
STATUTORY INSTRUMENTS

2009 No. 785

The Renewables Obligation Order 2009

PART 2

The renewables obligation

The renewables obligation

5.—(1) The renewables obligation is imposed on each electricity supplier supplying electricity in England and Wales (a “designated electricity supplier”).

(2) The renewables obligation is that, subject to articles 43 and 44, each designated electricity supplier must, by the specified day, produce to the Authority, in respect of each megawatt hour of electricity that it supplies to customers in England and Wales during an obligation period—

- (a) subject to sub-paragraph (b), the number of renewables obligation certificates determined in accordance with article 12;
- (b) where the obligation period commences on 1st April 2009, 0.097 renewables obligation certificates for each megawatt hour so supplied.

(3) To enable the number referred to in paragraph (2)(a) to be determined, the Secretary of State must first determine, for the obligation period in question, calculations A, B, and C and the total number of renewables obligation certificates required to be produced by designated electricity suppliers in accordance with articles 6 to 11.

(4) Where the number of renewables obligation certificates that a designated electricity supplier is required to produce by virtue of paragraph (2) is not a whole number, it is to be rounded to the nearest whole number (one-half being rounded upwards).

Part of calculation A referable to Great Britain

6.—(1) Before the start of each obligation period identified in the first column of Schedule 1 (except the first such period), the Secretary of State is to estimate, in megawatt hours, the total amount of electricity likely to be supplied to customers in Great Britain during that period by designated electricity suppliers and electricity suppliers designated under an order made under sections 32 to 32M of the Act by the Scottish Ministers.

(2) The figure representing the number of megawatt hours so estimated for an obligation period is to be multiplied by the figure which corresponds to that period in the second column of Schedule 1.

Part of calculation A referable to Northern Ireland

7.—(1) Before the start of each obligation period identified in the first column of Schedule 1 (except the first such period), the Secretary of State is to estimate, in megawatt hours, the total amount of electricity likely to be supplied to customers in Northern Ireland during that period by electricity suppliers designated under an order made under Articles 52 to 55F of the Northern Ireland Energy Order.

(2) The figure representing the number of megawatt hours so estimated for an obligation period is to be multiplied by the figure which corresponds to that period in the third column of Schedule 1.

Calculation A

8.—(1) The product of the calculation in article 6(2), added to the product of the calculation in article 7(2), is (for the obligation period to which those calculations relate) calculation A.

(2) Where calculation A is not a whole number, it is to be rounded to the nearest whole number (one-half being rounded upwards).

(3) References to calculation A in articles 11 and 12 are to be construed accordingly.

Calculation B

9.—(1) Before the start of each obligation period identified in the first column of Schedule 1 (except the first such period), the Secretary of State is to estimate, in megawatt hours, the total amount of renewable electricity likely to be supplied to customers in the United Kingdom during that period by designated electricity suppliers and electricity suppliers designated under an order made under sections 32 to 32M of the Act by Scottish Ministers or Articles 52 to 55F of the Northern Ireland Energy Order.

(2) Having regard to this estimate, the Secretary of State is to calculate how many renewables obligation certificates are likely to be issued in respect of that renewable electricity during that obligation period.

(3) The figure representing the number of renewables obligation certificates likely to be so issued, increased by 8 per cent, is calculation B for that obligation period.

(4) Where calculation B is not a whole number, it is to be rounded to the nearest whole number (one-half being rounded upwards).

(5) References to calculation B in articles 11 and 12 are to be construed accordingly.

(6) In this article “renewable electricity” means electricity which is generated from renewable sources and in respect of which renewables obligation certificates may be issued.

Calculation C

10.—(1) Before the start of each obligation period identified in the first column of Schedule 1 (except the first such period), the Secretary of State is to add the estimate referred to in article 6(1) for that period and the estimate referred to in article 7(1) for that period.

(2) The figure representing the sum of those estimates, multiplied by 0.2, is calculation C for that obligation period.

(3) Where calculation C is not a whole number, it is to be rounded to the nearest whole number (one-half being rounded upwards).

