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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 140**

**The Renewables Obligation (Scotland) Order 2009**

**PART 3**

**Matters to be certified by and content of SROCs**

**Matters to be certified by SROCs**

**14.** Where a SROC does not certify the matters within subsection (3) or (4) of section 32B of the Act, it must certify the matters within subsection (5), (6), (7) or (8) of that section.

**When electricity is to be regarded as supplied to customers in Great Britain or Northern Ireland**

**15.—(1)** For the purposes of sections 32 to 32L of the Act (in particular, for the purposes of a SROC certifying the matters within section 32B(3) or (5)), electricity generated by a generating station which cannot be shown to have been supplied to customers in Great Britain is to be regarded as having been so supplied if and to the extent that the conditions in paragraph (2) or (3) are met.

(2) The conditions in this paragraph are met if—

- (a) the generating station is located in Northern Ireland;
- (b) the operator of the generating station or an intermediary acting on the operator's behalf sells the electricity generated by the station through the SEM Pool;
- (c) an electricity supplier purchases (directly or indirectly) from the SEM Pool an amount of electricity (the "relevant amount") which is conveyed from a transmission or distribution system located wholly or partly in Northern Ireland to Great Britain through an electricity interconnector;
- (d) the supplier—
  - (i) has previously agreed with the operator to purchase from the SEM Pool the relevant amount; and
  - (ii) supplies the electricity so purchased to customers in Great Britain; and
- (e) the relevant amount in any month, when taken together with the electricity which other electricity suppliers have agreed with the operator to purchase from the SEM Pool in that month, does not exceed the total amount of electricity which the operator sells through the SEM Pool in that month.

(3) The conditions in this paragraph are met if—

- (a) the generating station is located in Northern Ireland and has a declared net capacity of less than 10 megawatts;
- (b) the operator of the generating station sells electricity to an electricity supplier under a contract to which the operator and supplier are parties; and
- (c) the electricity conveyed to the supplier under the contract—

- (i) is conveyed from a transmission or distribution system located wholly or partly in Northern Ireland to Great Britain through an electricity interconnector; and
- (ii) is supplied to customers in Great Britain.

(4) For the purposes of sections 32 to 32L of the Act (in particular, for the purposes of a SROC certifying the matters within section 32B(4) or (6)), electricity which cannot be shown to have been supplied to customers in Northern Ireland is to be regarded as having been so supplied if it has been sold through the SEM Pool or under a contract in circumstances where, had the electricity been generated by a generating station mentioned in article 54(1) of the Northern Ireland Energy Order, the Northern Ireland authority would have been entitled to issue a Northern Ireland certificate in respect of it.

(5) For the purposes of this article, a generating station is to be treated as if it is located in Northern Ireland if it is neither in Northern Ireland nor on land but is connected directly to a transmission or distribution system (or the part of such a system) that is located in Northern Ireland (and to no other system or part thereof).

(6) In this article—

“intermediary”, in relation to the operator of a generating station, and “SEM Pool” have the same meaning as they have in article 16 of the Renewables Obligation Order (Northern Ireland) 2007<sup>(1)</sup> or, where that order has been revoked, as they have in any NIRO Order for the time being in force; and

“Northern Ireland” has the same meaning as in article 54(1) of the Northern Ireland Energy Order.

#### **When electricity is used in a permitted way for SROCs certifying matters within section 32B(7) or (8) of the Act**

**16.**—(1) For the purposes of section 32B(7) and (8) of the Act (in particular, for the purposes of a SROC certifying the matters within section 32B(7) or (8)), electricity generated by a generating station of any description is used in a permitted way if, subject to paragraph (2), it is used in any of the ways mentioned in section 32B(10) of the Act.

(2) Electricity is not used in a permitted way if it is supplied to customers in Great Britain through a private wire network and—

- (a) the generating station from which the electricity is conveyed has a declared net capacity in excess of 10 megawatts; and
- (b) at some point before the electricity is supplied to customers through the private wire network it is conveyed through a transmission or distribution system operated under a licence granted under section 6 of the Act.

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(1) [S.R. \(N.I.\) 2007 No. 104](#). Articles 2(1) and 16 were amended by the Renewables Obligation (Amendment) Order (N.I.) 2007 ([S.R. \(N.I.\) 2007 No. 440](#)).