
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 140

The Renewables Obligation (Scotland) Order 2009

PART 9

Provision of information, functions of the Authority and modification of this Order in relation to microgenerators in certain circumstances

Provision of information to the Authority

- 53.**—(1) The Authority may, by the date (if any) specified by it, require—
- (a) a designated electricity supplier to provide it with information which in its opinion is relevant to the question whether the supplier is discharging, or has discharged, its renewables obligation;
 - (b) a person to provide it with information which in its opinion is relevant to the question whether a SROC is, or was or will in future be, required to be issued to the person.
- (2) Without prejudice to paragraph (1), the Authority may, by the date (if any) specified by it, require any person who—
- (a) is the operator of a generating station generating electricity in respect of which a SROC has been or may be issued;
 - (b) supplies, distributes or transmits such electricity; or
 - (c) buys or sells (as a trader) such electricity or SROCs,
- to provide it with such information as in its opinion it requires in order to carry out any of its functions under this Order.
- (3) Without prejudice to paragraphs (1) and (2), for the purposes of determining the renewable output of a generating station in a month (“the relevant month”) the operator of the station must provide the Authority with figures showing—
- (a) the amount of input electricity used by the station in the relevant month; and
 - (b) the gross output of the station in that month,
- by the end of the second month following the relevant month (and those figures may be estimated if the Authority has agreed to estimates being provided and to the way in which those estimates are to be calculated).
- (4) Nothing in paragraph (3) prevents the Authority from accepting figures, or further figures, provided after the end of the second month following the relevant month if the Authority considers it appropriate to do so.
- (5) Without prejudice to paragraphs (1) and (2), each designated electricity supplier must provide the Authority with—
- (a) estimates of the amount of electricity it has supplied to customers in Scotland during each month of an obligation period by no later than 1st June following that period;

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- (b) figures showing the amount of electricity it has actually supplied to customers in Scotland during each month of an obligation period by no later than 1st July following that period; and
- (c) an estimate of the number of renewables obligation certificates it believes it would be required to produce to the Authority in order to discharge its renewables obligation for an obligation period if it did not discharge its renewables obligation for that period (in whole or in part) by some other means by no later than 1st July following that period.

(6) When giving the information referred to in paragraph (5)(a) and (b), a designated electricity supplier must have regard to any sales figures, relating to the electricity in respect of which it is giving that information, which it has provided (or intends to provide) to the Department of Energy and Climate Change for publication in “Energy Trends”^{M1}.

(7) Without prejudice to paragraphs (1) and (2), for the purposes of determining whether a SROC certifying the matters within section 32B(5), (6) or (8) of the Act should be issued, the person to whom any such SROC would be issued must provide the Authority with—

- (a) a figure representing the amount of electricity in respect of which SROCs should (in that person's opinion) be issued; and
- (b) the data on which that person relied upon in arriving at that figure.

(8) Information requested under or required to be provided by this article must be given to the Authority in whatever form it requires.

(9) In this article “input electricity” and “gross output”, in relation to a generating station, have the same meaning as they have in articles 24 and 25 (calculating a generating station's renewable output).

Marginal Citations

M1 Available at www.dti.gov.uk/energy/inform/energy_trends/index.shtml.

Information to be provided to the Authority where electricity is generated from biomass ^{F1}...

54.—(1) This article applies to a generating station—

- (a) which generates electricity (wholly or partly) from biomass [^{F2}other than [^{F3}waste, biomass wholly derived from waste,] landfill gas or sewage gas]; and
- (b) which is not a microgenerator.

(2) In relation to each consignment of biomass used in a generating station to which this article applies, the operator of the station must, by the 31st May immediately following the obligation period during which the biomass is used (“the relevant date”), provide the Authority with the information specified in paragraph (3).

(3) The information specified in this paragraph is information identifying, to the best of the operator's knowledge and belief—

- (a) the material from which the biomass was composed (for example, whether it was composed of wood);
- (b) where the biomass can take different forms (for example, wood can take a variety of forms, depending on whether and how it has been processed and what it is, is to be or has been used for), the form of the biomass;
- (c) where the biomass was solid, its mass;
- (d) where the biomass was fluid, its volume when measured at 25 degrees Celsius and 0.1 megapascals;

