SCOTTISH STATUTORY INSTRUMENTS

2014 No. 94

ELECTRICITY

The Renewables Obligation (Scotland) Amendment Order 2014

Made - - - -	*31st March 2014*
Coming into force - -	*1st April 2014*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 32(1) and (2), 32A(1) and (2), 32B(1), 32C(1) to (6), 32D(1) and (2), 32J(3) and 32K(1) and (3) of the Electricity Act 1989 ("the 1989 Act")(**1**) and all other powers enabling them to do so.

In accordance with section 32L(3)(**2**) of the 1989 Act a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

In accordance with section 32D(4) of the 1989 Act the Scottish Ministers have had regard to the matters referred to in that section.

In accordance with section 32D(7) of the 1989 Act they have carried out a review by virtue of section 32D(8) of the 1989 Act.

In accordance with section 32L(1) of the 1989 Act they have consulted the Gas and Electricity Markets Authority(**3**), the National Consumer Council(**4**), electricity suppliers to whom this Order applies, and such generators of electricity from renewable sources and other persons as they considered appropriate.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Renewables Obligation (Scotland) Amendment Order 2014 and comes into force on 1st April 2014.

(2) In this Order, "the 2009 Order" means the Renewables Obligation (Scotland) Order 2009(**5**).

Amendment of the 2009 Order

2. The 2009 Order is amended in accordance with articles 3 to 26.

(**1**) 1989 c.29. Sections 32 to 32C were substituted by section 37 of the Energy Act 2008 (c.32) ("the 2008 Act"). Sections 32D, 32J and 32K were inserted by said section 37.
(**2**) Section 32L was inserted by section 37 of the 2008 Act. Section 32L(3) has been modified by paragraph 5 of schedule 3 to the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).
(**3**) Section 32L(1) refers to "the Authority", which is defined in section 111(1). The definition was inserted by paragraph 40(a) of Schedule 6 to the Utilities Act 2000 (c.27).
(**4**) Section 32L(1) refers to "the Council", which is defined in section 111(1). The definition was substituted by section 30(4)(b) of the Consumers, Estate Agents and Redress Act 2007 (c.17).
(**5**) S.S.I. 2009/140, as amended by S.S.I. 2009/276, S.S.I. 2010/147, S.S.I. 2011/225, S.S.I. 2011/226 and S.S.I. 2013/116.

Interpretation

3.—(1) Article 2 (interpretation)(**6**) is amended as follows.

(2) In paragraph (1)—

(a) at the appropriate place alphabetically insert—

""CFD" has the meaning given in section 6(2) of the Energy Act 2013(**7**) (regulations to encourage low carbon electricity generation);";

""excepted generating station" means a generating station—

(a) which was accredited on or before 31st March 2011;

(b) which, since being accredited, has not ceased to be accredited at any time; and

(c) in respect of which, if it was not accredited as at 31st March 2009, preliminary accreditation was held on and from that date until the date on which it was accredited;";

""excluded capacity" means—

(a) generating capacity which in the Authority's view—

(i) formed part of a generating station from a date no earlier than 1st April 2014;

(ii) does not form part of the capacity of the station as accredited;

(iii) is not registered under article 58B (registration of additional capacity); and

(iv) is not a wind turbine forming part of a generating station which is offshore;

(b) a wind turbine which in the Authority's view—

(i) is not registered under article 58A (registration of offshore wind turbines);

(ii) forms part of a generating station which is offshore; and

(iii) where the generating station was accredited as at 31st March 2011, is a registrable additional turbine; or

(c) a combustion unit in relation to which a CFD transfer notice has come into force, and for the purposes of this definition—

(i) "CFD transfer notice" has the meaning given in article 21B(4) (combustion units in relation to which a CFD or investment contract has been entered into); and

(ii) the date on which a CFD transfer notice comes into force is to be determined in accordance with article 21B(8);";

""investment contract" has the meaning given in paragraph 1 of Schedule 2 to the Energy Act 2013 (meaning of "investment contract");";

""ISAE 3000" means the International Standard on Assurance Engagements 3000(**8**) promulgated by the International Federation of Accountants;";

""municipal waste" means—

(**6**) Article 2 was amended by S.S.I. 2011/225, S.S.I. 2011/226 and S.S.I. 2013/116.
(**7**) 2013 c.32.
(**8**) The International Standard on Assurance Engagements 3000 is set out from page 87 of Part II of the publication entitled "Handbook of International Quality Control, Auditing, Review, Other Assurance, and Related Services Pronouncements" (2013 edition) (ISBN 978-1-60815-152-3) published by the International Federation of Accountants. Copies can be obtained from www.ifac.org.

(a) waste from households; and

(b) other waste that, because of its nature or composition, is similar to waste from households;";

""national system operator" has the meaning given in section 8(3) of the Energy Act 2013 (duties of a CFD counterparty);";

""RO capacity", in relation to a generating station, means the generating capacity of the station other than excluded capacity;";

""RO eligible renewable output" is to be construed in accordance with articles 25 (calculating a generating station's RO eligible renewable output) and 26 (RO eligible renewable output of a qualifying combined heat and power generating station);";

""total input electricity", in relation to a generating station, means—

(a) the total amount of electricity used by the station for purposes directly related to its operation (including for fuel handling, fuel preparation, maintenance and the pumping of water) whether or not that electricity is generated by the station or used while the station is generating electricity; and

(b) where the station generates electricity wholly or partly from hydrogen (other than hydrogen that constitutes fossil fuel), any electricity—

(i) in respect of which SROCs are or have been issued;

(ii) in respect of which SROCs cannot be issued by virtue of any provision of Part 4 (cases and circumstances when a SROC must not be issued); or

(iii) which was not generated from renewable sources;

and which is used in the production of that hydrogen (regardless of where or by whom the hydrogen is produced);"; and

""total output electricity", in relation to a generating station, means the total amount of electricity generated by that station;";

(b) for the definition of "CHPQA" substitute—

""CHPQA" means the Combined Heat and Power Quality Assurance Standard Issue 5 published by the Department of Energy and Climate Change in November 2013 and Guidance Note 44 (use of CHPQA to obtain support for electrical output from renewable CHP under the renewables obligation) Issue 4 published by the Department of Energy and Climate Change on 4th December 2013(**9**);";

(c) omit the definition of "renewable output"; and

(d) for the definition of "total installed capacity" substitute—

""total installed capacity" in relation to references to a generating station or to generating capacity of any description means the maximum capacity at which that generating station or generating capacity could be operated for a sustained period without causing damage to it (assuming the source of power used by it to generate electricity was available to it without interruption).".

