
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2014 No.

The Renewables Obligation (Scotland) Amendment Order 2014

Electricity in respect of which a CFD or investment contract applies and combustion units in relation to which a CFD or investment contract has been entered into

6. After article 21 (non-commissioned generating stations in respect of which a NFFO arrangement applies) insert—

“Electricity in respect of which a CFD or investment contract applies

21A. SROCs are not to be issued in respect of any electricity in respect of which a CFD or investment contract applies.

Combustion units in relation to which a CFD or investment contract has been entered into

21B.—(1) This article applies to a combustion unit in relation to which a CFD or investment contract has been entered into.

(2) Subject to paragraph (3), SROCs are not to be issued in respect of any electricity generated by a combustion unit to which this article applies.

(3) Paragraph (2) does not apply if a CFD transfer notice has been given to the Authority by the operator of the generating station in respect of the combustion unit.

(4) A CFD transfer notice is a notice which—

- (a) is in writing;
- (b) identifies the combustion unit to which it relates;
- (c) states the date from which the operator of the generating station intends to start using that combustion unit to generate electricity only from biomass (“the conversion date”); and
- (d) states the date on which a CFD or investment contract was entered into in relation to that combustion unit.

(5) Once a CFD transfer notice has been received by the Authority it cannot be withdrawn.

(6) Subject to paragraph (7), the operator of a generating station may change the conversion date stated in a CFD transfer notice in respect of a combustion unit at the generating station by giving notice to the Authority in writing.

(7) The conversion date stated in a CFD transfer notice cannot be changed—

- (a) after 21st March 2027;
- (b) after the CFD transfer notice has come into force; or
- (c) if a CFD entered into in relation to the combustion unit to which the CFD transfer notice relates has been terminated or otherwise ceased to have effect.

(8) For the purpose of this article, a CFD transfer notice comes into force—

- (a) on the conversion date stated in the CFD transfer notice; or
 - (b) if earlier, as from the start of the first month—
 - (i) which is after March 2014; and
 - (ii) during which the combustion unit to which the CFD transfer notice relates burns only biomass.
- (9) For the purpose of paragraph (8)(b)(ii), no account is to be taken of any fossil fuel or waste which is used—
- (a) in the combustion unit for a purpose listed in article 22(3)(a); and
 - (b) in a month in which the energy content of the fossil fuel or waste used in that combustion unit for a purpose listed in article 22(3)(a) (or, where both fossil fuel and waste are so used during a month, their combined energy content) does not exceed 10% of the energy content of all of the energy sources burned in that combustion unit during that month.”.