- (e) whether the biomass was a by product of a process;
 - ^{F4}(f)
 - (g) where the biomass was plant matter or derived from plant matter, the country where the plant matter was grown;
 - (h) where the information specified in sub-paragraph (g) is not known or the biomass was not plant matter or derived from plant matter, the country from which the operator obtained the biomass;
 - (i) whether any of the consignment was an energy crop or derived from an energy crop and, if so—
 - (i) the proportion of the consignment which was or was derived from the energy crop, and
 - (ii) the type of energy crop in question;
 - (j) [^{F5}where the biomass was not a bioliquid,] whether the biomass or any matter from which it was derived was certified under an environmental quality assurance scheme and, if so, the name of the scheme; ^{F6}...
 - (k) where the biomass was plant matter or derived from plant matter, the use to which the land on which the plant matter was grown has been put since 30th November 2005 [^{F7}; and]
 - ^{F8}(l) where the biomass was not a bioliquid—
 - (i) the greenhouse gas emissions from the use of the biomass to generate one mega joule of electricity;
 - (ii) whether the biomass meets the land criteria;
 - (iii) where the greenhouse gas emissions from the use of the biomass to generate one mega joule of electricity are greater than 79.2 grams, the main reasons why biomass with lower greenhouse gas emissions was not used;
 - (iv) where the biomass does not meet the land criteria, the main reasons why biomass meeting the land criteria was not used; and
 - (v) where any of the information specified in paragraphs (i) or (ii) is not known—
 - (aa) the main reasons why that information is not known; and
 - (bb) the main reasons why biomass for which that information is known was not used.]
- ^{F9}(3A) For the purposes of paragraph (3)(l), the operator of the generating station must calculate the greenhouse gas emissions using one of the following methods—
- (a) the actual value method; or
 - (b) the default value method.
- (3B) The default value method must not be used to calculate the greenhouse gas emissions from the use of biomass unless—
- (a) the biomass is described in the first column of Part 2 of Schedule 3B; and
 - (b) in relation to the biomass, the result of the calculation in paragraph 7 of Part C of Annex V to the Renewables Directive is equal to, or less than, zero.
- (3C) For the purposes of paragraph (3B)(b), paragraph 7 of Part C of Annex V to the Renewables Directive is to be read as if—
- (a) for each reference to “biofuel” there was substituted “biomass”; and
 - (b) the words “or bioliquid” were omitted in each place in which those words occur.]

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Changes to legislation: There are currently no known outstanding effects for the The Renewables Obligation (Scotland) Order 2009, PART 9. (See end of Document for details)

(4) Where, in relation to biomass used in a generating station to which this article applies, the operator of the station fails to provide the Authority with the information specified in paragraph (3) by the relevant date, the Authority—

- (a) may in relation to any SROCs to which the operator would otherwise be entitled, postpone (subject to sub-paragraph (b)) the issue of those SROCs (up to the specified number) until such time as the information is provided; and
- (b) must in relation to any such SROCs refuse the issue of those SROCs (up to the specified number) if that information is not provided by the 31st August immediately following the relevant date.

(5) For the purposes of paragraph (4), the specified number is the number of SROCs which the Authority has or estimates that it has or, but for this article, would have issued in respect of the electricity generated by the biomass in relation to which the information specified in paragraph (3) should have been provided.

[^{F10}(6) In this article—

“actual value method” means the calculation method provided for in Schedule 3A;

“default value method” means the calculation method provided for in Part 1 of Schedule 3B; and

“environmental quality assurance scheme” means a voluntary scheme which establishes environmental or social standards in relation to the production of biomass or matter from which a biomass fuel is derived.]

[^{F11}(7)

Textual Amendments	
F1	Words in art. 54 heading omitted (1.4.2013) by virtue of The Renewables Obligation (Scotland) Amendment Order 2013 (S.S.I. 2013/116) , arts. 1(1), 22(2) (with art. 29)
F2	Words in art. 54(1)(a) inserted (1.4.2010) by The Renewables Obligation (Scotland) Amendment Order 2010 (S.S.I. 2010/147) , arts. 1, 12 (with art. 17)
F3	Words in art. 54(1)(a) inserted (1.4.2011) by The Renewables Obligation (Scotland) Amendment Order 2011 (S.S.I. 2011/225) , arts. 1, 12(b) (with art. 19)
F4	Art. 54(3)(f) omitted (1.4.2011) by virtue of The Renewables Obligation (Scotland) Amendment Order 2011 (S.S.I. 2011/225) , arts. 1, 12(c) (with art. 19)
F5	Words in art. 54(3)(j) inserted (1.4.2013) by The Renewables Obligation (Scotland) Amendment Order 2013 (S.S.I. 2013/116) , arts. 1(1), 22(3) (with art. 29)
F6	Word in art. 54(3)(j) omitted (1.4.2011) by virtue of The Renewables Obligation (Scotland) Amendment Order 2011 (S.S.I. 2011/225) , arts. 1, 12(d) (with art. 19)
F7	Word in art. 54(3)(k) inserted (1.4.2011) by The Renewables Obligation (Scotland) Amendment Order 2011 (S.S.I. 2011/225) , arts. 1, 12(e) (with art. 19)
F8	Art. 54(3)(l) inserted (1.4.2011) by The Renewables Obligation (Scotland) Amendment Order 2011 (S.S.I. 2011/225) , arts. 1, 12(f) (with art. 19)
F9	Art. 54(3A)-(3C) inserted (1.4.2011) by The Renewables Obligation (Scotland) Amendment Order 2011 (S.S.I. 2011/225) , arts. 1, 12(g) (with art. 19)
F10	Art. 54(6)(7) substituted for art. 54(6) (1.4.2011) by The Renewables Obligation (Scotland) Amendment Order 2011 (S.S.I. 2011/225) , arts. 1, 12(h) (with art. 19)
F11	Art. 54(7) omitted (1.4.2013) by virtue of The Renewables Obligation (Scotland) Amendment Order 2013 (S.S.I. 2013/116) , arts. 1(1), 22(4) (with art. 29)