(3) For paragraph (8) substitute—

"(8) Any reference in this Order to a "type of generating capacity" is to be construed in accordance with article 25(9) (calculating a generating station's RO eligible renewable output).".

(**9**) Copies can be obtained from the Department of Energy and Climate Change and are available at http://chpqa.decc.gov.uk/chpqa-documents.

Amendment to article 3

4. In article 3(7) (waste as a renewable source) omit ", "municipal waste"".

Generating stations with excluded capacity

5. For article 17AB (electricity generated using unregistered offshore wind turbines)(**10**) substitute—

"**Generating stations using excluded capacity to generate electricity**

17AB.—(1) This article applies to a generating station where excluded capacity forms all or part of the total installed capacity of the station.

(2) SROCs are not to be issued in respect of any electricity generated in any month by a generating station to which this article applies unless during that month—

(a) all of the electricity generated by the station using the excluded capacity is measured separately from any electricity generated by the station using RO capacity; or

(b) all of the electricity generated by the station using the RO capacity is measured separately from any electricity generated by the station using the excluded capacity.

(3) SROCs are not to be issued in respect of any electricity generated using excluded capacity.".

Electricity in respect of which a CFD or investment contract applies and combustion units in relation to which a CFD or investment contract has been entered into

6. After article 21 (non-commissioned generating stations in respect of which a NFFO arrangement applies) insert—

"**Electricity in respect of which a CFD or investment contract applies**

21A. SROCs are not to be issued in respect of any electricity in respect of which a CFD or investment contract applies.

Combustion units in relation to which a CFD or investment contract has been entered into

21B.—(1) This article applies to a combustion unit in relation to which a CFD or investment contract has been entered into.

(2) Subject to paragraph (3), SROCs are not to be issued in respect of any electricity generated by a combustion unit to which this article applies.

(3) Paragraph (2) does not apply if a CFD transfer notice has been given to the Authority by the operator of the generating station in respect of the combustion unit.

(4) A CFD transfer notice is a notice which—

(a) is in writing;

(b) identifies the combustion unit to which it relates;

(**10**) Article 17AB was inserted by S.S.I. 2011/225.

(c) states the date from which the operator of the generating station intends to start using that combustion unit to generate electricity only from biomass ("the conversion date"); and

(d) states the date on which a CFD or investment contract was entered into in relation to that combustion unit.

(5) Once a CFD transfer notice has been received by the Authority it cannot be withdrawn.

(6) Subject to paragraph (7), the operator of a generating station may change the conversion date stated in a CFD transfer notice in respect of a combustion unit at the generating station by giving notice to the Authority in writing.

(7) The conversion date stated in a CFD transfer notice cannot be changed—

(a) after 21st March 2027;

(b) after the CFD transfer notice has come into force; or

(c) if a CFD entered into in relation to the combustion unit to which the CFD transfer notice relates has been terminated or otherwise ceased to have effect.

(8) For the purpose of this article, a CFD transfer notice comes into force—

(a) on the conversion date stated in the CFD transfer notice; or

(b) if earlier, as from the start of the first month—

(i) which is after March 2014; and

(ii) during which the combustion unit to which the CFD transfer notice relates burns only biomass.

(9) For the purpose of paragraph (8)(b)(ii), no account is to be taken of any fossil fuel or waste which is used—

(a) in the combustion unit for a purpose listed in article 22(3)(a); and

(b) in a month in which the energy content of the fossil fuel or waste used in that combustion unit for a purpose listed in article 22(3)(a) (or, where both fossil fuel and waste are so used during a month, their combined energy content) does not exceed 10% of the energy content of all of the energy sources burned in that combustion unit during that month.".

Electricity generated by certain types of biomass generation stations

7.—(1) Article 22C(**11**) is amended as follows.

(2) For paragraph (2)(a) substitute—

"(a) unless the generating station was accredited under CHPQA when first commissioned and is accredited under CHPQA during the relevant month;".

(3) In paragraph (2)(b), after "heat and power" insert "generating".

(4) In paragraph (3), after "crop" insert "and "CHPQA" in relation to accreditation obtained before 1st April 2014 has the meaning given by article 2 before that date".

RO input electricity, RO output electricity and ineligible renewable sources

8.—(1) In the heading to Part 5, before "renewable output" insert "RO eligible".

(2) In Part 5, immediately before article 24 (SROCs to be issued by Authority in respect of a generating station's renewable output) insert—

(**11**) Article 22C was inserted by S.S.I. 2013/116.

"**RO input electricity, RO output electricity and ineligible renewable sources**

23A.—(1) This article applies for the purposes of this Part.

(2) In any month where the total installed capacity of a generating station does not include any excluded capacity, "RO input electricity" in relation to that station means the total input electricity of the station during that month.

(3) Subject to paragraphs (4) and (5), in any month where the total installed capacity of a generating station includes excluded capacity, the RO input electricity of the station is equal to

$$A-\left(A\times\frac{B}{C}\right)$$

where—

(a) A is the total input electricity of the station during that month;

(b) B is the total installed capacity of the excluded capacity; and

(c) C is the total installed capacity of the station.

(4) Subject to paragraph (5), in any month where the total installed capacity of a generating station includes excluded capacity and electricity which is used by the station solely for purposes directly related to the operation of the excluded capacity is measured separately from the remainder of the electricity used by the station, the RO input electricity of the station is equal to $A-D$ where—

(a) A is the total input electricity of the station during that month; and

(b) D is the total amount of electricity measured as being used by the station solely for purposes directly related to the operation of the excluded capacity during that month.

(5) In any month where—

(a) the total installed capacity of a generating station includes excluded capacity;

(b) all of the electricity which is used by the station for purposes directly related to the operation of the RO capacity is measured separately from the remainder of the electricity used by the station; and

(c) the station does not generate electricity wholly or partly from hydrogen (other than hydrogen that constitutes fossil fuel),

"RO input electricity" in relation to that station means the total amount of electricity measured as being used by the station for purposes directly related to the operation of the RO capacity during that month.

(6) In any month where the total installed capacity of a generating station does not include any excluded capacity, "RO output electricity" in relation to that station means the total amount of electricity generated by that station during that month.

(7) Subject to paragraph (8), in any month where the total installed capacity of a generating station includes excluded capacity and all of the electricity generated by the excluded capacity is measured separately from any electricity generated by the station using RO capacity, the RO output electricity of the station is equal to $E-F$ where—

(a) E is the total amount of electricity generated by the station during that month; and

(b) F is the total amount of electricity measured as being generated by the excluded capacity during that month.

