

SCHEDULE 1

Article 2(1)

CONDITIONS OF ELIGIBILITY FOR GBROCS

1. The electricity to which the GBROC relates was generated from renewable sources.
2. The electricity to which the GBROC relates was not generated by a generating station located outside the United Kingdom unless it is a generating station which is not on land and which is directly and exclusively connected to a transmission and distribution network in Northern Ireland.
3. The electricity to which the GBROC relates was not generated under a qualifying arrangement.
4. The electricity to which the GBROC relates was not generated by a generating station that is a large hydro generating station unless it was first commissioned after 1st April 2002.
5. Subject to paragraphs 6 and 7, the electricity to which the GBROC relates was not generated by a generating station (other than a micro hydro generating station) that was first commissioned before 1st January 1990 where the main components of that generating station have not been renewed since 31st December 1989 as described in paragraph 24.
6. Paragraph 5 shall not apply in relation to a GBROC issued in respect of electricity generated by a generating station that during the month to which the GBROC relates was fuelled partly by fossil fuel and partly by biomass (and by no other fuel).
7. Paragraph 5 shall not apply in relation to a GBROC issued in respect of electricity generated by a generating station that during the month to which the GBROC relates was fuelled wholly by biomass, if—
 - (a) prior to 1st April 2003 at least 75 per cent of the energy content of the fuel by which it was fuelled was derived from fossil fuel; and
 - (b) during no month (being a month after March 2004) after the first month during which the generating station was fuelled wholly by biomass has the energy content of the fuel by which it was fuelled been derived as to more than 75 per cent from fossil fuel.
8. The electricity to which the GBROC relates was not generated by a generating station that in the month to which the GBROC relates was fuelled wholly or partly by waste unless—
 - (a) the only waste or wastes by which it is fuelled in that month is or are biomass or liquids comprised wholly or mainly of hydrocarbon compounds;
 - (b) all the waste by which it is fuelled in that month which is not biomass has first been manufactured into fuel which is in either a gaseous or liquid form (or both) by means of plant and equipment using advanced conversion technologies only; or,
 - (c) the generating station is a qualifying combined heat and power generating station.
9. The electricity to which the GBROC relates was not generated by a generating station that in the month to which the GBROC relates was fuelled partly by fossil fuel and partly by any other fuel (or fuels) other than biomass.
10. After 31st March 2009, the electricity to which the GBROC relates was not generated by a generating station that during the month to which the GBROC relates was fuelled partly by fossil fuel and partly by biomass (and by no other fuel) if during that month, less than the specified percentage of the energy content of the biomass derives from energy crops.
11. In paragraph 10 “the specified percentage” means—
 - (a) in respect of any month from 1st April 2009 until 31st March 2010, 25 per cent;
 - (b) in respect of any month from 1st April 2010 until 31st March 2011, 50 per cent; and
 - (c) in respect of any month from 1st April 2011 until 31st March 2016, 75 per cent.

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12. After 31st March 2016, the electricity to which the GBROC relates was not generated by a generating station that during the month to which the GBROC relates was fuelled partly by fossil fuel and partly by biomass (and by no other fuel).

13. The electricity to which the GBROC relates was not generated by a generating station that during the month to which the GBROC relates was fuelled wholly or partly by peat.

14. The electricity to which the GBROC relates was not generated by a generating station that during the month to which the GBROC relates was fuelled wholly or partly by any substance derived directly or indirectly from any of the substances referred to in Article 8(1)(a)(i) unless that substance is a substance falling within Article 8(1)(a)(ii) or it is waste or a component of biomass.

15. The electricity to which the GBROC relates was not generated by a generating station that during the month to which the GBROC relates was fuelled wholly or partly by waste where all the waste which is neither biomass nor liquids comprised wholly or mainly of hydrocarbon compounds is or is derived directly or indirectly from one or more of the substances referred to in Article 8(1)(a)(i).

16. Paragraph 17 applies where—

- (i) a qualifying arrangement (“the applicable qualifying arrangement”) provided for the building of a generating station at a specified location (“the location”);
- (ii) the applicable qualifying arrangement was terminated due to the operator of the generating station to which it applied having committed an unremedied breach of it; and
- (iii) the last period in the tables contained in Schedule 1 to the Non-Fossil Fuel Order which relates to the applicable qualifying arrangement has not expired.

17. If this paragraph applies then it is a condition of eligibility that the electricity to which the GBROC relates was not generated by a generating station—

- (a) which is situated at the location; and,
- (b) to which the applicable qualifying arrangement applied at the time it was commissioned, or which is owned or operated by a person who was a party to the applicable qualifying arrangement (or who is a connected person or a linked person in relation to any such party).

