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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2007 No.**

**The Renewables Obligation (Scotland) Order 2007**

**PART 2**

**The Renewables Obligation**

**The renewables obligation**

**3.—**(1) The renewables obligation is that, subject to Part 4, each designated electricity supplier shall before each specified day produce to the Authority evidence showing—

- (a) that it has supplied to customers in Great Britain during the obligation period to which the specified day relates such amount of electricity generated from eligible renewable sources as is determined under articles 4 and 5; or
- (b) that another electricity supplier has done so (or that two or more others have done so); or
- (c) that, between them, they have done so.

(2) The evidence referred to in paragraph (1) is certificates issued by the Authority under and certifying the matters in section 32B(2) or (2ZA) of the Act, provided that such certificates relate to electricity generated from eligible renewable sources.

(3) A certificate referred to in paragraph (2) shall be regarded as produced to the Authority as the evidence or part of the evidence required under paragraph (1) in respect of an obligation period where before the specified day relating to that period the Authority receives from the designated electricity supplier which holds the certificate a notification in writing identifying the certificate to be produced for that purpose and, in the case of a SROC, the SROC identifier.

(4) Without prejudice to paragraph (3), the Authority may draw up procedural guidelines for the production of certificates as the evidence or part of the evidence required under paragraph (1).

(5) An electricity supplier has a renewables obligation in respect of an obligation period if it supplies electricity in Scotland at any time during that period regardless of whether it supplies electricity in Scotland for the whole of that period.

**The amount of the renewables obligation**

**4.—**(1) The amount of electricity referred to in article 3(1)(a), in respect of an obligation period, is such amount of electricity as equals the relevant percentage of all the electricity supplied by the designated electricity supplier to customers in Scotland during the obligation period (as determined pursuant to paragraph (3)), such amount being rounded to the nearest whole megawatt hour (with any exact half megawatt hour being rounded upwards).

(2) In paragraph (1) “the relevant percentage” means, in respect of an obligation period, the percentage set out in the third sub-column of Schedule 1 against the reference to that obligation period in the first column of Schedule 1.

(3) For the purposes of paragraph (1) the amount of the electricity supplied by the designated electricity supplier to customers in Scotland during an obligation period is to be determined by reference to—

- (a) the estimated figures, for its total sales of electricity to customers in Scotland for each of the twelve periods of approximately one month falling wholly or mainly within the obligation period, which are furnished to the Department of Trade and Industry and the Authority under paragraph (4), together with,
- (b) any additional or updated figures for such sales as are furnished to the Authority under paragraph (5)(a).

(4) Each designated electricity supplier shall furnish to the Department of Trade and Industry and to the Authority, the estimated figures relating to its total sales of electricity to customers in Scotland during an obligation period by no later than 1st June immediately following the end of the obligation period.

(5) Each designated electricity supplier shall by no later than 1st July immediately following the end of an obligation period, inform the Authority of—

- (a) the amount of electricity which it has supplied to customers in Scotland during the obligation period;
- (b) the amount in megawatt hours of electricity generated as determined pursuant to article 4 in respect of the obligation period; and
- (c) its minimum wave requirement and minimum tidal requirement (if any) in respect of the obligation period as determined pursuant to article 5.

(6) In furnishing the information specified in paragraphs (4) and (5), the designated electricity supplier shall have regard to any sales figures, which it has provided (or intends to provide) to the Department of Trade and Industry for statistical purposes and publication in “Energy Trends”(1).

#### **Minimum amount from specified descriptions of renewable source and generating station**

5.—(1) At least the specified minimum amount (the “minimum wave requirement”) of the amount of electricity referred to in article 3(1)(a) in respect of an obligation period must be electricity generated by a generating station which—

- (a) is primarily driven by waves;
- (b) is situated in Scottish waters or the Scottish area of the Renewable Energy Zone; and
- (c) is not generated by devices built with or maintained by capital or revenue funding under—
  - (i) the Department of Trade and Industry Wave and Tidal Stream Energy Demonstration Scheme(2); or
  - (ii) the Scottish Executive’s Wave and Tidal Energy Support Scheme(3).

(2) The minimum wave requirement in paragraph (1) is the amount which equals the “relevant wave percentage” of all electricity supplied by the designated electricity supplier to customers in Scotland during an obligation period (as determined pursuant to article 4(3)), such amount being rounded to the nearest whole megawatt hour (with any exact half megawatt hour being rounded upwards).

(3) In paragraph (2) “the relevant wave percentage” means, in respect of an obligation period, the percentage (if any) set out in the first sub-column of Schedule 1 against the reference to that obligation period in the first column of Schedule 1.

(4) At least the specified minimum amount (the “minimum tidal requirement”) of electricity referred to in article 3(1)(a) in respect of an obligation period must be electricity generated by a generating station which—

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(1) Available at <http://www.dti.gov.uk/energy/statistics/publications/trends/index.html>.

(2) Available at <http://www.dti.gov.uk/files/file23963.pdf>.

(3) Available at <http://www.scotland.gov.uk/Topics/Business-Industry/infrastructure/19185/WTSupportScheme/WTSupportSchemeIntro>.

- (a) is primarily driven by tidal flows or currents;
- (b) is situated in Scottish waters or the Scottish area of the Renewable Energy Zone; and
- (c) is not generated by devices built with or maintained by capital or revenue funding under—
  - (i) the Department of Trade and Industry Wave and Tidal Stream Energy Demonstration Scheme; or
  - (ii) the Scottish Executive’s Wave and Tidal Energy Support Scheme.

(5) The minimum tidal requirement in paragraph (4) is the amount which equals the “relevant tidal percentage” of all electricity supplied by the designated electricity supplier to customers in Scotland during an obligation period (as determined pursuant to article 4(3)), such amount being rounded to the nearest whole megawatt hour (with any exact half megawatt hour being rounded upwards).

(6) In paragraph (5) “the relevant tidal percentage” means, in respect of an obligation period, the percentage (if any) set out in the second sub-column of Schedule 1 against the reference to that obligation period in the first column of Schedule 1.