(8) In any month where the total installed capacity of a generating station includes excluded capacity and all of the electricity generated by the station using the RO capacity is measured separately from any electricity generated by the station using excluded capacity, the RO output

electricity in relation to that station means the total amount of electricity measured as being generated by the RO capacity during that month.

(9) Electricity is generated from an ineligible renewable source if it is generated using the RO capacity of a generating station and—

(a) it is generated from landfill gas (other than electricity generated by a generating station to which article 29 applies, generated using pre-2013 capacity, generated in the way described in Schedule 2 as "closed landfill gas", or generated using the heat from a turbine or engine);

(b) where one or more of the criteria set out in articles 36 to 40 have to be satisfied before SROCs can be issued in respect of the station's or those stations' RO eligible renewable output, it is electricity in respect of which any of those criteria are not satisfied; or

(c) it is electricity in respect of which SROCs are not to be issued by virtue of Part 4.

(10) In this article, references to "operation" include fuel handling, fuel preparation, maintenance and the pumping of water.".

SROCs to be issued by Authority in respect of a generating station's renewable output

9.—(1) Article 24(**12**) is amended as follows.

(2) In the heading, before "renewable output" insert "RO eligible".

(3) In paragraph (2)(a), before "renewable output" insert "RO eligible".

(4) In paragraph (3)—

(a) in sub-paragraph (a), before "renewable output" insert "RO eligible";

(b) omit sub-paragraphs (aa) and (b); and

(c) in sub-paragraph (c), for "remaining" substitute "RO eligible".

(5) For paragraph (4)(b) substitute—

"(b) wholly from renewable sources and the RO input electricity used by the generating station in generating that electricity exceeds 0.5% of the RO output electricity;

(ba) partly using excluded capacity;

(bb) partly from an ineligible renewable source;".

(6) In paragraph (5), before "renewable output" insert "RO eligible".

(7) Omit paragraph (6).

Calculating a generating station's RO eligible renewable output

10. For article 25 substitute—

"**Calculating a generating station's RO eligible renewable output**

25.—(1) Subject to article 26, the RO eligible renewable output of a generating station in any month is equal to—

(a) where the RO input electricity used by the generating station during that month does not exceed 0.5% of the RO output electricity of that station during that month, $A - F$; and

(**12**) Article 24 was amended by S.S.I. 2013/116.

(b) in any other case, $\left(A \times \frac{B}{C}\right) - F$.

(2) In paragraph (1)—

(a) A is equal to

$$C \times \frac{D}{E}$$

where—

(i) C is the RO output electricity of the generating station during the month in question;

(ii) D is the energy content of all of the renewable sources used in generating that station's RO output electricity during that month, less the energy content of—

(a) any fossil fuel from which those renewable sources are in part composed (other than fossil fuel from which a fuel the energy content of which is deducted by virtue of sub-head (bb) or (cc) is in part composed);

(b) any of those renewable sources which is Solid Recovered Fuel (other than Solid Recovered Fuel which constitutes biomass); and

(c) except in the case of an excepted generating station, any of those renewable sources which is a gaseous fuel produced by means of gasification or pyrolysis and which has a gross calorific value when measured at 25 degrees Celsius and 0.1 megapascals at the inlet to the station of less than 2 megajoules per metre cubed; and

(iii) E is the energy content of all of the fuels used in generating that station's RO output electricity during that month;

(b) B is the RO output electricity of that station during that month less the RO input electricity it uses during that month;

(c) C has the same meaning as in sub-paragraph (a)(i); and

(d) F is the total amount of electricity generated by that station from an ineligible renewable source during that month.

(3) Paragraphs (4) and (7) apply for the purposes of this Part and Part 6.

(4) Where during any month the RO eligible renewable output of a generating station is generated in two or more ways, the proportion of the station's RO eligible renewable output which is generated in each of those ways is—

(a) in the case of electricity generated in the way described as "landfill gas heat recovery" in Schedule 2, $\frac{G}{H}$;

(b) in the case of electricity generated using mixed gas in the way described as "AD" in Schedule 2, $\frac{I}{J} \times \frac{K}{L}$;

(c) in the case of electricity generated using mixed gas in the way described as "electricity generated from sewage gas" in Schedule 2, $\frac{I}{J} \times \frac{M}{L}$; and

(d) in the case of electricity generated in a way not falling within sub-paragraph (a), (b) or (c), $\frac{N}{P}$.

(5) In paragraph (4)—

(a) G is the maximum capacity in that month at which the station could generate electricity—

(i) in the way described as "landfill gas heat recovery" in Schedule 2;

(ii) using RO capacity; and

(iii) for a sustained period without causing damage to the station (assuming the heat used by the station to generate electricity was available to it without interruption);

(b) H is the total installed capacity of the RO capacity of the station in that month;

(c) I is the energy content of the mixed gas used in generating the station's RO output electricity during that month;

(d) J is the energy content of all of the renewable sources used in generating the station's RO output electricity during that month;

(e) K is the dry mass of—

(i) any waste which constitutes a renewable source (other than sewage); and

(ii) any biomass (other than sewage);

from which the mixed gas used in generating the station's RO output electricity during that month is formed, less the dry mass of any digestible fossil fuel from which that waste or biomass is in part composed;

(f) L is the dry mass of all of the material from which the mixed gas used in generating the station's RO output electricity during that month is formed, less the dry mass of any digestible fossil fuel from which that material is in part composed;

(g) M is the dry mass of all the material from which the mixed gas used in generating the station's RO output electricity during that month is formed, less the dry mass of any digestible fossil fuel from which that material is in part composed;

(h) N is the energy content of the renewable sources used when generating the station's RO output electricity in that way during that month less the energy content of—

(i) any fossil fuel from which those renewable sources are in part composed (other than fossil fuel from which a fuel the energy content of which is deducted by virtue of head (ii) or (iii) is in part composed);

(ii) any of those renewable sources which is Solid Recovered Fuel (other than Solid Recovered Fuel which constitutes biomass); and

(iii) except in the case of an excepted generating station, any of those renewable sources which is a gaseous fuel produced by means of gasification or pyrolysis and which has a gross calorific value when measured at 25 degrees Celsius and 0.1 megapascals at the inlet to the station of less than 2 megajoules per metre cubed; and

(i) P is the energy content of all of the renewable sources used in generating the station's RO output electricity during that month less the energy content of—

(i) any fossil fuel from which those renewable sources are in part composed (other than fossil fuel from which fuel the energy content of which is deducted by virtue of head (ii) or (iii) is in part composed);

(ii) any of those renewable sources which is a Solid Recovered Fuel (other than Solid Recovered Fuel which constitutes biomass); and

(iii) except in the case of an excepted generating station, any of those renewable sources which is a gaseous fuel produced by means of gasification or pyrolysis and which has a gross calorific value when measured at 25 degrees Celsius and 0.1 megapascals as the inlet to the station of less than 2 megajoules per metre cubed.