[^{F12} **Bioliq**u**id sustainability audit report**

54A.—(1) This article applies to a generating station which generates electricity (wholly or partly) from bioliqid in respect of which the operator of the generating station has submitted sustainability information.

(2) In relation to each consignment of bioliqid used in a generating station to which this article applies, the operator of the station must, by the 31st May immediately following the obligation period during which the bioliqid referred to in paragraph (1) is used (“the relevant date”), provide the Authority with a sustainability audit report meeting the requirements specified in paragraph (3).

- (3) The requirements specified in this paragraph are that the sustainability audit report must—
- (a) be prepared by a person who is not—
 - (i) the owner or operator of the generating station; or
 - (ii) a connected person, in relation to the owner or operator of the generating station;
 - (b) identify the systems used by the operator of the generating station to produce the relevant sustainability information and confirm that measures have been taken—
 - (i) to protect those systems against fraud; and
 - (ii) to ensure the information produced by those systems is accurate and reliable;
 - (c) evaluate the adequacy of the frequency and methodology of any sampling carried out for the purpose of obtaining or checking the data on which the operator relied in preparing the relevant sustainability information;
 - (d) evaluate the robustness of the data on which the operator relied in preparing the relevant sustainability information; ^{F13}...
 - (e) be prepared to an adequate standard;
 - [identify whether the bioliqid was certified under an environmental quality assurance ^{F14}(f) scheme, and if so—
 - (i) state the name of the scheme; and
 - (ii) identify whether the European Commission has adopted a decision under article 18(4) of the Renewables Directive in respect of the scheme; and
 - (g) where the bioliqid was not derived from waste or residue and the actual value method or the mixed value method was used for the purpose of calculating the greenhouse gas emissions from the use of the bioliqid, identify—
 - (i) whether a restored degraded land bonus was included in the calculation of the greenhouse gas emissions from the use of the bioliqid; and
 - (ii) whether an emission saving from soil carbon accumulation via improved agricultural management was included in the calculation of the greenhouse gas emissions from the use of the bioliqid.]

(4) Subject to paragraph (5), it is for the operator of the generating station to demonstrate to the Authority’s satisfaction that the sustainability audit report was prepared to an adequate standard.

(5) A sustainability audit report shall be deemed to have been prepared to an adequate standard if it complies with the International Standard on Assurance Engagements 3000 (2010 edition) or equivalent.

(6) Where, in relation to bioliqid used in a generating station to which this article applies, the operator of the station fails to provide the Authority with a sustainability audit report meeting the requirements specified in paragraph (3) by the relevant date, the Authority must, in relation to any SROCs to which the operator would otherwise be entitled, postpone the issue of those SROCs (up to the specified number) until such time as the sustainability audit report is provided.

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(7) For the purposes of paragraph (6), the specified number is the number of SROCs which the Authority has or estimates that it has or, but for this article, it would have issued in respect of the electricity generated by the bioliquid in relation to which a sustainability audit report meeting the requirements specified in paragraph (3) should have been provided.

[^{F15}(8) In this article—

“actual value method” has the same meaning as in Schedule A1;

“emission saving from soil carbon accumulation via improved agricultural management” has the same meaning as in Part C of Annex 5 to the Renewables Directive;

“environmental quality assurance scheme” has the same meaning as in article 54;

“mixed value method” has the same meaning as in Schedule A1;

“relevant sustainability information”, in relation to a consignment of bioliquid, means the sustainability information submitted by the operator of the generating station in respect of the consignment;

“restored degraded land bonus” means the bonus referred to in paragraphs 7 and 8 of Part C of Annex 5 to the Renewables Directive.]]