18. Paragraph 19 applies where an extant qualifying arrangement (“the applicable qualifying arrangement”) provides for the building of a generating station (“the specified station”) at a specified location (“the location”) and the specified station has not been commissioned.

19. If this paragraph applies then it is a condition of eligibility that the electricity to which the GBROC relates was not generated by a generating station—

- (a) which is situated at the location; and
- (b) which is owned or operated by a person who is a party to the applicable qualifying arrangement, or is a connected person or a linked person in relation to any such party.

20. Paragraphs 17 and 19 shall not apply to a GBROC relating to electricity generated by a generating station which, during the month in question, generates only electricity which is sold pursuant to another extant qualifying arrangement.

21. In paragraphs 17 and 19, in relation to a person who is a party to the applicable qualifying arrangement (“the first person”), another person (“the second person”) is a “linked person” where the second person has given or has arranged to give or has ensured or has arranged to ensure that the first person is given, a financial or other inducement relating to any right or interest in, or in respect of, the construction or operation of a generating station at the location.

22. The references in paragraph 21 to the first person and the second person shall include any person who is a connected person in relation to either of them.

23. For the purposes of paragraphs 16 to 22, a generating station shall be regarded as being situated at a location provided for by an extant qualifying arrangement whether it is situated wholly or partly at that location.

24. For the purposes of paragraph 5, the main components of a generating station shall only be regarded as having been renewed since 31st December 1989 where—

- (a) in the case of a hydro generating station the following parts have been installed in the generating station after 31st December 1989 and were not used for the purpose of electricity generation prior to that date—
 - (i) either all the turbine runners or all the turbine blades or the propeller; and
 - (ii) either all the inlet guide vanes or all the inlet guide nozzles; or
- (b) in the case of any other generating station all the boilers and turbines (driven by any means including wind, water, steam or gas) have been installed in the generating station after 31st December 1989 and were not used for the purpose of electricity generation prior to that date.

25. The following terms shall have the meanings given below where they appear in this Schedule—

- (a) “fossil fuel” has the meaning given by Article 8(1)(a);
- (b) “large hydro generating station” means a hydro generating station which has, or has had at any time since 1st April 2002, a declared net capacity of more than 20 megawatts;
- (c) “micro hydro generating station” means a hydro generating station which—
 - (i) has a declared net capacity of 1.25 megawatts or less;
 - (ii) has always been in private ownership and operation; and
 - (iii) has never generated electricity under an arrangement as defined in section 33 of the Electricity Act (as that section was originally enacted);
- (d) “Non Fossil Fuel Orders” has the meaning that it has in the GBRO Order under which the GBROC was issued;
- (e) “on land” in relation to the location of a generating station means wholly or partly on land above mean high water level;
- (f) “transmission and distribution network” means any transmission system or any distribution system or both (as transmission system is defined and distribution system is used in the definition of “distribute”, in section 4(4) of the Electricity Act in Great Britain or any equivalent system in another country or in Northern Ireland);
- (g) “waste” has the meaning given to it by Article 8(1).

26. In paragraphs 16 to 23 “qualifying arrangement” has the meaning that it has in the GBRO Order under which the GBROC was issued.

27. Paragraph 28 applies, where in respect of any generating station, the operator—

- (a) has given notice under a GBRO Order which, had that notice been given in respect of a station to which Article 21 applies, would have constituted notice under Article 21(2); and
- (b) has not done anything that, had it been done in respect of a station to which Article 21 applies, would have constituted withdrawal of that notice under Article 21(5).

28. In the case of a generating station referred to in paragraph 27, the reference to “month” in each place where it occurs in this Schedule shall be taken to be a reference to “obligation period”

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where “obligation period” has the meaning that it has in the GBRO Order under which the GBROC in question was issued.