(6) References in paragraph (4) to a way of generating RO eligible renewable output are references to—

(a) one of the ways of generating electricity described in Schedule 2;

(b) generating electricity in the way described in article 28D(1)(c) (low-range co-firing of relevant energy crops);

(c) generating electricity in the way described in article 28E(1)(c) (low-range co-firing of relevant energy crops with CHP);

(d) generating electricity from renewable sources in a way not falling within sub-paragraph (a), (b) or (c).

(7) Where during any month two or more types of generating capacity form part of the RO capacity of a generating station, the proportion of the station's RO eligible renewable output which is generated using each of those types of generating capacity is $\frac{Q}{R}$.

(8) In paragraph (7)—

(a) Q is the total installed capacity of that type of generating capacity of the station in that month (other than any of that type of generating capacity which forms part of the excluded capacity of the station); and

(b) R is the total installed capacity of the RO capacity of the station in that month.

(9) References in paragraph (7) to a type of generating capacity are references to one of the following—

(a) pre-2013 capacity;

(b) 2013/14 capacity;

(c) 2014/15 capacity;

(d) 2015/16 capacity;

(e) post-2016 capacity.

(10) In this article—

"dry mass", in relation to a fuel, means the mass of the fuel when any water present in it has been removed; and

"mixed gas" means gas formed by the anaerobic digestion of sewage together with—

(a) waste which constitutes a renewable source (other than sewage); or

(b) biomass (other than sewage).".

RO eligible renewable output of a qualifying combined heat and power generating station

11.—(1) Article 26(**13**) is amended as follows.

(2) In the cross heading, for "Renewable" substitute "RO eligible renewable" .

(**13**) Article 26 was amended S.S.I. 2013/116.

(3) In paragraph (1), before "renewable output" insert "RO eligible".

(4) In paragraph (2), for "gross output" substitute "RO output electricity".

(5) For paragraph (3) substitute—

"(3) For paragraph (5)(h) and (i) of that article, substitute—

"(h) N is the energy content of the renewable sources used in generating the station's RO output electricity in that way during that month less the energy content of—

(i) any fossil fuel from which those renewable sources are in part composed (other than fossil fuel from which a fuel the energy content of which is deducted by virtue of head (ii) is in part composed); and

(ii) except in the case of an excepted generating station, any of those renewable sources which is a gaseous fuel produced by means of gasification or pyrolysis and which has a gross calorific value when measured at 25 degrees Celsius and 0.1 megapascals at the inlet to the station of less than 2 megajoules per metre cubed."; and

(i) P is the energy content of all of the renewable sources used in generating the station's RO output electricity during that month less the energy content of—

(i) any fossil fuel from which those renewable sources are in part composed (other than fossil fuel from which a fuel the energy content of which is deducted by virtue of head (ii) is in part composed); and

(ii) except in the case of an excepted generating station, any of those renewable sources which is a gaseous fuel produced by means of gasification or pyrolysis and which has a gross calorific value when measured at 25 degrees Celsius and 0.1 megapascals at the inlet to the station of less than 2 megajoules per metre cubed.""

Wave and tidal stream generating stations

12.—(1) Article 30B(**14**) is amended as follows.

(2) In paragraph (4), before "renewable output" insert "RO eligible".

(3) In paragraph (6) omit the definition of "total installed capacity".

Offshore wind generating stations: demonstration wind turbines and floating wind turbines

13. After article 30B insert—

"**Offshore wind generating stations using test and demonstration wind turbines**

30C.—(1) This article applies to electricity—

(a) which is generated from wind;

(b) which is generated by a generating station which—

(i) is offshore; and

(ii) uses only eligible wind turbines; and

(c) in respect of which a declaration has been made in accordance with paragraph (3).

(2) The amount of electricity to be stated in each SROC issued in respect of electricity to which this article applies is 2/5 of a megawatt hour.

(**14**) Article 30B was inserted by S.S.I. 2013/116.

(3) A declaration is made in accordance with this paragraph if—

(a) it is made by the operator of the generating station to the Authority in writing; and

(b) it confirms that—

(i) to the best of the operator's knowledge and belief the wind turbines used to generate the electricity are eligible wind turbines; and

(ii) the lease in respect of which the generating station is entitled to operate at that particular area of seabed is a demonstration lease issued by the Crown Estate in relation to that site.

(4) In this article—

(a) "eligible wind turbine" in relation to a generating station means a wind turbine which in the Authority's view forms part of the generating station from a date no earlier than 1st April 2014; and

(b) "demonstration lease" means a lease granted by the Crown Estate, one of whose purposes is testing, demonstrating and approving the viability of a wind turbine.

Offshore wind generating stations using floating wind turbines

30D.—(1) This article applies to electricity—

(a) which is generated from wind;

(b) which is generated by a generating station which—

(i) is offshore;

(ii) uses only floating wind turbines;

(iii) is granted preliminary accreditation which takes effect on or before 31st March 2017; and

(iv) is commissioned before 1st October 2018; and

(c) in respect of which a declaration has been made in accordance with paragraph (3).

(2) The amount of electricity to be stated in each SROC issued in respect of electricity to which this article applies is 2/7 of a megawatt hour.

(3) A declaration is made in accordance with this paragraph if—

(a) it is made by the operator of the generating station to the Authority in writing; and

(b) it confirms to the best of the operator's knowledge and belief that the electricity generated was generated by a generating station using only floating wind turbines.

(4) In this article "floating wind turbine" means a wind turbine which is fixed or connected to the seabed by means of a chain, tension leg or other flexible mooring.".

Refusing to issue and revoking SROCs

14. For article 41(5) substitute—

"(5) In determining whether to revoke a SROC under paragraph (3) or (4), the Authority may disregard any changes to the amounts for RO input electricity (within the meaning of article 23A), RO output electricity (within the meaning of article 23A), total input electricity and total output electricity which were used by it to determine a generating station's RO eligible renewable output in a month if satisfied that, in all the circumstances, it is reasonable for it to do so.".

Provision of information to the Authority

15.—(1) Article 53 is amended as follows.