Textual Amendments

- F12** Art. 54A inserted (1.4.2011) by [The Renewables Obligation \(Scotland\) Amendment Order 2011 \(S.S.I. 2011/225\)](#), arts. 1, **13** (with art. 19)
- F13** Word in art. 54A(3)(d) omitted (1.4.2013) by virtue of [The Renewables Obligation \(Scotland\) Amendment Order 2013 \(S.S.I. 2013/116\)](#), arts. 1(1), **23(2)** (with art. 29)
- F14** Art. 54A(3)(f)(g) inserted (1.4.2013) by [The Renewables Obligation \(Scotland\) Amendment Order 2013 \(S.S.I. 2013/116\)](#), arts. 1(1), **23(3)** (with art. 29)
- F15** Art. 54A(8) substituted (1.4.2013) by [The Renewables Obligation \(Scotland\) Amendment Order 2013 \(S.S.I. 2013/116\)](#), arts. 1(1), **23(4)** (with art. 29)

Provision of information to the Secretary of State

55. Any information provided to the Authority under article 53(5) must be provided to the Secretary of State at the same time.

Exchange of information with the Northern Ireland authority

56.—(1) The Authority must, as soon as reasonably practicable after the specified day following an obligation period, notify the Northern Ireland authority of—

- (a) the details of each Northern Ireland certificate produced to the Authority by a designated electricity supplier in discharge of that supplier's renewables obligation for that period and the name of the designated electricity supplier in question; and
- (b) the total number of Northern Ireland certificates produced to the Authority in respect of that obligation period.

(2) The Authority must, as soon as reasonably practicable after receiving a notification from the Northern Ireland authority as to the SROC identifiers of SROCs produced to the Northern Ireland authority by Northern Ireland suppliers under any NIRO Order, inform the Northern Ireland authority of—

- (a) the SROC identifier of any SROC so notified which the Authority has revoked under article 41 and whether it has issued a replacement SROC in respect of any such SROC (unless that replacement SROC has itself been revoked);

- (b) the SROC identifier of any SROC so notified that has been produced to the Authority by a designated electricity supplier under article 5(2) and the date on which it was produced.
- (3) The Authority must, as soon as reasonably practicable after the specified day following an obligation period, notify the Northern Ireland authority of the number of renewables obligation certificates produced to the Authority in respect of that period.

Functions of the Authority

57.—(1) In addition to the functions assigned to it elsewhere in this Order, the Authority shall have the following specific functions—

- (a) keeping, maintaining and making available to the public a list of generating stations granted preliminary accreditation and accreditation in accordance with article 58, together with any applicable conditions attached to the preliminary accreditation or accreditation;
- (b) keeping and maintaining a list of SROCs which have been revoked and making such list available to the public;
- (c) calculating and publishing before the start of each obligation period (with the exception of the first obligation period to which this Order relates) the sum which corresponds to a SROC for that period by virtue of article 43(4);
- (d) calculating and publishing before the start of each obligation period (with the exception of the first obligation period to which this Order relates) the amount which is the mutualisation cap for that period by virtue of article 48(8);
- (e) publishing from time to time during an obligation period the total SROC claim for that period;
- (f) by the 1st April each year publishing a report in relation to the obligation period ending on the 31st March in the previous calendar year (“the relevant period”), such report to include details (or, in the case of paragraph (ix), a summary) of—
 - (i) the compliance of each designated electricity supplier with its renewables obligation, for the relevant period, including the extent to which that obligation was met by—
 - (aa) the production of renewables obligation certificates under article 5(2);
 - (bb) payments made under article 43; or
 - (cc) was treated as met by payments made under article 44;
 - (ii) the sums received by each United Kingdom supplier under article 47 in relation to the relevant period;
 - (iii) the number of SROCs issued by the Authority, the number of renewables obligation certificates accepted by it under article 5(2), and the number of SROCs issued by it but not yet deleted from the Register in relation to the relevant period;
 - (iv) the number of SROCs issued by the Authority in relation to the relevant period categorized by reference to the way in which the electricity in respect of which the SROCs were issued was generated;
 - (v) any notices published by the Authority under article 49(2) or article 50(5)(e) in relation to the relevant period;
 - (vi) any payments made to the Authority in accordance with article 49(5), during or in relation to the relevant period;
 - (vii) the sums received by each compliant United Kingdom supplier under article 52, during or in relation to the relevant period;
 - (viii) any recalculations carried out by the Authority in accordance with article 50(5), during or in relation to the relevant period;

