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SCOTTISH STATUTORY INSTRUMENTS

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**2010 No. 147**

**The Renewables Obligation (Scotland) Amendment Order 2010**

**Cases and circumstances when a SROC must not be issued**

**8. After article 17 (excluded generating stations) insert—**

**“Generating stations accredited for longer than 20 years**

**17A.—**(1) Subject to paragraphs (2) and (3), SROCs are not to be issued in respect of any electricity generated—

- (a) by an existing generating station, after 31st March 2027;
- (b) by a new generating station, on or after the 20th anniversary of the date on which it was accredited or 31st March 2037 (whichever is the earlier).

(2) Where, at the time it generates electricity, a generating station’s total installed capacity is greater than its original capacity, paragraph (1) applies only in relation to SROCs which are to be issued in respect of electricity generated using the station’s original capacity.

(3) In relation to the remainder of the electricity generated by the generating station, SROCs are not to be issued on or after the 20th anniversary of the date on which, in the Authority’s view, the additional capacity first formed part of the station or 31st March 2037 (whichever is the earlier).

(4) Where electricity generated by a generating station using additional capacity added at a particular time (“relevant additional capacity”) is not measured separately from—

- (a) electricity generated by it using additional capacity (if any) which was added to it at a different time; or
- (b) electricity generated by it using its original capacity,

the electricity generated by it which is to be treated (for the purposes of paragraph (3)) as having been generated using the relevant additional capacity is the relevant percentage (the relevant percentage for these purposes being the relevant additional capacity at the date of generation of the electricity expressed as a percentage of the station’s total installed capacity at that date).

(5) In this article—

“existing generating station” means a generating station which was accredited as at 25th June 2008;

“new generating station” means a generating station which was accredited after 25th June 2008; and

“original capacity”, in relation to a generating station, means—

- (a) in the case of an existing generating station, the capacity of the station as accredited and any additional capacity which (in the Authority’s view) formed part of the station by 25th June 2008;
- (b) in the case of a new generating station, the capacity of the station as accredited.

### **Microgenerators in respect of which feed-in tariffs may be available**

**17B.** SROCs are not to be issued in respect of any electricity generated on or after 1st April 2010 by a microgenerator—

- (a) if that microgenerator is a hydro generating station; or
- (b) if that electricity is generated—
  - (i) from gas formed by the anaerobic digestion of material which is neither sewage nor material in a landfill;
  - (ii) from the direct conversion of sunlight into electricity; or
  - (iii) from wind.

### **Generating stations (other than microgenerators) accredited before feed-in tariffs become available**

**17C.—**(1) This article applies to a generating station (other than a microgenerator or a generating station whose electricity is sold pursuant to a NFFO arrangement) which is accredited on or after 15th July 2009 and at a time when no relevant financial scheme is in force.

(2) Where a relevant financial scheme (“the scheme”) comes into force in relation to a generating station to which this article applies (“the station”), the operator of the station (“A”) (or, where A is not entitled to receive financial incentives in respect of the station under the scheme, the person who is so entitled (“B”)), must (if they have not done so beforehand) notify the Authority in writing within 5 months of the date on which the scheme comes into force whether support for electricity generated by the station should be given in the form of SROCs or in the form of financial incentives under the scheme.

(3) Where A or (as the case may be) B—

- (a) notifies the Authority in writing that support should be given in the form of financial incentives under the scheme; and
- (b) that notification is received by the Authority before or within 5 months of the date on which the scheme comes into force,

the notification (once it has been accepted by the Authority) cannot be withdrawn and paragraph (4) or (as the case may be) (5) applies.

(4) Where the notification was received by the Authority before 1st April 2010 and the scheme comes into force on that date, SROCs are not to be issued in respect of any electricity generated by the station to which the notification relates on or after that date.

(5) In any other case SROCs are not to be issued in respect of any electricity generated by the station to which the notification relates on or after 1st April of the obligation period immediately following the obligation period in which the notification was received by the Authority.

(6) Where written notification in relation to the station is not received by the Authority before or within 5 months of the date on which the scheme comes into force, support (if any) for electricity generated by the station will be given in the form of SROCs.

(7) In this article, “relevant financial scheme”, in relation to a generating station, means a scheme of financial incentives—

- (a) which the Secretary of State establishes, or for the administration of which the Secretary of State makes arrangements, in exercise of the power in section 41(1) of the Energy Act 2008; and

- (b) under which support may be given to encourage the generation of electricity by the station.

**Generating stations (other than microgenerators) accredited after feed-in tariffs become available**

**17D.**—(1) This article applies to a generating station (other than a microgenerator or a generating station whose electricity is sold pursuant to a NFFO arrangement) in respect of which an application for accreditation is made and determined at a time when a relevant financial scheme (“the scheme”) is in force.

(2) The operator of a generating station to which this article applies (“A”) (or, where A is not entitled to receive financial incentives in respect of that station under the scheme, the person who is so entitled (“B”)), must notify the Authority in writing, before the application for accreditation is determined, whether support for electricity generated by that station should be given in the form of SROCs or in the form of financial incentives under the scheme.

(3) Where, before the application for accreditation is determined, A or (as the case may be) B notifies the Authority in writing that support for electricity generated by the generating station should be given in the form of financial incentives under the scheme, that notification (if the application for accreditation has been approved) cannot be withdrawn and SROCs must not be issued in respect of any electricity generated by that station.

(4) In this article, “relevant financial scheme” has the same meaning as in article 17C.

**Articles 17C and 17D: supplemental**

**17E.**—(1) This article applies to a generating station—

- (a) to which article 17C applies; or
- (b) to which article 17D has applied.

(2) Nothing in article 17C or 17D prevents the issue of SROCs in respect of electricity generated by a generating station to which this article applies if support which was formerly available under a financial scheme to encourage the generation of electricity by that station is no longer available by virtue of the size of that station’s total installed capacity.

(3) In this article, “financial scheme” means a scheme of financial incentives which the Secretary of State establishes, or for the administration of which the Secretary of State makes arrangements, in exercise of the power in section 41(1) of the Energy Act 2008.”.