(2) In paragraph (3)—

(a) before "renewable output" insert "RO eligible";

(b) in sub-paragraph (a), for "amount of input electricity" substitute "total input electricity and the RO input electricity"; and

(c) in sub-paragraph (b), for "gross output" substitute "total output electricity and the RO output electricity".

(3) For paragraph (9) substitute—

"(9) In this article "RO input electricity" and "RO output electricity", in relation to a generating station, have the same meaning as they have in article 23A.".

Information to be provided to the Authority where electricity is generated from biomass

16.—(1) Article 54(**15**) is amended as follows.

(2) In paragraph (1)(a), for "waste, biomass wholly derived from waste" substitute "municipal waste".

(3) For paragraphs (2) and (3) substitute—

"(2) In relation to each consignment of biomass (other than landfill gas, sewage gas or municipal waste) used in a generating station to which this article applies, the operator of the station must, by the 30th June immediately following the obligation period during which the biomass is used ("the relevant date"), provide the Authority with—

(a) the information specified in paragraph (3);

(b) other than in the case of biomass which was gas formed by the anaerobic digestion of material which was—

(i) excreta produced by animals; or

(ii) waste,

the information specified in paragraph (3ZA); and

(c) other than in the case of biomass which was—

(i) bioliquid;

(ii) excreta produced by animals;

(iii) waste; or

(iv) wholly derived from waste;

the information specified in paragraph (3ZB).

(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;

(b) where the biomass was solid and can take different forms, the form of the biomass;

(c) whether the biomass was waste or wholly derived from waste;

(d) whether the biomass was excreta produced by animals;

(e) where the biomass was plant matter or derived from plant matter, the country where the plant matter was grown; and

(**15**) Article 54 was amended by S.S.I. 2010/147, S.S.I. 2011/225 and S.S.I. 2013/116.

(f) where the information specified in sub-paragraph (e) is not known or the biomass was not plant matter or derived from plant matter, the country from which the operator obtained the biomass.

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

(a) where the biomass was solid, its mass (in tonnes);

(b) where the biomass was liquid, its volume (in litres) when measured at 25 degrees Celsius and 0.1 megapascals;

(c) where the biomass was gas, its volume (in cubic metres) when measured at 25 degrees Celsius and 0.1 megapascals;

(d) where the biomass was an energy crop and was not a bioliquid—

(i) the type of energy crop in question; and

(ii) the use of the land on which the biomass was grown in the year before the land was first used to grown energy crops; and

(e) where the biomass was wood or derived from wood and was not waste or bioliquid—

(i) the name of the forest or other location where that wood was grown;

(ii) a description of the forestry management practices or land management practices used in the forest or other location where that wood was grown;

(iii) the species of wood in question; and

(iv) the proportion of the biomass (if any) that was composed of, or derived from, saw logs.

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

(a) the greenhouse gas emissions from the use of the biomass to generate one megajoule of electricity;

(b) where the biomass was wood or derived from wood—

(i) whether the biomass met the timber standard or an equivalent standard; and

(ii) where the biomass did not meet the timber standard or an equivalent standard, the main reasons why biomass meeting the timber standard or an equivalent standard was not used;

(c) where the biomass was not wood or derived from wood—

(i) whether the biomass met the land criteria; and

(ii) where the biomass did not meet the land criteria, the main reasons why biomass meeting the land criteria was not used;

(d) where—

(i) the biomass was used in a post-2013 dedicated biomass station, and

(ii) the greenhouse gas emissions from the use of the biomass to generate one megajoule of electricity were greater than 66.7 grams,

the main reasons why biomass with lower greenhouse gas emissions was not used;

(e) where—

(i) the biomass was used in a generating station other than a post-2013 dedicated biomass station; and

(ii) the greenhouse gas emissions from the use of the biomass to generate one megajoule of electricity were greater than 79.2 grams,

the main reasons why biomass with lower greenhouse gas emissions was not used; and

(f) where the biomass was wood or derived from wood and any of the information specified in sub-paragraphs (a) and (b)(i) is not known or where the biomass was not wood or derived from wood and any of the information specified in sub-paragraphs (a) and (c)(i) is not known—

(i) the main reasons why that information is not known; and

(ii) the main reasons why biomass for which that information is known was not used.".

(4) In paragraph (3A), for "paragraph (3)(l)" substitute "paragraph (3ZB)(a)".

(5) In paragraph (3B), before sub-paragraph (a) insert—

"(za) the biomass was used in a generating station with a total installed capacity of less than 1 megawatt;".

(6) For paragraph (4) substitute—

"(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 required by paragraph (2) 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 information is provided.".

(7) In paragraph (5), for "specified in paragraph (3)" substitute "required by paragraph (2)".

(8) In paragraph (6)—

(a) after the definition of "default value method" omit "and"; and

(b) for the definition of "environmental quality assurance scheme" substitute—

""post-2013 dedicated biomass station" means a generating station which—

(a) was not accredited on or before 31st March 2013; and

(b) has, in any month after March 2013, generated electricity in the way described as "dedicated biomass" in Schedule 2;

"saw logs" means wood which formed part of the trunk of a tree which grew for at least 10 years;

"timber standard" means the Timber Standard for Heat & Electricity: woodfuel used under the Renewable Heat Incentive and Renewables Obligation published by the Department of Energy and Climate Change on 10th February 2014(**16**); and

"waste" does not include excreta produced by animals.".

Bioliquid sustainability audit report

17.—(1) Article 54A(**17**) is amended as follows.

(2) In paragraph (3), for sub-paragraphs (b) to (d) substitute—

"(b) consider whether the systems used to produce the relevant sustainability information are likely to produce information which is reasonably accurate and reliable;

(**16**) Copies can be obtained from the Department of Energy and Climate Change and are available at https://www.gov.uk/government/publications/timber-standard-for-heat-electricity.

(**17**) Article 54A was inserted by S.S.I. 2011/225 and amended by S.S.I. 2013/116.

(ba) consider whether there are controls in place to help protect the relevant sustainability information against material misstatements due to fraud or error;

(c) consider 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) consider the robustness of the data on which the operator relied in preparing the relevant sustainability information;

(da) state whether anything has come to the attention of the person preparing the report to indicate that the relevant sustainability information is not accurate;".

(3) For paragraph (5) substitute—

"(5) A sustainability audit report shall be deemed to have been prepared to an adequate standard if it has been prepared in accordance with the requirements in respect of limited assurance engagements prescribed in ISAE 3000, or an equivalent standard.".

(4) In paragraph (8), for the definition of "environmental quality assurance scheme" substitute—

""environmental quality assurance scheme" means a voluntary scheme which establishes environmental or social standards in relation to the production of bioliquid or matter from which a bioliquid is derived;".

