

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2009 No. 140**

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

**PART 6**

**Banding and grandfathering**

**Generating stations which were accredited, or held preliminary accreditation, as at 31st March 2009**

**31.**—<sup>F1</sup>(1) Subject to paragraph (3), this article applies to electricity which is generated—

- (a) by a generating station—
  - (i) which was accredited as at 31st March 2009;
  - (ii) which has not ceased to be accredited since that date; and
  - (iii) to which article 29 does not apply;
- (b) in one of the ways described in the first column of Part 4 of Schedule 2; and
- (c) using pre-2013 capacity.

(2) Subject to paragraph (3), this article also applies to electricity which is generated—

- (a) by a generating station—
  - (i) which was accredited on or before 31st March 2011;
  - (ii) which, since being accredited, has not ceased to be accredited at any time;
  - (iii) in respect of which preliminary accreditation was held—
    - (aa) as at 31st March 2009; and
    - (bb) from that date until the date on which the station was accredited; and
  - (iv) to which article 29 does not apply;
- (b) in one of the ways described in the first column of Part 4 of Schedule 2; and
- (c) using pre-2013 capacity.

(3) This article does not apply to electricity to which article 30 applies.

(4) The amount of electricity to be stated in each SROC issued in respect of electricity to which this article applies is (subject to paragraph (5)) the amount in the second column of Part 4 of Schedule 2 which corresponds to the description in the first column of that Part of that Schedule of the way in which the electricity was generated.]

(5) Where, at any time it generates electricity after 31st March 2011, the generating station's total installed capacity is greater than it was on 31st March 2011, paragraph (4) applies only in relation to SROCs which are to be issued in respect of—

- (a) where electricity generated using the total installed capacity of the station as at 31st March 2011 (“the original capacity”) is measured separately from electricity generated using capacity which has been added to the station since that date, the electricity <sup>F2</sup>to which this article applies] which is generated using the station's original capacity; and

[<sup>F3</sup>(b) in any other case, the appropriate percentage of the electricity to which this article applies (the appropriate percentage for these purposes being the total installed capacity of the station as at 31st March 2011 expressed as a percentage of the total installed capacity of the pre-2013 capacity of the station as at the date of generation of the electricity).]

(6) In relation to the remainder of the electricity [<sup>F4</sup>to which this article applies], the amount of electricity to be stated in each SROC is to be determined in accordance with article 27(4) <sup>F5</sup>....

(7) This article is subject to article 32.

#### Textual Amendments

- F1** Art. 31(1)-(4) substituted (1.4.2013) by [The Renewables Obligation \(Scotland\) Amendment Order 2013 \(S.S.I. 2013/116\)](#), arts. 1(1), **18(2)** (with art. 29)
- F2** Words in art. 31(5)(a) inserted (1.4.2013) by [The Renewables Obligation \(Scotland\) Amendment Order 2013 \(S.S.I. 2013/116\)](#), arts. 1(1), **18(3)** (with art. 29)
- F3** Art. 31(5)(b) substituted (1.4.2013) by [The Renewables Obligation \(Scotland\) Amendment Order 2013 \(S.S.I. 2013/116\)](#), arts. 1(1), **18(4)** (with art. 29)
- F4** Words in art. 31(6) substituted (1.4.2013) by [The Renewables Obligation \(Scotland\) Amendment Order 2013 \(S.S.I. 2013/116\)](#), arts. 1(1), **18(5)(a)** (with art. 29)
- F5** Words in art. 31(6) omitted (1.4.2013) by virtue of [The Renewables Obligation \(Scotland\) Amendment Order 2013 \(S.S.I. 2013/116\)](#), arts. 1(1), **18(5)(b)** (with art. 29)

**Changes to legislation:**

There are currently no known outstanding effects for the The Renewables Obligation (Scotland) Order 2009, Section 31.