
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16). They amend the Renewables Obligation Order 2015 (S.I. 2015/1947) (the “ROO”), the Renewables Obligation (Scotland) Order 2009 (S.S.I. 2009/140) (the “ROSO”) and the Renewables Obligation Order (Northern Ireland) 2009 (S.R. 2009/154) (the “ROONI”) to address failures of the Orders to operate effectively and other deficiencies (in particular under section 8(2)(a) and (g) of the European Union (Withdrawal) Act 2018) in consequence of the United Kingdom’s withdrawal from the European Union.

Article 62 of the ROO, article 22B of the ROSO and article 21B of the ROONI are amended to ensure that the provisions continue to apply in the case of electricity generated from a bioliquid derived from biomaterial of agricultural origin (other than waste) that is cultivated in the United Kingdom after the United Kingdom leaves the European Union. No renewables obligation certificates will be issued in the case of electricity generated from such a bioliquid if the biomaterial from which the bioliquid was derived was cultivated in a manner that breaches certain requirements set out in Regulation (EU) No. 1306/2013 of the European Parliament and of the Council of 17th December 2013 on the financing, management and monitoring of the common agricultural policy, O.J. No L 347, 20.12.2013, p. 549 (the “2013 Regulation”). In accordance with section 3 of the European Union (Withdrawal) Act 2018, the 2013 Regulation forms part of domestic law on and after exit day.

The definition of “permitted termination event” in article 2 of the ROO is omitted. Following the withdrawal of the United Kingdom from the European Union, permitted termination events will no longer be relevant. Consequential amendments are made to articles 45, 50, 88, 89, 91 and 92 of the ROO.

The definition of “permitted termination event” in article 58 of the ROSO is amended to remove references to events that, following the withdrawal of the United Kingdom from the European Union, will no longer be relevant.

An explanatory memorandum is available with these Regulations on www.legislation.gov.uk.

An impact assessment has not been produced for this instrument as no, or no significant, impacts on business or the public or voluntary sectors are foreseen.