Solid and gaseous biomass sustainability audit report

18. After article 54A insert—

"**Solid and gaseous biomass sustainability audit report**

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

(a) has a total installed capacity of at least 1 megawatt; and

(b) generates electricity (wholly or partly) from biomass.

(2) In relation to each consignment of biomass used in a generating station to which this article applies, and in respect of which the operator of the station has—

(a) in the case of biomass which is waste or wholly derived from waste, provided the information specified in article 54(3)(c); and

(b) in the case of biomass which is not waste or wholly derived from waste, provided the information specified in article 54(3ZB),

the operator of the station must, by the 30th June immediately following the obligation period during which the biomass was 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) consider whether the systems used to produce the relevant information are likely to produce information which is reasonably accurate and reliable;

(c) consider whether there are controls in place to help protect the relevant information against material misstatements due to fraud or error;

(d) consider 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 information;

(e) consider the robustness of the data on which the operator relied in preparing the relevant information;

(f) state whether anything has come to the attention of the person preparing the report to indicate that the relevant information is not accurate; and

(g) be prepared in accordance with the requirements in respect of limited assurance engagements prescribed in ISAE 3000, or an equivalent standard.

(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 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.

(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 a sustainability audit report meeting the requirements specified in paragraph (3) should have been provided.

(6) In this article, "relevant information" means—

(a) in relation to a consignment of biomass which is waste or wholly derived from waste, the information specified in article 54(3)(c) that is provided to the Authority by the operator of the generating station in respect of the consignment; and

(b) in relation to a consignment of biomass which is not waste or wholly derived from waste, the information specified in article 54(3ZB) that is provided to the Authority by the operator of the generating station in respect of the consignment.

(7) References in this article to biomass do not include bioliquid, landfill gas, sewage gas, municipal waste or excreta produced by animals.".

Functions of the Authority

19.—(1) Article 57(**18**) is amended as follows.

(2) In paragraph (1)(a) for "and accreditation in accordance with article 58" substitute "in accordance with article 58 and accreditation in accordance with article 58ZZA".

(3) In paragraph (2)(b) omit "or 54(4)".

Preliminary accreditation of generating stations

20. For article 58 substitute—

"**Preliminary accreditation of generating stations**

58.—(1) Subject to paragraph (2), where a generating station in respect of which—

(a) consent under section 36 of the Act has been obtained;

(**18**) Article 57 was amended by S.S.I. 2011/225.

(b) planning permission under the Town and Country Planning (Scotland) Act 1997(**19**) has been granted;

(c) in the case of an offshore generating station, a marine licence under Part 4 of the Marine (Scotland) Act 2010(**20**) has been granted where consent under section 36 of the Act is not required,

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.

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

(a) if, in the Authority's opinion, the station is unlikely to generate electricity in respect of which SROCs may be issued;

(b) if a CFD has been made at any time in relation to the generation of electricity by the station; or

(c) subject to paragraph (3), if an investment contract has been made at any time in relation to the generation of electricity by the station.

(3) Paragraph (2)(c) does not apply if the application for a preliminary accreditation is accompanied by a declaration made in writing by the person who proposes to construct or operate the generating station that the investment contract has been terminated or has otherwise ceased to have effect by reason of a permitted termination event.

(4) In paragraph (3), "permitted termination event" means—

(a) a delay in the approval of the investment contract by the European Commission;

(b) a refusal by the European Commission to approve the investment contract;

(c) a condition attached by the European Commission to its approval of the investment contract; or

(d) an amendment to the investment contract that is made, or proposed, by the Secretary of State in the light of any standard terms issued under section 11 of the Energy Act 2013.

(5) In this article, references to a person who proposes to construct a generating station include a person who arranges for the construction of the generating station.

Accreditation of generating stations

58ZZA.—(1) This article applies to the granting of accreditation of generating stations by the Authority.

(2) Subject to paragraph (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.

(3) Subject to paragraph (4), where a generating station has been granted preliminary accreditation (and such preliminary accreditation has not been withdrawn) and an application for its accreditation is made under paragraph (2), the Authority must not grant that application if it is satisfied that—

(**19**) 1997 c.8.
(**20**) 2010 asp 5.

(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.

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

(a) if, in the Authority's opinion, the station is unlikely to generate electricity in respect of which SROCs may be issued;

(b) subject to paragraph (5), if the application for accreditation is not accompanied by the documents specified in paragraph (8);

(c) subject to paragraph (6), if an application for a CFD has been made at any time in relation to the generation of electricity by the station; or

(d) subject to paragraph (7), if an investment contract has been made at any time in relation to the generation of electricity by the station.

(5) Paragraph (4)(b) does not apply if the application for accreditation is in respect of a generating station which—

(a) is a microgenerator; or

(b) has a total installed capacity of no more than 5 megawatts, and which—

(i) generates electricity from—

(aa) gas formed by the anaerobic digestion of material which is neither sewage nor material in a landfill;

(bb) the direct conversion of sunlight into electricity; or

(cc) wind; or

(ii) is a hydro generating station.

(6) Paragraph (4)(c) does not apply if the application for accreditation is accompanied by the document specified in paragraph (8)(a)(ii).

(7) Paragraph (4)(d) does not apply if the application for accreditation is accompanied by the document specified in paragraph (8)(b)(ii).

(8) The documents specified in this paragraph are—

(a) either—

(i) a declaration made in writing by the operator of the generating station that an application for a CFD has not been made at any time in relation to the generation of electricity by the station; or

(ii) a declaration made in writing by the operator of the generating station that every application made for a CFD in relation to the generation of electricity by the station has been rejected by the national system operator or by the Secretary of State;

(b) either—

(i) a declaration made in writing by the operator of the generating station that an investment contract has never been made in relation to the generation of electricity by the station; or

(ii) a declaration made in writing by the operator of the generating station that any investment contract made in relation to the generation of electricity by the station has been terminated or has otherwise ceased to have effect by reason of a permitted termination event; and

(c) a declaration made in writing by the operator of the generating station that the national system operator has been sent—

(i) a copy of the documents that accompany the application in accordance with sub-paragraphs (a) and (b); and

(ii) a description of the location of the generating station.

(9) In this article "permitted termination event" has the same meaning as in article 58(4).

Preliminary accreditation and accreditation: common provisions

58ZZB.—(1) This article applies to the granting and withdrawing of preliminary accreditation and accreditation of generating stations by the Authority.