SCHEDULE 2

Articles 2(1) and 4(2)

AMOUNT OF THE RENEWABLES OBLIGATION

<i>Obligation Period</i>	<i>Percentage of total supplies</i>
1st April 2006 to 31st March 2007	2.6
1st April 2007 to 31st March 2008	2.8
1st April 2008 to 31st March 2009	3.0
1st April 2009 to 31st March 2010	3.5
1st April 2010 to 31st March 2011	4.0
1st April 2011 to 31st March 2012	5.0
1st April 2012 to 31st March 2013	6.3
Each subsequent period of twelve months ending with the period of twelve months ending on 31st March 2027	6.3

SCHEDULE 3

Article 19

THE REGISTER

1. The Authority shall maintain the Register (which may be in electronic form).
2. Particulars of a NIROC comprise—
 - (a) the name of the person to whom the Authority issues the NIROC or, where the Authority has amended the Register in dealing with a request for substitution in accordance with paragraph 6, the name of the substitute (“the registered holder”); and
 - (b) an identifier unique to the NIROC (“the NIROC identifier”) determined by the Authority and containing the following information (or reference to that information in coded format)—
 - (i) the month and year during which the electricity was generated;
 - (ii) the location of the generating station;
 - (iii) a description of the generating station including reference to the eligible renewable source or sources used to generate electricity by that generating station;
 - (iv) the date of issue of the NIROC; and
 - (v) the NIROC sequence number determined by the Authority in accordance with Article 18(1)(a) or 20(5).
3. A person may only be the registered holder of a NIROC or have an entry made and maintained in respect of him under Article 19(4)(b) if he provides to the Authority in writing—
 - (a) evidence of his identity; and

- (b) details of persons authorised to act on his behalf in respect of the production of NIROCs as the evidence or part of the evidence required under Article 3(1) and in respect of requests for amendments to be made to the Register as provided for in this Schedule.
4. The Authority may from time to time draw up procedural guidelines for itself and others to assist it in maintaining the Register and carrying out its functions in respect thereof.
5. The Authority shall delete from the Register any NIROC which—
- (a) has been revoked in accordance with Article 20;
 - (b) has in accordance with Article 3(3) been produced as evidence or as part of the evidence required under Article 3(1);
 - (c) is no longer eligible to be produced as evidence or as part of the evidence required under Article 3(1);
 - (d) the registered holder requests should be deleted; or
 - (e) the Great Britain Authority has notified the Authority that the NIROC has been produced to the Great Britain Authority by a Great Britain designated supplier under a GBRO Order,
- and where it is so deleted, the NIROC cannot thereafter be produced as the evidence or part of the evidence required under Article 3(1).
6. Where the registered holder of a NIROC and a person whom he wishes to be the substitute (as defined in this paragraph) require in respect of a particular NIROC that the Register be amended, by substituting for the name of the registered holder the name of a second person (“the substitute”), (who shall be a person whose name is included on the list maintained pursuant to Article 19(4)(b))—
- (a) the registered holder and the person whom he wishes to be the substitute shall each submit to the Authority in writing requests which are identical in all material respects and which include the NIROC identifier of the NIROC to which the request relates; and
 - (b) the Authority shall—
 - (i) in any August, within 10 banking days; and
 - (ii) in all other instances within 5 banking days,after the banking day on which it is first in receipt at the commencement of its working hours of requests which comply with sub-paragraph (a) amend the particulars of the NIROC recorded in the Register to show the substitute as the registered holder.
7. Where the Authority receives in writing a request for substitution it shall inform both the registered holder of the NIROC and the substitute named therein that the request has been received and, in the event that the requests from the registered holder of the NIROC and the person whom he wishes to be the substitute are not identical in all material respects or do not include the NIROC identifier of the NIROC, shall draw this to their attention.
8. Where a NIROC is issued in accordance with Article 14 or a replacement NIROC is issued in accordance with Article 20 or a substitute is recorded as the registered holder pursuant to paragraph 6, the Authority shall notify the registered holder (in the case of a NIROC or a replacement NIROC being issued) and the former and new registered holder (in the case of a substitution) in writing within 5 banking days of the issue or substitution having taken place.
9. The substitute shall not be the registered holder of the NIROC until such time as the particulars of the NIROC recorded in the Register identify him as such.
10. The Register may be amended by a decision of the Authority—
- (a) where the Authority is satisfied that an entry in the Register has been obtained by fraud;
 - (b) where a decision of a Court of competent jurisdiction or the operation of law requires the amendment of the Register; or

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(c) in any other case where by reason of any error or omission on the part of the Authority it is necessary to amend the Register.

11. The contents of the Register (including the entries referred to in Article 19(4)(b)) shall be available for inspection by the public on request at reasonable notice during the Authority's working hours and at the request of any person the Authority shall provide a written statement of any entry on the Register including any entry referred to in Article 19(4)(b).

12. Where any person considers that an entry maintained in respect of him under Article 19(4)(b) should be amended or deleted, he may apply to the Authority in writing requesting that the entry be amended or deleted.

13. The Authority shall in any procedural guidelines which it produces provide details of its usual working hours.