
DRAFT STATUTORY INSTRUMENTS

2006 No.

The Renewables Obligation Order 2006

PART 5

ROCs: Issue and Revocation

Revocation of ROCs

20.—(1) The Authority—

- (a) shall, where in respect of any electricity generated by a generating station in a particular month it is satisfied that the declaration provided to it pursuant to article 16(4) is false or that a ROC was issued on the basis of any fraudulent behaviour, statement or undertaking on the part of the operator of that generating station or any connected person, revoke all ROCs issued in respect of that generating station in that month;
- (b) shall revoke any ROC certifying the matters within section 32B(2A) of the Act where the Northern Ireland Authority has notified the Authority that it is not satisfied that the electricity in question has been supplied to customers in Northern Ireland;
- (c) shall, in accordance with the procedure laid down in paragraph (3), revoke any ROC where it is otherwise satisfied that the ROC is inaccurate;
- (d) may, in accordance with the procedure laid down in paragraph (3), revoke any ROC where—
 - (i) the Authority is no longer satisfied that the ROC should have been issued;
 - (ii) the Authority has reasonable doubts as to the accuracy or reliability of the information upon which the Authority relied prior to the issue of the ROC; or
 - (iii) the Authority has been unable, due to a failure or refusal by any person (whether inside or outside England and Wales) to provide the Authority with any information reasonably requested by it, to check the accuracy of either the ROC or any information which the Authority relied upon prior to the issue of the ROC; and
- (e) subject to paragraph (2), shall, in reaching a decision as to the inaccuracy of a ROC for the purposes of sub-paragraph (c) and in exercising its powers to revoke a ROC pursuant to sub-paragraph (d), disregard any changes to the amounts for “gross output” and “input electricity” (as those two expressions are defined in article 9(7)) which were used by it (as provided in article 18(3)) to determine the amount of electricity to be regarded as having been generated from eligible renewable sources by a particular generating station in a particular month.

(2) Paragraph (1)(e) does not apply where, in accordance with article 18(6), the Authority has accepted later figures and made new determinations under article 18(2)(a) to (d).

(3) Where the Authority revokes ROCs in accordance with paragraph (1)(c) or (d), it shall—

- (a) revoke the appropriate number of ROCs from those issued in respect of the generating station in respect of a particular month in descending numerical order of ROC sequence number; and

- (b) delete from the Register those ROCs previously allocated the highest ROC sequence numbers and remaining on the Register in advance of those with lower ROC sequence numbers,

and in determining the number of ROCs which it is appropriate to revoke it shall proceed on the basis that one ROC represents one megawatt hour of electricity (with any exact half megawatt hour being rounded upwards).

- (4) Where the Authority has revoked a ROC—
 - (a) it shall as soon as practicable give notice in writing of such revocation to the registered holder of the ROC at the time of revocation;
 - (b) other than when a ROC has been revoked in accordance with paragraph (1)(a), the Authority may, in circumstances where it considers it appropriate to do so, issue a replacement ROC in accordance with the procedures laid down in paragraph (5), provided that it is satisfied that each of the relevant criteria in article 16 is met (having regard as necessary to the requirements in article 17), and such ROC shall be treated as if issued under article 15.
- (5) Where pursuant to paragraph (4)(b) the Authority issues a replacement ROC it shall—
 - (a) allocate to the replacement ROC the lowest ROC sequence number of any ROC previously issued in respect of the same generating station and same month that has been revoked which has not already been allocated to a replacement ROC (unless that replacement ROC has itself been revoked);
 - (b) issue each replacement ROC to the person to whom the ROC issued in respect of that generating station and that month and bearing the same ROC sequence number was previously issued; and
 - (c) proceed on the basis that one ROC represents one megawatt hour of electricity (with any exact half megawatt hour being rounded upwards).