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- (ix) the outcome of any enquiries or investigations conducted by the Authority pursuant to sub-paragraph (g) in relation to the relevant period; and
- (x) any other matters which the Authority considers relevant in relation to the relevant period;
- (g) monitoring compliance with this Order by designated electricity suppliers and operators of generating stations (including compliance by operators of generating stations with any conditions attached to their accreditation) and such monitoring may include conducting enquiries or investigations into—
 - (i) the amount of electricity generated from renewable sources by accredited generating stations;
 - (ii) the amount of such electricity supplied to customers in Great Britain;
 - (iii) the transfer and holding of SROCs (including the transfer and holding of SROCs issued to agents by virtue of article 35);
 - (iv) the effect of such matters on the making and allocation of payments under articles 43, 44, 47, 49, 51 and 52; and
 - (v) the effect of the renewables obligation on the activities and operations of designated electricity suppliers and operators of generating stations;
- (h) publishing at its discretion reports of enquiries or investigations conducted by the Authority pursuant to sub-paragraph (g); and
- (i) the provision of such information to the Northern Ireland authority as the Authority considers may be relevant to the exercise of the Northern Ireland authority's functions under any NIRO Order.

[^{F16}(1A) The Authority must, as soon as reasonably practicable after each obligation period, forward to the Scottish Ministers a summary of the sustainability information submitted to it during that period.]

(2) In this article “total SROC claim” means the total number of SROCs which have been claimed in respect of an obligation period, less—

- (a) the number of SROCs which have been issued in respect of that obligation period; and
- (b) the number of SROCs which the Authority has, in respect of that obligation period, decided not to issue or refused to issue under article 41 or 54(4).

Textual Amendments

F16 Art. 57(1A) inserted (1.4.2011) by [The Renewables Obligation \(Scotland\) Amendment Order 2011](#) (S.S.I. 2011/225), arts. 1, 14 (with art. 19)

Preliminary accreditation and accreditation of generating stations

58.—(1) Paragraphs (2) to (10) apply to the granting and withdrawing of preliminary accreditation and accreditation of generating stations by the Authority, and paragraphs (3) to (5) are subject to paragraph (2).

(2) The Authority must not grant accreditation or preliminary accreditation to a generating station under this article—

- (a) if it cannot issue SROCs in respect of electricity generated by that station by virtue of article 17 (excluded generating stations) [^{F17}or article 17B (microgenerators in respect of which feed-in tariffs may be available)]; or

(b) if, in its opinion, the station is unlikely to generate electricity in respect of which SROCs may be issued.

(3) Where a generating station in respect of which—

(a) consent under section 36 of the Act or where appropriate, Article 39 of the Electricity (Northern Ireland) Order 1992 has been obtained; or

(b) planning permission under the Town and Country Planning (Scotland) Act 1997^{M2} has been granted,

is not yet commissioned, the Authority may, upon the application of the person who proposes to construct or operate the generating station, grant the station preliminary accreditation.

(4) Where a generating station has been commissioned, the Authority may, upon the application of its operator (or, where SROCs relating to electricity generated by that station are to be issued to an agent by virtue of article 35, that agent), grant the station accreditation.

(5) Where a station has been granted preliminary accreditation (and such preliminary accreditation has not been withdrawn) and an application for its accreditation is made under paragraph (4), the Authority must not grant that application if it is satisfied that—

(a) there has been a material change in circumstances since the preliminary accreditation was granted such that, had the application for preliminary accreditation been made after the change, it would have been refused;

(b) the information on which the decision to grant the preliminary accreditation was based was incorrect in a material particular such that, had the Authority known the true position when the application for preliminary accreditation was made, it would have refused it; or

(c) there has been a change in applicable legislation since the preliminary accreditation was granted such that, had the application for preliminary accreditation been made after the change, it would have been refused,

but otherwise the Authority must grant the application.

(6) The Authority may, in granting preliminary accreditation or accreditation under this article, attach such conditions as appear to it to be appropriate.

(7) Where any of the circumstances mentioned in paragraph (8) apply in relation to a preliminary accreditation or an accreditation which the Authority has granted (whether or not under this article), and having regard to those circumstances the Authority considers it appropriate to do so, the Authority may—

(a) withdraw the preliminary accreditation or accreditation in question;

(b) amend conditions attached to the preliminary accreditation or accreditation;

(c) attach conditions to the preliminary accreditation or accreditation.

(8) The circumstances referred to in paragraph (7) are as follows—

(a) in the Authority's view there has been a material change in circumstances since the preliminary accreditation or accreditation was granted;

(b) any condition attached to the preliminary accreditation or accreditation has not been complied with;

(c) the Authority has reason to believe that the information on which the decision to grant the preliminary accreditation or accreditation was based was incorrect in a material particular; or

(d) there has been a change in applicable legislation since the preliminary accreditation or accreditation was granted such that, had the application for preliminary accreditation or accreditation been made after the change, it would not have been granted.