(2) The Authority may, in granting preliminary accreditation under article 58 or accreditation under article 58ZZA, attach such conditions as appear to it to be appropriate.

(3) Where any of the circumstances mentioned in paragraph (4) apply in relation to a preliminary accreditation or an accreditation which the Authority has granted (whether or not under this Order), 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 the conditions attached to the preliminary accreditation or accreditation; or

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

(4) The circumstances referred to in paragraph (3) are that—

(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.

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

(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.

(6) In providing written notification under paragraph (5), the Authority must specify, where applicable—

(a) the date on which the grant or withdrawal of preliminary accreditation or accreditation is to take effect;

(b) the date on which any conditions attached to the preliminary accreditation or accreditation are to take effect; and

(c) the capacity of the generating station as accredited.".

Registration as a grace period generating station

21.—(1) Article 58ZA(**21**) is amended as follows.

(2) In paragraph (1)(b), omit "under article 58(4)".

(3) In paragraph (8), omit "under article 58(9)".

Registration of offshore wind turbines

22.—(1) Article 58A(**22**) is amended as follows.

(2) After paragraph (3) insert—

"(3A) An application to register one or more wind turbines under this article must be accompanied by—

(a) one of the documents referred to in article 58B(5)(a);

(b) one of the documents referred to in article 58B(5)(b); and

(c) a declaration made in writing from the operator of the generating station that the national system operator has been sent a copy of the application."

(3) In paragraph (4) for "paragraph (3)" substitute "paragraphs (3) and (3A)".

Registration of additional capacity

23. After article 58A insert—

"**Registration of additional capacity**

58B.—(1) This article applies to generating capacity which—

(a) forms part of a generating station which is accredited;

(b) first forms part of the station from a date no earlier than 1st April 2014 and no later than 31st March 2017; and

(c) does not form part of the capacity of the station as accredited.

(2) Subject to paragraph (3), the Authority may, upon the application of an operator of a generating station using generating capacity to which this article applies, register that generating capacity under this article.

(3) The Authority must not register generating capacity under this article unless the Authority is satisfied that the application complies with the requirements of paragraphs (4) and (5).

(4) An application to register generating capacity under this article must—

(a) describe the generating capacity in sufficient detail to enable the Authority to exercise its functions under this Order in relation to the issue of SROCs in respect of electricity generated using that generating capacity; and

(**21**) Article 58ZA was inserted by S.S.I. 2013/116.
(**22**) Article 58A was inserted by S.S.I. 2011/225.

(b) state the total installed capacity of the generating capacity.

(5) An application to register generating capacity under this article must be accompanied by the following documents—

(a) either—

(i) a declaration made in writing by the operator of the generating station that an application for a CFD has not been made at any time in relation to the generation of electricity by the station; or

(ii) a declaration made in writing by the operator of the generating station that every application made for a CFD in relation to the generation of electricity by the station has been rejected by the national system operator or by the Secretary of State;

(b) either—

(i) a declaration made in writing by the operator of the generating station that an investment contract has never been made in relation to the generation of electricity by the station; or

(ii) a declaration made in writing by the operator of the generating station that any investment contract made in relation to the generation of electricity by the station has been terminated or has otherwise ceased to have effect by reason of a permitted termination event; and

(c) a declaration made in writing by the operator of the generating station that the national system operator has been sent—

(i) a copy of the documents that accompany the application in accordance with sub-paragraphs (a) and (b); and

(ii) a description of the location of the generating station.

(6) The Authority must notify the operator of the generating station in writing of its decision on an application to register generating capacity under this article.

(7) In this article, "permitted termination event" has the same meaning as in article 58(4)."

Modification of the 2009 Order in relation to microgenerators in certain circumstances

24.—(1) Article 60(**23**) is amended as follows

(2) In paragraph (4), after—

(a) "occurs in articles" insert "17AB,"; and

(b) after "22" insert ", 23A".

Land criteria

25.—(1) Schedule A2(**24**) is amended as follows.

(2) For paragraph 3(1) substitute—

"(1) Fuel meets the land criteria if—

(a) in the case of bioliquid, the biomaterial from which the fuel was made was—

(i) waste;

(**23**) Article 60 was amended by S.S.I. 2013/116.
(**24**) Schedule A2 was inserted by S.S.I. 2011/225.

(ii) residue (other than residue from agriculture, aquaculture, fisheries or forestry); or

(iii) obtained from a permitted source;

(b) in all other cases, the biomaterial from which the fuel was made was—

(i) waste;

(ii) residue (other than residue from agriculture, aquaculture, fisheries or forestry);

(iii) obtained from a permitted source;

(iv) energy crops in respect of which financial assistance was paid under the Energy Crops Regulations 2000(**25**), or under an equivalent financial assistance scheme, or

(v) added to the fuel for an exempt purpose.".

(3) After paragraph 3(8) insert—

"(8A) For the purposes of sub-paragraph (1)(b)(v), biomaterial is added to a fuel for an exempt purpose if—

(a) it is added to the fuel—

(i) to act as a binding agent, or

(ii) to reduce the emissions of dust, carbon dioxide, methane or nitrous oxide from the use of the fuel; and

(b) it does not exceed 2% by weight of the fuel.".

Amendments to Schedule 3A (actual value method for calculating emissions from the use of biomass)

26.—(1) Paragraph 2(d) of Schedule 3A(**26**) is amended as follows.

(2) For head (x)(cc) substitute—

"(cc) before "and residues from processing" there was inserted "residues from forestry, arboriculture, aquaculture and fisheries"; and

(dd) for "fuels" there was substituted "biomass";".

(3) For head (xi) substitute—

"(xi) for paragraph 19 there was substituted—

"**19.** Where material is added to the biomass to act as a binding agent or to reduce the emissions of dust, carbon dioxide, methane or nitrous oxide from the use of biomass, the material so added shall be considered to have zero life-cycle greenhouse gas emissions, provided that the material so added does not exceed 2% by weight of the biomass."; and".

Transitional provision

27. Nothing in this Order is to affect—

(a) the issue or revocation of a renewables obligation certificate in respect of electricity generated before 1st April 2014, and anything which falls to be done or determined

(**25**) S.I. 2000/3042.
(**26**) Schedule 3A was inserted by S.S.I. 2011/225.

(whether by the Authority or some other person) in relation to such issue or revocation, under the 2009 Order;

(b) any obligations or requirements imposed on an operator of a generating station or some other person in respect of the obligation period ending on 31st March 2014, and anything which falls to be done or determined (whether by the operator of the generating station or some other person) in relation to any such obligations or requirements, under the 2009 Order; and

(c) any obligations or 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 that obligation period, under the 2009 Order.

