
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 140

The Renewables Obligation (Scotland) Order 2009

PART 9

Provision of information, functions of the Authority and modification of this Order in relation to microgenerators in certain circumstances

Information to be provided to the Authority where electricity is generated from biomass ^{F1}...

[^{F2}54.—(1) This article applies to a generating station—

- (a) which generates electricity (wholly or partly) from biomass (other than municipal waste, landfill gas or sewage gas); and
- (b) which is not a microgenerator.

(2) In relation to each consignment of biomass (other than municipal waste, landfill gas or sewage gas) used in a generating station to which this article applies, the operator of the station must, by the 30th June immediately following the obligation period during which the biomass is used (“the relevant date”), provide the Authority with—

- (a) the information specified in paragraph (3);
- (b) other than in the case of biomass which was gas formed by the anaerobic digestion of material which was—
 - (i) animal excreta; or
 - (ii) waste,the information specified in paragraph (4); and
- (c) other than in the case of biomass which—
 - (i) was used in a generating station with a total installed capacity of at least one megawatt; or
 - (ii) was animal excreta, bioliquid or waste,the information specified in paragraph (5).

(3) The information specified in this paragraph is information identifying, to the best of the operator's knowledge and belief—

- (a) the material from which the biomass was composed;
- (b) where the biomass was solid and can take different forms, the form of the biomass;
- (c) whether the biomass was animal excreta or waste;
- (d) where the biomass was plant matter or derived from plant matter, the country where the plant matter was grown; and
- (e) where the information specified in sub-paragraph (d) is not known or the biomass was not plant matter or derived from plant matter, the country from which the operator obtained the biomass.

(4) The information specified in this paragraph is information identifying, to the best of the operator's knowledge and belief—

- (a) where the biomass was solid, its mass (in tonnes);
- (b) where the biomass was liquid, its volume (in litres) when measured at 25 degrees Celsius and 0.1 megapascals;
- (c) where the biomass was gas, its volume (in cubic metres) when measured at 25 degrees Celsius and 0.1 megapascals;
- (d) where the biomass was an energy crop and was not a bioliquid—
 - (i) the type of energy crop in question; and
 - (ii) the use of the land on which the biomass was grown in the year before the land was first used to grow energy crops;^{F3}...
- (e) where the biomass was, or was derived from, wood and was not waste or bioliquid—
 - (i) the name of the forest or other location where that wood was grown;
 - (ii) a description of the forestry management practices or land management practices used in the forest or other location where that wood was grown;
 - (iii) where any of the wood was likely to be a protected or threatened species, the name of that species and the proportion of the biomass that is likely to be composed of, or derived from, that species;
 - (iv) the proportion of the biomass that was, or was derived from, a saw log, and the specification adopted by the operator in accordance with paragraph (6) for the purpose of determining the proportion of the biomass that was, or was derived from, a saw log; and
 - (v) the proportion of the biomass that was, or was derived from, hardwood and the proportion that was, or was derived from, [^{F4}softwood; and]
- [^{F5}(f) where the biomass was bioliquid used in a generating station on or after 1st January 2018, its energy content produced from each of the following categories of crop—
 - (i) starch-rich crops;
 - (ii) sugars;
 - (iii) oil crops;
 - (iv) any other crops grown as a main crop primarily for energy purposes on agricultural land.]

(5) The information specified in this paragraph is information identifying, to the best of the operator's knowledge and belief—

- (a) the greenhouse gas emissions from the use of the biomass to generate one mega joule of electricity;
- (b) where the biomass does not meet the greenhouse gas emission criteria, the main reasons why biomass meeting the greenhouse gas emission criteria was not used;
- (c) whether the biomass meets the land criteria;
- (d) where the biomass does not meet the land criteria, the main reasons why biomass meeting the land criteria was not used; and
- (e) where any of the information specified in sub-paragraphs (a) and (c) is not known—
 - (i) the main reasons why that information is not known; and
 - (ii) the main reasons why biomass for which that information is known was not used.

