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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 140**

**The Renewables Obligation (Scotland) Order 2009**

**PART 6**

**Banding and grandfathering**

**[<sup>F1</sup>Low-range co-firing of relevant energy crops with CHP**

- 28E.**—(1) This article applies to electricity which is generated—
- (a) before 1st April 2019;
  - (b) by a qualifying combined heat and power generating station to which article 29 does not apply;
  - (c) from relevant energy crops burned in a combustion unit in a month in which—
    - (i) the energy content of the biomass burned in that combustion unit is less than 50 per cent of the energy content of all of the energy sources burned in that combustion unit during that month;
    - (ii) the generating station generates electricity partly from fossil fuel and partly from renewable sources; and
    - (iii) the fossil fuel and the relevant energy crops have been burned in separate combustion units; and
  - (d) using—
    - (i) pre-2013 capacity; or
    - (ii) 2013/15 capacity, 2015/16 capacity or post-2016 capacity in respect of which a declaration has been made in accordance with article 28(7).
- (2) Paragraph (3) applies to electricity to which this article applies which is generated before 1st April 2015.
- (3) Where this paragraph applies, the amount of electricity to be stated in each SROC is—
- (a) in respect of the qualifying proportion of the electricity to which this paragraph applies,  
 $\frac{10}{13}$  of a megawatt hour; and
  - (b) in respect of the remainder of the electricity to which this paragraph applies,  
 $\frac{5}{4}$  of a megawatt hour.
- (4) Paragraph (5) applies to electricity to which this article applies which is generated on or after 1st April 2015.
- (5) Where this paragraph applies, the amount of electricity to be stated in each SROC is—

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- (a) in respect of the qualifying proportion of the electricity to which this paragraph applies,  $\frac{2}{3}$  of a megawatt hour; and
- (b) in respect of the remainder of the electricity to which this paragraph applies, one megawatt hour.
- (6) Paragraphs (a), (b) and (d) of paragraph 1(2) of Part 1 of Schedule 2 shall apply for the purposes of this article as they apply for the purposes of that Schedule.
- (7) In this article, “relevant energy crops” has the same meaning as in article 28D.
- (8) This article is subject to article 32.]

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**Textual Amendments**

- F1** Arts. 28A-28E inserted (1.4.2013) by [The Renewables Obligation \(Scotland\) Amendment Order 2013 \(S.S.I. 2013/116\)](#), arts. 1(1), **13** (with art. 29)

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- [art. 12C](#) inserted by [S.S.I. 2024/98 art. 6](#)