(9) The Authority must notify the applicant in writing of—

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- (a) its decision on an application for preliminary accreditation or accreditation of a generating station;
- (b) any conditions attached to the preliminary accreditation or accreditation; and
- (c) any withdrawal of preliminary accreditation or accreditation.

(10) In providing written notification under paragraph (9), the Authority must specify the date on which the grant or withdrawal of preliminary accreditation or accreditation is to take effect and, where applicable, the date on which any conditions attached to the preliminary accreditation or accreditation are to take effect.

(11) In paragraph (3), the reference to the person who proposes to construct the generating station includes a person who arranges for the construction of the generating station.

Textual Amendments

F17 Words in art. 58(2)(a) inserted (1.4.2010) by [The Renewables Obligation \(Scotland\) Amendment Order 2010 \(S.S.I. 2010/147\)](#), arts. 1, 13 (with art. 17)

Marginal Citations

M2 1997 (c. 8).

[^{F18}Registration as a grace period generating station

58ZA.—(1) This article applies to a generating station—

- (a) which is first commissioned on or after 1st April 2013; and
- (b) in respect of which an application for accreditation is made under article 58(4) on or before 30th September 2013.

(2) The operator of a generating station to which this article applies may submit a request to the Authority for the generating station to be registered under this article as a grace period generating station.

(3) A request for a generating station to be registered as a grace period generating station must be accompanied by—

- (a) the documents specified in paragraph (4)(a), (b) and (c);
 - (b) the documents specified in paragraph (4)(d), (e) and (f); or
 - (c) the documents specified in paragraph (4)(a), (b), (d), (e) and (g).
- (4) The documents specified in this paragraph are—
- (a) a copy of a grid connection agreement specifying a grid connection date which is no later than 31st March 2013;
 - (b) a letter from a network operator who is a party to the grid connection agreement confirming (whether or not such confirmation is subject to any conditions or other terms) that—
 - (i) the grid connection was made after the grid connection date; and
 - (ii) in the network operator’s opinion, the failure to make the grid connection on or before the grid connection date was not due to any breach of the grid connection agreement by a relevant person;
 - (c) a declaration made in writing by the operator of the generating station that, to the best of their knowledge and belief, the station would have been commissioned on or before 31st March 2013 if the grid connection had been made on or before the grid connection date;

- (d) a copy of a radar works agreement specifying a radar works completion date which is no later than 31st March 2013;
 - (e) a letter from a party to the radar works agreement who is not a relevant person confirming (whether or not such confirmation is subject to any conditions or other terms) that—
 - (i) the radar works were completed after the radar works completion date; and
 - (ii) in that person’s opinion, the failure to complete the radar works on or before the radar works completion date was not due to any breach of the radar works agreement by a relevant person;
 - (f) a declaration made in writing by the operator of the generating station that, to the best of their knowledge and belief, the station would have been commissioned on or before 31st March 2013 if the radar works had been completed on or before the radar works completion date;
 - (g) a declaration made in writing by the operator of the generating station that, to the best of their knowledge and belief, the station would have been commissioned on or before 31st March 2013 if—
 - (i) the grid connection had been made on or before the grid connection date; and
 - (ii) the radar works had been completed on or before the radar works completion date.
- (5) Where the operator of a generating station to which this article applies submits a request for registration of the station as a grace period generating station, the Authority must not register the station under this article as a grace period generating station unless—
- (a) the request to register the generating station as a grace period generating station was received by the Authority before the Authority had made its decision on the application for accreditation of the station;
 - (b) the Authority is satisfied that the request complies with the requirements of paragraph (3);
 - (c) the Authority is satisfied that the station was commissioned before 1st October 2013; and
 - (d) the Authority decides to grant the application for accreditation of the station.
- (6) In circumstances where the Authority has reason to believe that the information on which a decision to register a generating station as a grace period generating station was based was incorrect in a material particular, and having regard to those circumstances the Authority considers it appropriate to do so, the Authority may withdraw the registration in question.
- (7) The Authority must notify the operator of the generating station in writing of—
- (a) its decision on a request to register the station as a grace period generating station;
 - (b) any withdrawal of registration of the station as a grace period generating station.
- (8) The written notification under paragraph (7)(a) must be provided by the Authority at the same time as the written notification under article 58(9) of its decision on the application for accreditation of the generating station.
- (9) In this article—
- “grid connection” means a connection between a generating station and a transmission system or distribution system for the purpose of enabling electricity to be conveyed from the station to that system;
- “grid connection agreement” means an agreement between a relevant person and a network operator for the making of a grid connection;
- “grid connection date” in relation to a grid connection agreement, means the earliest of any date specified in the grid connection agreement by which—
- (a) the grid connection is required to be made; or

Status: Point in time view as at 01/04/2013.

