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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 140**

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

**PART 7**

Issue and revocation of SROCs

**General criteria for the issue of SROCs**

**36.**—(1) Subject to article 37, once during each obligation period the person to whom a SROC is to be issued must confirm to the Authority in writing, whether before or after the generation of the electricity to which the SROC relates, that that electricity, to the best of the person's knowledge and belief, has been or (as the case may be) will be—

- (a) in the case of a SROC certifying the matters within section 32B(3) or (5) of the Act, supplied by a designated electricity supplier to customers in Great Britain;
- (b) in the case of a SROC certifying the matters within section 32B(4) or (6) of the Act, supplied by a Northern Ireland supplier to customers in Northern Ireland; and
- (c) in the case of a SROC certifying the matters within section 32B(7) or (8) of the Act, used in a permitted way.

(2) The electricity in respect of which a SROC is to be issued—

- (a) must be generated during a month in which the generating station generating it is accredited under this Order or an Order made under Article 52 of the Northern Ireland Energy Order and any conditions to which the accreditation is subject are met;
- (b) subject to paragraph (3), must be measured using a meter which, if used for ascertaining the quantity of electricity supplied by an authorised supplier to a customer, would be approved for the purposes of paragraph 2(1)(a) of Schedule 7 to the Act; and
- (c) must not include electricity in respect of which a SROC—
  - (i) has already been issued under this Order and has not been revoked; or
  - (ii) has already been issued under an Order made under sections 32 to 32M of the Act by the Secretary of State (whether or not it has been revoked).

(3) Paragraph (2)(b) does not apply in relation to electricity generated by a generating station the operator of which has agreed with the Authority that estimates may be provided instead of measurements using a meter.

(4) Any information which—

- (a) is relevant to the question whether a SROC is to be issued; and
- (b) is requested by or required to be provided to the Authority under article 53 (provision of information to the Authority),

must be provided in the form and time requested and must be (in the Authority's opinion) accurate and reliable.

(5) Where such information relates to the fuel used in the generation of that electricity and the fuel did not originate at the generating station, in determining whether that information is accurate and reliable the Authority must have regard to—

- (a) the distance over which the fuel was transported; and
- (b) the conditions under which the fuel was prepared and transported.

[<sup>F1</sup>(6) The operator of a generating station which generates electricity by burning fuel in a combustion unit may notify the Authority in writing that, until such time as the notification is withdrawn, the energy content of any biomass burned in that combustion unit will be less than 50 per cent of the energy content of all the energy sources burned in that combustion unit.

(7) A notification under paragraph (6) constitutes sufficient evidence of the fact that the energy content of the biomass burned in the combustion unit referred to in the notification is less than 50 per cent of the energy content of all the energy sources burned in that combustion unit.

- (8) A notification under paragraph (6) may be withdrawn by a notice—
- (a) in writing from the operator of the generating station to the Authority; and
  - (b) which specifies a date from which the withdrawal of the notification is to take effect.]

**F1** Art. 36(6)-(8) inserted (1.4.2013) by [The Renewables Obligation \(Scotland\) Amendment Order 2013](#) (S.S.I. 2013/116), arts. 1(1), **21** (with art. 29)

**Changes to legislation:**

There are currently no known outstanding effects for the The Renewables Obligation (Scotland) Order 2009, Section 36.