St Andrew's House,
Edinburgh
31st March 2014

FERGUS EWING
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Renewables Obligation (Scotland) Order 2009 ("the 2009 Order") and makes transitional provision.

The 2009 Order imposes an obligation ("the renewables obligation") on electricity suppliers who supply electricity in Scotland. Suppliers must produce, by a specified day, a certain number of renewables obligation certificates ("SROCs") in respect of each megawatt hour of electricity that each supplies during a specified period known as an obligation period. The renewables obligation is administered by the Gas and Electricity Markets Authority ("the Authority") who issue SROCs to renewable electricity generators in respect of their eligible renewable output.

Article 3 amends some of the definitions in article 2 of the 2009 Order and adds some new definitions, including "CFD", "excluded capacity", "investment contract" and "RO eligible renewable output". Consequential amendments are made to article 3(7) of the 2009 Order by article 4 and to article 30B of the 2009 Order by article 12.

Article 5 substitutes article 17AB of the 2009 Order. Article 6 inserts articles 21A and 21B into the 2009 Order, to widen the cases and circumstances in which SROCs must not be issued. A consequential amendment is made by article 24(2)(a) to article 60 of the 2009 Order.

Article 7 amends article 22C of the 2009 Order so that it refers to a "qualifying combined heat and power generating station", which is defined in article 2 of that Order.

Article 8 inserts article 23A into the 2009 Order to give the meaning of "RO input electricity", "RO output electricity" and the generation of electricity from an ineligible renewable source. A consequential amendment is made by article 24(2)(b) to article 60 of the 2009 Order.

Article 9 amends article 24 of the 2009 Order to set out additional circumstances in which SROCs are to be issued in respect of a proportion only of the electricity generated by a station. Amendments are also made as a consequence of the new definitions in articles 2 and 23A of the 2009 Order.

Article 10 substitutes article 25 of the 2009 Order. This sets out how the RO eligible renewable output of a generating station is to be calculated, and how it is to be apportioned when electricity is generated in two or more ways (e.g. anaerobic digestion, advanced gasification/pyrolysis, co-firing of regular bioliquid etc) or by two or more types of generating capacity (e.g. pre-2013 capacity, 2013/14 capacity, 2014/15 capacity etc).

Article 11 amends article 26 of the 2009 Order as a consequence of the substitution of article 25 of the 2009 Order.

Article 13 inserts articles 30C and 30D in the 2009 Order. Article 30C provides for a new band set at 2.5 SROCS for offshore wind generating stations using test and demonstration wind turbines. Article 30D provides for a new band set at 3.5 SROCS for offshore floating wind turbines.

Article 14 substitutes article 41(5) of the 2009 Order, and article 15 amends article 53 of the 2009 Order, as a consequence of the new definitions in articles 2 and 23A of the 2009 Order.

Article 16 amends article 54 of the 2009 Order, which sets out information to be provided where electricity is generated from biomass. Article 16(2) widens the types of biomass to which article 54 of the 2009 Order applies. Article 16(3) changes the date by which the information must be provided and changes the nature of some of the information requirements (including the types of biomass to which some of the information requirements apply).

Article 16(5) adds a new restriction on the circumstances in which the default value method can be used to calculate the greenhouse gas emissions from the use of biomass.

Article 16(6) substitutes article 54(4) of the 2009 Order to remove the requirement on the Authority to refuse the issue of SROCs if the information is not provided by the 31st August immediately following the obligation period in which the biomass was used. A consequential amendment is made by article 19(3) to article 57 of the 2009 Order.

Article 16(8) omits the definition of "environmental quality assurance scheme" and inserts some new definitions.

Article 17 amends article 54A of the 2009 Order, which relates to the bioliquid sustainability audit report and which implements, in relation to the renewables obligation, the first two sub-paragraphs of Article 18(3) of Directive 2009/28/EC of the European Parliament and of the Council on the promotion of the use of energy from renewable sources(**27**) and Commission Decision 2011/13/EU on certain types of information about biofuels and bioliquids to be submitted by economic operators to Member States(**28**). Article 17(2) changes some of the requirements that must be met by a bioliquid sustainability audit report. Article 17(3) substitutes article 54A(5) of the 2009 Order so that the audit report is deemed to have been prepared to an adequate standard if it is has been prepared in accordance with the ISAE 3000 standard for limited assurance engagements. Article 17(4) inserts a definition for "environmental quality assurance scheme".

Article 18 inserts article 54B into the 2009 Order to require a sustainability audit report to be provided to the Authority in respect of the information submitted by the operator of a generating station in accordance with article 54(3)(c) of the 2009 Order (in the case of biomass which is waste or wholly derived from waste) or article 54(3ZB) of the 2009 Order (in the case of other biomass). There are exceptions for certain types of biomass and the requirement does not apply in the case of generating stations with a total installed capacity of less than 1 megawatt.

Article 20 substitutes article 58 of the 2009 Order and inserts articles 58ZZA and 58ZZB into the 2009 Order. These articles set out the process and preconditions for preliminary accreditation and accreditation of generating stations. Consequential amendments are made by article 19(2) to article 57 of the 2009 Order and by article 21 to article 58ZA of the 2009 Order.

Article 22 amends article 58A of the 2009 Order to require certain declarations to be made by the operator of the generating station before an offshore wind turbine can be registered under that article.

Article 23 inserts article 58B into the 2009 Order to create a procedure for the registration of additional capacity at an accredited generating station.

Article 25 amends Schedule A2 to the 2009 Order to set out additional circumstances in which fuel (other than bioliquid) meets the land criteria.

Article 26 amends Schedule 3A to the 2009 Order, which sets out the actual value method for the calculation of greenhouse gas emissions from the use of solid or gaseous biomass. Article 26(2) amends Schedule 3A to ensure that certain residues are treated as having zero life-cycle greenhouse gas emissions up to the process of collection of those materials. Article 26(3) amends Schedule 3A so that certain additives are treated as having zero life-cycle greenhouse gas emissions, provided that they do not exceed 2% by weight of the biomass.

Article 27 makes transitional provision in respect of the obligation period ending on 31st March 2014.

A full business and regulatory impact assessment of the effect this Order will have on the costs of business and the voluntary sector is available from the Scottish Government Energy Markets Unit, Directorate for Energy and Climate Change, 5 Atlantic Quay, 150 Broomielaw, Glasgow, G2 8LU.

(**27**) OJ L 140, 5.6.2009, p.16.
(**28**) OJ L 9, 13.1.2011, p.11.