Changes to legislation: There are currently no known outstanding effects for the The Renewables Obligation (Scotland) Order 2009, PART 9. (See end of Document for details)

(b) it is estimated that the grid connection would be made;

“network operator” means a—

- (a) distribution exemption holder;
- (b) distribution licence holder; or
- (c) transmission licence holder;

“radar works” means—

- (a) the construction of a radar station;
- (b) the installation of radar equipment;
- (c) the carrying out of modifications to a radar station or to radar equipment; or
- (d) the testing of a radar station or radar equipment;

“radar works agreement” means an agreement between a relevant person and a person who is not a relevant person for the carrying out of radar works;

“radar works completion date”, in relation to a radar works agreement, means the earliest of any date specified in the radar works agreement by which—

- (a) the radar works are required to be completed; or
- (b) it is estimated that the radar works would be completed;

“relevant person”, in relation to a request for a generating station to be registered as a grace period generating station, means—

- (a) the operator of the station; or
- (b) a person who arranged for the construction of the station.]

Textual Amendments

F18 Art. 58ZA inserted (1.4.2013) by [The Renewables Obligation \(Scotland\) Amendment Order 2013](#) (S.S.I. 2013/116), arts. 1(1), 24 (with art. 29)

[^{F19}Registration of offshore wind turbines

58A.—(1) This article applies to a generating station which—

- (a) is accredited;
- (b) is offshore;
- (c) generates electricity from wind; and
- (d) in the case of a generating station accredited before 1st April 2011, has added registrable additional turbines on or after that date.

(2) The operator of a generating station to which this article applies may apply to the Authority in writing for one or more wind turbines to be registered under this article in relation to the generating station.

(3) For each wind turbine to which the application relates, the application must—

- (a) identify the location, or the proposed location, of the wind turbine; and
- (b) specify the total installed capacity of the wind turbine.

(4) Following receipt of an application meeting the requirements of paragraph (3), the Authority must register the wind turbines to which the application relates if the Authority is satisfied that—

- (a) where the station was accredited before 1st April 2011, the wind turbines are registrable additional turbines;
 - (b) where the wind turbines are registrable additional turbines—
 - (i) the date of receipt of the application was no later than 5 years from the date on which registrable additional turbines were first added to the station; and
 - (ii) the Authority has not registered other registrable additional turbines in relation to the station on more than 4 separate occasions;
 - (c) where the wind turbines form part of the accredited capacity of the station—
 - (i) the date of receipt of the application was no later than 5 years after the date on which the station was accredited; and
 - (ii) the Authority has not registered other wind turbines forming part of the accredited capacity of the station on more than 4 separate occasions; and
 - (d) where the wind turbines form part of the accredited capacity of the station and no other wind turbines have been registered under this article in relation to the station, the total installed capacity of the wind turbines to which the application relates is at least 20% of the accredited capacity of the station.
- (5) The Authority must notify the applicant in writing of its decision on an application to register a wind turbine under this article.
- (6) In providing written notification under paragraph (5), the Authority must specify the date on which the registration of the wind turbine is to take effect.
- (7) For the purposes of this article, the date on which a registrable additional turbine is added to a generating station is the date on which the registrable additional turbine is first used to generate electricity.
- (8) In this article, in relation to a generating station “accredited capacity” means the capacity of the station as accredited.]

Textual Amendments

F19 Art. 58A inserted (1.4.2011) by [The Renewables Obligation \(Scotland\) Amendment Order 2011 \(S.S.I. 2011/225\)](#), arts. 1, 15 (with art. 19)

SROC Register

59.—(1) The Authority must establish and maintain a register of SROCs (“the Register”) in accordance with Schedule 4, which shall have effect.

(2) A SROC is issued for the purpose of this Order at the point at which its particulars (within the meaning of Schedule 4) are entered in the Register by the Authority.

(3) Without prejudice to the foregoing provisions of this article and Schedule 4, the Authority must ensure that the Register contains, by way of entries made in it—

- (a) an accurate record of the particulars of each SROC which is issued by the Authority (including the person who is for the time being its registered holder) and which remains eligible to be produced to the Authority; and
- (b) a list of the names of all persons who either are the registered holder of a SROC or, although not at that time the registered holder of a SROC, have notified the Authority that they wish an entry to be made and maintained in respect of them as prospective registered holders of SROCs.

(4) Only the registered holder of a SROC may produce that SROC to the Authority under article 5.

Modification of this Order in relation to microgenerators in certain circumstances

60.—(1) This article applies to generating stations which are microgenerators.

