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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2014 No.**

**The Renewables Obligation (Scotland) Amendment Order 2014**

**Interpretation**

3.—(1) Article 2 (interpretation)(1) is amended as follows.

(2) In paragraph (1)—

(a) at the appropriate place alphabetically insert—

““CFD” has the meaning given in section 6(2) of the Energy Act 2013(2) (regulations to encourage low carbon electricity generation);”;

““excepted generating station” means a generating station—

- (a) which was accredited on or before 31st March 2011;
- (b) which, since being accredited, has not ceased to be accredited at any time; and
- (c) in respect of which, if it was not accredited as at 31st March 2009, preliminary accreditation was held on and from that date until the date on which it was accredited;”;

““excluded capacity” means—

(a) generating capacity which in the Authority’s view—

- (i) formed part of a generating station from a date no earlier than 1st April 2014;
- (ii) does not form part of the capacity of the station as accredited;
- (iii) is not registered under article 58B (registration of additional capacity); and
- (iv) is not a wind turbine forming part of a generating station which is offshore;

(b) a wind turbine which in the Authority’s view—

- (i) is not registered under article 58A (registration of offshore wind turbines);
- (ii) forms part of a generating station which is offshore; and
- (iii) where the generating station was accredited as at 31st March 2011, is a registrable additional turbine; or

(c) a combustion unit in relation to which a CFD transfer notice has come into force, and for the purposes of this definition—

- (i) “CFD transfer notice” has the meaning given in article 21B(4) (combustion units in relation to which a CFD or investment contract has been entered into); and

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(1) Article 2 was amended by S.S.I. 2011/225, S.S.I. 2011/226 and S.S.I. 2013/116.

(2) 2013 c.32.

- (ii) the date on which a CFD transfer notice comes into force is to be determined in accordance with article 21B(8);”;
- ““investment contract” has the meaning given in paragraph 1 of Schedule 2 to the Energy Act 2013 (meaning of “investment contract”);”;
- ““ISAE 3000” means the International Standard on Assurance Engagements 3000(3) promulgated by the International Federation of Accountants;”;
- ““municipal waste” means—
- (a) waste from households; and
  - (b) other waste that, because of its nature or composition, is similar to waste from households;”;
- ““national system operator” has the meaning given in section 8(3) of the Energy Act 2013 (duties of a CFD counterparty);”;
- ““RO capacity”, in relation to a generating station, means the generating capacity of the station other than excluded capacity;”;
- ““RO eligible renewable output” is to be construed in accordance with articles 25 (calculating a generating station’s RO eligible renewable output) and 26 (RO eligible renewable output of a qualifying combined heat and power generating station);”;
- ““total input electricity”, in relation to a generating station, means—
- (a) the total amount of electricity used by the station for purposes directly related to its operation (including for fuel handling, fuel preparation, maintenance and the pumping of water) whether or not that electricity is generated by the station or used while the station is generating electricity; and
  - (b) where the station generates electricity wholly or partly from hydrogen (other than hydrogen that constitutes fossil fuel), any electricity—
    - (i) in respect of which SROCs are or have been issued;
    - (ii) in respect of which SROCs cannot be issued by virtue of any provision of Part 4 (cases and circumstances when a SROC must not be issued); or
    - (iii) which was not generated from renewable sources;
 and which is used in the production of that hydrogen (regardless of where or by whom the hydrogen is produced);”;
- ““total output electricity”, in relation to a generating station, means the total amount of electricity generated by that station;”;
- (b) for the definition of “CHPQA” substitute—
- ““CHPQA” means the Combined Heat and Power Quality Assurance Standard Issue 5 published by the Department of Energy and Climate Change in November 2013 and Guidance Note 44 (use of CHPQA to obtain support for electrical output from renewable CHP under the renewables obligation) Issue 4 published by the Department of Energy and Climate Change on 4th December 2013(4);”;
- (c) omit the definition of “renewable output”; and
- (d) for the definition of “total installed capacity” substitute—

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(3) The International Standard on Assurance Engagements 3000 is set out from page 87 of Part II of the publication entitled “Handbook of International Quality Control, Auditing, Review, Other Assurance, and Related Services Pronouncements” (2013 edition) (ISBN 978-1-60815-152-3) published by the International Federation of Accountants. Copies can be obtained from [www.ifac.org](http://www.ifac.org).

(4) Copies can be obtained from the Department of Energy and Climate Change and are available at <http://chpqa.decc.gov.uk/chpqa-documents>.

““total installed capacity” in relation to references to a generating station or to generating capacity of any description means the maximum capacity at which that generating station or generating capacity could be operated for a sustained period without causing damage to it (assuming the source of power used by it to generate electricity was available to it without interruption).”.

(3) For paragraph (8) substitute—

“(8) Any reference in this Order to a “type of generating capacity” is to be construed in accordance with article 25(9) (calculating a generating station’s RO eligible renewable output).”.