
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2007 No.

The Renewables Obligation (Scotland) Order 2007

PART 5

SROCs: Issue and Revocation

Criteria for issue of SROCs

18.—(1) The criteria for issue of SROCs referred to in article 16 and issue of replacement SROCs referred to in article 24(4) are those detailed in paragraphs (2) to (13).

(2) The first criterion is that the Authority has previously confirmed in writing to the operator of any generating station to which the SROC relates (or, where the SROC is to be issued to an agent by virtue of article 17, that agent) that the generating station has been granted accreditation as a generating station capable of generating electricity from eligible renewable sources and the Authority has not since withdrawn that accreditation.

(3) The second criterion is that the Authority has been provided in writing with all the information listed in paragraphs 2(b)(i) to (iii) of Schedule 2 together with any other information which it reasonably requires in order to assess whether the SROC should be issued and it is satisfied that such information is accurate and reliable.

(4) The third criterion is that, in the case of a SROC certifying the matters within section 32B(2), (2ZA), (2A) or (2AA), the operator of the generating station to which the SROC relates has provided the Authority with a declaration (which the Authority shall be entitled to accept as sufficient evidence of its contents and which the operator need only provide once during every obligation period) applicable to the relevant electricity that—

- (a) the operator has not made (or, where the declaration relates to electricity that the operator proposes to generate after the declaration is made, that the operator will not make) the electricity available to any person in circumstances such that the operator knows or has reason to believe that the consumption of the electricity has resulted (or, as the case may be, will result) in it not having been supplied, in the case of a SROC certifying the matters within section 32B(2) or (2ZA), by an electricity supplier to customers in Great Britain (or, in the case of a SROC certifying the matters within section 32B(2A) or (2AA) of the Act, by a Northern Ireland supplier to customers in Northern Ireland); and
- (b) the operator is not (and does not intend during the obligation period to become) a person mentioned in article 7(2)(b) or (4)(b).

(5) The fourth criterion is that, where the electricity has been generated on land in Northern Ireland and supplied to customers in Great Britain, the operator of any generating station to which the SROC relates has provided the Authority with evidence of the following matters—

- (a) the quantity, date and period of time (referred to in this paragraph as “the relevant period”) during the particular month when the electricity from eligible renewable sources was generated by the generating station;

- (b) that such electricity was delivered by means of a transmission and distribution network in Northern Ireland from the generating station to an interconnector between Great Britain and Northern Ireland during each relevant period;
- (c) that such electricity flowed across such interconnector to Great Britain during each relevant period;
- (d) that no electricity flowed, or was claimed by a user of the interconnector or the interconnector operator to have flowed, across such interconnector in the opposite direction during each relevant period; and
- (e) that such interconnector was capable of conveying such quantity of electricity (together with any other electricity which was contracted to be conveyed) during each relevant period;

and the Authority is satisfied with such evidence.

(6) The fifth criterion is that, where the electricity was not generated on land in Great Britain or in Northern Ireland and was supplied to customers in Great Britain, the operator of any generating station to which the SROC relates has provided the Authority with evidence of the following matters—

- (a) that at the time the generating station generated the electricity it was connected directly to a transmission and distribution network in Great Britain and electricity generated by that generating station could not have been conveyed to Great Britain via an interconnector; or
- (b) that at the time the generating station generated the electricity it was connected directly to a transmission and distribution network in Northern Ireland that it was not connected directly to any other transmission and distribution network and of those matters listed in paragraph (5)(a) to (e);

and the Authority is satisfied with such evidence.

(7) The sixth criterion is that, in the case of a SROC certifying the matters within section 32B(2A) or (2AA) of the Act and which relates to electricity which was generated by a generating station which, at the time the electricity was generated, was not directly and exclusively connected to a transmission or distribution network in Northern Ireland, the operator of the generating station has provided the Authority with evidence of the following matters—

- (a) the quantity, date and period of time (referred to in this paragraph as “the relevant period”) during the particular month when the electricity from eligible renewable sources was generated by the generating station;
- (b) that such electricity was delivered by means of a transmission and distribution network in Great Britain from the generating station to an interconnector between Great Britain and Northern Ireland during each relevant period;
- (c) that such electricity flowed across such interconnector to Northern Ireland during each relevant period;
- (d) that no electricity flowed, or was claimed by a user of the interconnector or the interconnector operator to have flowed, across such interconnector in the opposite direction during each relevant period;
- (e) that such interconnector was capable of conveying such quantity of electricity (together with any other electricity which was contracted to be conveyed) during each relevant period,

and the Authority is satisfied with such evidence.

(8) The seventh criterion is that, in the case of a SROC certifying the matters within section 32B(2A) or (2AA) of the Act which relates to electricity which was generated by a generating station which, at the time the electricity was generated, was directly and exclusively connected to a transmission or distribution network in Northern Ireland, the operator of the generating station has

provided the Authority with evidence of the quantity, date and period of time during the particular month when the electricity from eligible renewable sources was generated by the generating station, and the Authority is satisfied with such evidence.

(9) The eighth criterion is that, in the case of a SROC certifying the matters within section 32B(2ZA), (2AA) or (2AC) of the Act—

- (a) each of the generating stations in relation to which the SROC is to be issued—
 - (i) has a declared net capacity of 50 kilowatts or less;
 - (ii) is accredited as a generating station capable of generating electricity from the same eligible renewable source; and
 - (iii) is located in Scotland;
- (b) the SROC is to be issued to an agent by virtue of article 17; and
- (c) the operators of the generating stations in relation to which the SROC is to be issued have each appointed the same person to act as agent to receive the SROC;

(10) The ninth criterion is that, in the case of a SROC certifying the matters within section 32B(2AB) or (2AC) of the Act, the operator of the generating station in relation to which the SROC is to be issued has provided the Authority with a declaration (which the Authority shall be entitled to accept as sufficient evidence of its contents, and which the operator or, as the case may be, agent need only provide once during every obligation period) that the electricity has been used in a permitted way.

(11) The tenth criterion is that the electricity in respect of which the SROC is to be issued is not or does not include electricity in respect of which a SROC has already been issued and not revoked.

(12) The eleventh criterion is that the electricity in respect of which the SROC is to be issued has been measured accurately using a meter which if used for ascertaining the quantity of electricity supplied by an authorised supplier to a customer would be approved for the purposes of paragraph 2 of Schedule 7 to the Act.

(13) The twelfth criterion is that the Authority is not prohibited from issuing a SROC on any of the grounds set out in article 19(2) and has not refused to issue a SROC on any of the grounds set out in article 19(3).