month to which the GBROC relates was fuelled partly by fossil fuel and partly by any other fuel (or fuels) other than biomass.
10. After 31st March 2016, the electricity to which the GBROC relates was not generated by a generating station that during the month to which the GBROC relates was fuelled partly by fossil fuel and partly by biomass (and by no other fuel).
11. The electricity to which the GBROC relates was not generated by a generating station that during the month to which the GBROC relates was fuelled wholly or partly by peat.
12. The electricity to which the GBROC relates was not generated by a generating station that during the month to which the GBROC relates was fuelled wholly or partly by any substance derived directly or indirectly from any of the substances referred to in Article 8(1)(a)(i) unless that substance is a substance falling within Article 8(1)(a)(ii) or it is waste or a component of biomass.

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13. The electricity to which the GBROC relates was not generated by a generating station that during the month to which the GBROC relates was fuelled wholly or partly by waste where all the waste which is neither biomass nor liquids comprised wholly or mainly of hydrocarbon compounds is or is derived directly or indirectly from one or more of the substances referred to in Article 8(1)(a)(i).

14. Paragraph 15 applies where—

- (i) a qualifying arrangement (“the applicable qualifying arrangement”) provided for the building of a generating station at a specified location (“the location”);
- (ii) the applicable qualifying arrangement was terminated due to the operator of the generating station to which it applied having committed an unremedied breach of it; and
- (iii) the last period in the tables contained in Schedule 1 of the Non-Fossil Fuel Order which relates to the applicable qualifying arrangement has not expired.

15. If this paragraph applies then it is a condition of eligibility that the electricity to which the GBROC relates was not generated by a generating station—

- (a) which is situated at the location; and,
- (b) to which the applicable qualifying arrangement applied at the time it was commissioned, or which is owned or operated by a person who was a party to the applicable qualifying arrangement (or who is a connected person or a linked person in relation to any such party).

16. Paragraph 17 applies where an extant qualifying arrangement (“the applicable qualifying arrangement”) provides for the building of a generating station (“the specified station”) at a specified location (“the location”) and the specified station has not been commissioned.

17. If this paragraph applies then it is a condition of eligibility that the electricity to which the GBROC relates was not generated by a generating station—

- (a) which is situated at the location; and
- (b) which is owned or operated by a person who is a party to the applicable qualifying arrangement, or is a connected person or a linked person in relation to any such party.

18. Paragraphs 15 and 17 shall not apply to a GBROC relating to electricity generated by a generating station which, during the month in question, generates only electricity which is sold pursuant to another extant qualifying arrangement.

19. In paragraphs 15 and 17, in relation to a person who is a party to the applicable qualifying arrangement (“the first person”), another person (“the second person”) is a “linked person” where the second person has given or has arranged to give or has ensured or has arranged to ensure that the first person is given, a financial or other inducement relating to any right or interest in, or in respect of, the construction or operation of a generating station at the location.

20. The references in paragraph 19 to the first person and the second person shall include any person who is a connected person in relation to either of them.

21. For the purposes of paragraphs 14 to 20, a generating station shall be regarded as being situated at a location provided for by an extant qualifying arrangement whether it is situated wholly or partly at that location.

22. For the purposes of paragraph 5, the main components of a generating station shall only be regarded as having been renewed since 31st December 1989 where—

- (a) in the case of a hydro generating station the following parts have been installed in the generating station after 31st December 1989 and were not used for the purpose of electricity generation prior to that date—

- (i) either all the turbine runners or all the turbine blades or the propeller; and
 - (ii) either all the inlet guide vanes or all the inlet guide nozzles; or
- (b) in the case of any other generating station all the boilers and turbines (driven by any means including wind, water, steam or gas) have been installed in the generating station after 31st December 1989 and were not used for the purpose of electricity generation prior to that date.

23. The following terms shall have the meanings given below where they appear in this Schedule—

- (a) “fossil fuel” has the meaning given by Article 8(1)(a);
- (b) “large hydro generating station” means a hydro generating station which has, or has had at any time since 1st April 2002, a declared net capacity of more than 20 megawatts;
- (c) “micro hydro generating station” means a hydro generating station which—
 - (i) has a declared net capacity of 1.25 megawatts or less;
 - (ii) has always been in private ownership and operation; and
 - (iii) has never generated electricity under an arrangement as defined in section 33 of the Electricity Act (as that section was originally enacted);
- (d) “Non Fossil Fuel Orders” has the meaning that it has in the GBRO Order under which the GBROC was issued;
- (e) “on land” in relation to the location of a generating station means wholly or partly on land above mean high water level;
- (f) “transmission and distribution network” means any transmission system or any distribution system or both (as transmission system is defined and distribution system is used in the definition of “distribute”, in section 4(4) of the Electricity Act) in Great Britain or any equivalent system in another country or in Northern Ireland;
- (g) “waste” has the meaning given to it by Article 8(1).

24. In paragraphs 14 to 21 “qualifying arrangement” has the meaning that it has in the GBRO Order under which the GBROC was issued.

25. Paragraph 26 applies, where in respect of any generating station, the operator, or as the case may be, agent—

- (a) has given notice under a GBRO Order which, had that notice been given in respect of a station to which Article 24 applies, would have constituted notice under Article 24(2); and
- (b) has not done anything that, had it been done in respect of a station to which Article 24 applies, would have constituted withdrawal of that notice under Article 24(5).

26. In the case of a generating station referred to in paragraph 25, the reference to “month” in each place where it occurs in this Schedule shall be taken to be a reference to “obligation period” where “obligation period” has the meaning that it has in the GBRO Order under which the GBROC in question was issued.