(6) For the purposes of paragraph (4)(e)(iv), the operator of the generating station must adopt a specification which is identical to—

- (a) a specification for determining whether wood is a saw log—
 - (i) used by the sawmill closest to where the wood was grown; or
 - (ii) issued by a body exercising functions of a public nature and issued for use by sawmills in the area in which the wood was grown; or
- (b) the specification in the second column of Table 1 of Forestry Commission Field Book 9 (other than the parts of that specification relating to “log category” and “species” set out in the first and second rows of that table).

(7) For the purposes of paragraph (5)(a), the operator of the generating station must calculate the greenhouse gas emissions from the use of the biomass in accordance with paragraphs 3(a), 4 and 5 of Schedule A1A (greenhouse gas emission criteria for solid and gaseous biomass).

(8) Where, in relation to biomass used in a generating station to which this article applies, the operator of the station fails to provide the Authority with the information required by paragraph (2) by the relevant date, the Authority must, in relation to any SROCs to which the operator would otherwise be entitled, postpone the issue of those SROCs (up to the specified number) until such time as the information is provided.

(9) For the purposes of paragraph (8), the specified number is the number of SROCs which the Authority has or estimates that it has or, but for this article, it would have issued in respect of the electricity generated by the biomass in relation to which the information required by paragraph (2) should have been provided.

(10) In this article—

“Forestry Commission Field Book 9” means Forestry Commission Field Book 9, 2nd edition 1993, entitled “Classification and Presentation of Softwood Sawlogs”;

“protected or threatened species” means—

- (a) a species listed in Appendices I, II or III of the Convention on International Trade in Endangered Species of Wild Fauna and Flora; or
- (b) a species which is at risk of extinction; ^{F6}...

“saw log” means wood which is suitable for processing at a [^{F7}sawmill; and]

[^{F8}“starch-rich crops” includes—

- (a) cereals (regardless of whether only the grains are used or the whole plant (such as in the case of green maize) is used);
- (b) tubers and root crops (such as potatoes, Jerusalem artichokes, sweet potatoes, cassava and yams); and
- (c) corm crops (such as taro and cocoyam).]]

F1 Words in art. 54 heading omitted (1.4.2013) by virtue of [The Renewables Obligation \(Scotland\) Amendment Order 2013 \(S.S.I. 2013/116\)](#), arts. 1(1), **22(2)** (with art. 29)

F2 Art. 54 substituted (1.12.2015) by [The Renewables Obligation \(Scotland\) Amendment Order 2015 \(S.S.I. 2015/384\)](#), arts. 1(1), **11** (with art. 16)

F3 Word in art. 54(4)(d) omitted (1.1.2018) by virtue of [The Renewables Obligation \(Amendment\) Regulations 2017 \(S.I. 2017/1234\)](#), regs. 1(2), **9(2)(a)**

F4 Words in art. 54(4)(e)(v) substituted (1.1.2018) by [The Renewables Obligation \(Amendment\) Regulations 2017 \(S.I. 2017/1234\)](#), regs. 1(2), **9(2)(b)**

F5 Art. 54(4)(f) inserted (1.1.2018) by [The Renewables Obligation \(Amendment\) Regulations 2017 \(S.I. 2017/1234\)](#), regs. 1(2), **9(2)(c)**

Changes to legislation: *There are currently no known outstanding effects for the The Renewables Obligation (Scotland) Order 2009, Section 54. (See end of Document for details)*

- F6** Word in art. 54(10) omitted (1.1.2018) by virtue of [The Renewables Obligation \(Amendment\) Regulations 2017 \(S.I. 2017/1234\)](#), regs. 1(2), **9(3)(a)**
- F7** Words in art. 54(10) substituted (1.1.2018) by [The Renewables Obligation \(Amendment\) Regulations 2017 \(S.I. 2017/1234\)](#), regs. 1(2), **9(3)(b)**
- F8** Words in art. 54(10) inserted (1.1.2018) by [The Renewables Obligation \(Amendment\) Regulations 2017 \(S.I. 2017/1234\)](#), regs. 1(2), **9(3)(c)**

Changes to legislation:

There are currently no known outstanding effects for the The Renewables Obligation (Scotland) Order 2009, Section 54.