(4) References to calculation C in articles 11 and 12 are to be construed accordingly.

Determining the total number of renewables obligation certificates to be produced in an obligation period

11.—(1) Having completed calculations A, B and C for an obligation period, the Secretary of State is to determine the total number of renewables obligation certificates required to be produced by designated electricity suppliers (“the total obligation”) for that period in accordance with paragraphs (2) to (5).

(2) Where calculation A is greater than calculation B for an obligation period, the total obligation for that period is calculation A.

(3) Subject to paragraph (4), where calculation B is greater than calculation A for an obligation period, the total obligation for that period is calculation B.

(4) Where calculation B is greater than calculations A and C for an obligation period, the total obligation for that period is calculation C.

(5) References to the total obligation in article 12 are to be construed accordingly.

Determining the number of renewables obligation certificates to be produced by a designated electricity supplier in order to discharge its renewables obligation

12.—(1) Where the total obligation for an obligation period is calculation A, the number of renewables obligation certificates that a designated electricity supplier is required to produce in order to discharge its renewables obligation in respect of electricity that it supplies to customers in England and Wales during that period is, for each megawatt hour so supplied, the figure set out in the second column of Schedule 1 that corresponds to that period.

(2) Where the total obligation for an obligation period is calculation B, the number of renewables obligation certificates that a designated electricity supplier is required to produce in order to discharge its renewables obligation in respect of electricity that it supplies to customers in England and Wales during that period is, for each megawatt hour so supplied, equal to—

figure set out in second column of Schedule 1 for that period × calculation B for that period
calculation A for that period

(3) Where the total obligation for an obligation period is calculation C, the number of renewables obligation certificates that a designated electricity supplier is required to produce in order to discharge its renewables obligation in respect of electricity that it supplies to customers in England and Wales during that period is, for each megawatt hour so supplied, 0.2 renewables obligation certificates.

(4) The Secretary of State must publish, by the 1st October preceding an obligation period, the number of renewables obligation certificates that a designated electricity supplier is required to produce in respect of each megawatt hour of electricity that it supplies to customers in England and Wales during that period in order to discharge its renewables obligation for that period.

Further provision in relation to the production of renewables obligation certificates

13.—(1) A designated electricity supplier may discharge its renewables obligation by the production to the Authority of a Northern Ireland certificate.

(2) A designated electricity supplier may discharge up to 25 per cent of its renewables obligation in respect of an obligation period by producing to the Authority renewables obligation certificates relating to electricity supplied in the immediately preceding obligation period.

(3) Subject to paragraphs (4) and (5), no more than 12.5 per cent of a designated electricity supplier's renewables obligation may be satisfied by the production of renewables obligation certificates issued in respect of electricity generated by a generating station in a month during which it generated electricity partly from fossil fuel and partly from biomass.

(4) Paragraph (3) does not apply to the 1st April 2009 to 31st March 2010 obligation period, where no more than 10 per cent of a designated electricity supplier's renewables obligation may be satisfied by the production of renewables obligation certificates issued in respect of electricity generated by a generating station in a month during which it generated electricity partly from fossil fuel and partly from biomass.

(5) In the case of a renewables obligation certificate issued in respect of electricity generated by a generating station in a month during which it generated electricity partly from fossil fuel and partly from biomass the limits set out in paragraph (3) or (4) do not apply to the production of those

certificates if and to the extent that the electricity in respect of which they were issued was generated by—

- (a) co-firing of biomass with CHP;
- (b) co-firing of energy crops; or
- (c) co-firing of energy crops with CHP.

(6) In determining how electricity has been generated for the purposes of paragraphs (3) to (5), no account is to be taken of any fossil fuel which the generating station uses for permitted ancillary purposes.

(7) A designated electricity supplier must not produce to the Authority a renewables obligation certificate which has previously been or is produced to the Northern Ireland authority under a NIRO Order.

(8) In this article—

“co-firing of biomass with CHP”, “co-firing of energy crops”, and “co-firing of energy crops with CHP” have the same meaning as in Schedule 2.