
DRAFT STATUTORY INSTRUMENTS

2009 No. 0000

ELECTRICITY, ENGLAND AND WALES

The Renewables Obligation Order 2009

Made - - - - **** 2009*

Coming into force *1st April 2009*

THE RENEWABLES OBLIGATION ORDER 2009

PART 1

1. Citation, commencement and extent
2. Interpretation
3. Waste as a renewable source
4. Biomass and fuels which are to be treated as biomass

PART 2

5. The renewables obligation
6. Part of calculation A referable to Great Britain
7. Part of calculation A referable to Northern Ireland
8. Calculation A
9. Calculation B
10. Calculation C
11. Determining the total number of renewables obligation certificates to be produced in an obligation period
12. Determining the number of renewables obligation certificates to be produced by a designated electricity supplier in order to discharge its renewables obligation
13. Further provision in relation to the production of renewables obligation certificates

PART 3

ROCs

14. Matters to be certified by ROCs
15. When electricity is to be regarded as supplied to customers in Great Britain or Northern Ireland

16. When electricity used in a permitted way for ROCs certifying matters within section 32B(7) or (8) of the Act

PART 4

ROC

17. Excluded generating stations
18. Generating stations first commissioned before 1st January 1990
19. Generating stations generating under arrangements referred to in the Electricity (Northern Ireland) Order 1992
20. Generating stations in respect of which a NFFO arrangement applied but was terminated
21. Non-commissioned generating stations in respect of which a NFFO arrangement applies
22. Circumstances in which no ROCs are to be issued in respect of electricity generated from renewable sources
23. Circumstances in which no ROCs are to be issued by virtue of section 32C(8)(a) of the Act

PART 5

ROCs

24. ROCs to be issued by Authority in respect of a generating station's renewable output
25. Calculating a generating station's renewable output
26. Renewable output of a qualifying combined heat and power generating station

PART 6

27. The amount of electricity to be stated in each ROC
28. Qualifying combined heat and power generating stations
29. Microgenerators
30. Generating stations which were accredited as at 11th July 2006
31. Generating stations which were accredited, or held preliminary accreditation, as at 31st March 2009
32. Generating stations in respect of which a statutory grant has been awarded
33. Review of banding provisions

PART 7

ROCs

34. Issue of ROCs to generators and suppliers
35. Issue of ROCs to agents
36. General criteria for the issue of ROCs
37. Criteria applicable to ROCs where article 36(1)(a) or (b) cannot be complied with
38. Further criterion applicable to ROCs certifying matters within section 32B(3) and (5) of the Act where electricity generated otherwise than on land
39. Further criteria applicable to ROCs certifying matters within section 32B(3) to (6) of the Act

40. Further criteria applicable to ROCs certifying matters within section 32B(5), (6) and (8) of the Act
41. Refusing to issue and revoking ROCs

PART 8

42. Interpretation
43. Payments to discharge the renewables obligation
44. Late payments to discharge the renewables obligation
45. Dealing with the buy-out fund: payments into the Consolidated Fund and to the Northern Ireland authority
46. Dealing with the late payment fund: payments into the Consolidated Fund and to the Northern Ireland authority
47. Dealing with the buy-out and late payment funds: payments to United Kingdom suppliers
48. Shortfall in the buy-out and late payment funds: the total mutualisation sum
49. Payments to be made by suppliers towards the total mutualisation sum
50. Circumstances in which payments towards the total mutualisation sum are to be re-calculated
51. Re-calculated payments to be made by suppliers towards the total mutualisation sum and repayments by the Authority
52. Payments to be made to suppliers out of the mutualisation fund

PART 9

53. Provision of information to the Authority
54. Information to be provided to the Authority where electricity is generated from biomass
55. Provision of information to the Secretary of State
56. Exchange of information with the Northern Ireland authority
57. Functions of the Authority
58. Preliminary accreditation and accreditation of generating stations
59. ROC Register
60. Modification of this Order in relation to microgenerators in certain circumstances
61. Revocation, transitional and savings
Signature

SCHEDULE 1 — CALCULATION OF THE ROC OBLIGATION

SCHEDULE 2 — ELECTRICITY TO BE STATED IN ROCs

PART 1 — INTERPRETATION

1. (1) In this Schedule—“AD” means electricity generated from gas...

PART 2 — AMOUNT OF ELECTRICITY TO BE STATED IN ROCs GENERALLY

PART 3 — AMOUNT OF ELECTRICITY TO BE STATED IN RENEWABLES OBLIGATION CERTIFICATES WHERE ARTICLE 30(3) APPLIES

PART 4 — AMOUNT OF ELECTRICITY TO BE STATED IN RENEWABLES OBLIGATION CERTIFICATES WHERE ARTICLE 30(5) OR ARTICLE 31(4) APPLIES

SCHEDULE 3 — AMOUNT OF RELEVANT SHORTFALL FOR THE RELEVANT OBLIGATION PERIOD

SCHEDULE 4 — THE ROC REGISTER

1. The Authority must establish and maintain the Register referred to...
2. The Register must identify whether or not a ROC subsists...
3. Particulars of a ROC comprise— (a) the name of the...
4. A person may only be the registered holder of a...
5. The Authority may from time to time draw up procedural...
6. The Authority must delete from the Register—
7. Where the registered holder of a ROC and a person...
8. Where the Authority receives requests under paragraph 7(a) it must...
9. Where— (a) a ROC is issued under this Order, or...
10. The substitute cannot be the registered holder of a ROC...
11. The Register may be amended by a decision of the...
12. The contents of the Register (including the entries referred to...
13. Where any person considers that an entry maintained in respect...
14. The Authority must in any procedural guidelines which it produces...
15. “Banking day” means a day on which banks are generally...

Explanatory Note