(2) The operator of a generating station to which this article applies or, where SROCs relating to generating stations to which this article applies are to be issued to an agent by virtue of article 35, that agent (and not the operators of the generating stations in question) may—

- (a) where SROCs have not yet been issued in respect of any electricity generated during the course of an obligation period by the station or stations in question, during the course of that obligation period; or
- (b) in any other case, not less than one month before the beginning of an obligation period (“the relevant obligation period”),

give notice in writing to the Authority that entitlement to SROCs in respect of electricity generated by the station or stations in question is to be determined on the basis set out in the remainder of this article.

(3) Paragraph (4) applies—

- (a) where an operator or, as the case may be, agent has given notice as specified in paragraph (2)(a), for the remainder of the obligation period during which the notice was given and subsequent obligation periods; and
- (b) where an operator or, as the case may be, agent has given notice as specified in paragraph (2)(b), for the relevant obligation period and subsequent obligation periods.

(4) Where this paragraph applies, the reference to “a month” in each place where it occurs in articles ^{F20}... 22, 24, 25, 36, 39, 41, 53 and Schedule 4 is to be taken to be a reference to “an obligation period”, subject to the following exceptions—

- (a) in articles 24(2)(b) and 53(3) the reference to “the second month” is to remain unchanged;
- (b) in paragraph 3(b)(i) of Schedule 4 the words “the month and year” is to be replaced by “the obligation period”.

(5) An operator or, as the case may be, agent who has given notice under paragraph (2) may—

- (a) if notice was given under paragraph (2)(a), not less than one month before the beginning of any obligation period following the obligation period during which the notice was given; or
- (b) if notice was given under paragraph (2)(b), not less than one month before the beginning of any obligation period following the relevant obligation period,

by notice in writing to the Authority, withdraw the notice given under paragraph (2).

(6) Where an operator or, as the case may be, agent withdraws a notice given under paragraph (2), that notice ceases to have effect from the beginning of the obligation period in relation to which the notice under paragraph (5) was given.

Textual Amendments

F20 Word in [art. 60\(4\)](#) omitted (1.4.2013) by virtue of [The Renewables Obligation \(Scotland\) Amendment Order 2013 \(S.S.I. 2013/116\)](#), [arts. 1\(1\), 25](#) (with [art. 29](#))

Revocation, transitional and savings

61.—(1) Subject to paragraphs (2) to (4), the following Orders are revoked—

- (a) the 2007 Order; and
- (b) the Renewables Obligation (Scotland) Amendment Order 2008 ^{M3}.

- (2) The 2007 Order is to continue to apply in relation to—
- (a) the issue and revocation of SROCs under it in respect of electricity generated before 1st April 2009, and anything which falls to be done or determined (whether by the Authority or some other person) in relation to such issue or revocation;
 - (b) any obligations or requirements imposed by it on an electricity supplier, an operator of a generating station or some other person in respect of the obligation period ending on 31st March 2009, and anything which falls to be done or determined (whether by the supplier, the generator or some other person) in relation to any such obligations and requirements; and
 - (c) any obligations and functions of the Authority in respect of that obligation period, and anything which falls to be done or determined (whether by the Authority or some other person) in relation to it.
- (3) Without prejudice to the generality of the foregoing—
- (a) article 35 of the 2007 Order is to continue to apply so as to enable the Authority to request information in respect of electricity generated in the obligation period ending on 31st March 2009;
 - (b) Schedule 1 to the 2007 Order is to continue to apply in relation to that obligation period.
- (4) For the purpose of article 13(2)—
- (a) SROCs issued under the 2007 Order in respect of electricity supplied in the obligation period ending on 31st March 2009; and
 - (b) certificates issued under the Renewables Obligation Order 2006 ^{M4} or the Renewables Obligation Order (Northern Ireland) 2007 ^{M5} in respect of electricity supplied in the period corresponding to that obligation period,

may be produced to the Authority by a designated electricity supplier in discharge of up to 25 per cent of its renewables obligation in respect of the obligation period ending on 31st March 2010.

(5) In this article, “obligation period” (except the reference to the obligation period ending on 31st March 2010 in paragraph (4)) and “SROCs” have the same meaning as in the 2007 Order.

Marginal Citations

M3 [S.I. 2008/132](#).

M4 [S.I. 2006/1004](#) amended by [S.I. 2007/1078](#).

M5 S.R. (N.I.) [2007 No. 104](#) Articles 2(1) and 16 were amended by S.R.(N.I.) [2007 No. 440](#).

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Changes to legislation:

There are currently no known outstanding effects for the The Renewables Obligation (Scotland) Order 2009, PART 9.