
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 140

The Renewables Obligation (Scotland) Order 2009

PART 2

The renewables obligation

The renewables obligation

5.—(1) The renewables obligation is imposed on each electricity supplier supplying electricity to customers in Scotland (a “designated electricity supplier”).

(2) The renewables obligation is that, subject to articles 43 and 44, each designated electricity supplier must, by the specified day, produce to the Authority, in respect of each megawatt hour of [^{F1}relevant electricity that it supplies] during an obligation period—

- (a) subject to sub-paragraph (b), the number of renewables obligation certificates determined in accordance with [^{F2}article 12, 12A or 12B, as the case may be];
- (b) where the obligation period commences on 1st April 2009, 0.097 renewables obligation certificates for each megawatt hour so supplied.

(3) To enable the number referred to in paragraph (2)(a) to be determined, the Scottish Ministers must first determine for the obligation period in question, calculations [^{F3}A and B] and the total number of renewables obligation certificates required to be produced by designated electricity suppliers in accordance with articles 6 to 11.

(4) Where the number of renewables obligation certificates that a designated electricity supplier is required to produce by virtue of paragraph (2) is not a whole number, it is to be rounded to the nearest whole number (one half being rounded upwards).

(5) For the purposes of this Order, electricity generated by a generating station which cannot be shown to have been supplied to customers in Scotland, is to be regarded as having been so supplied if and to the extent that the condition in paragraph (6) has been met.

- (6) The condition is met if—
- (a) the generating station is located in Scotland;
 - (b) the electricity has been supplied to customers or premises in a Renewable Energy Zone, or any part of such a Zone, which is designated by Order under section 84(5) of the Energy Act 2004 (areas in relation to which Scottish Ministers have functions); and
 - (c) those customers or premises are connected to a transmission or distribution system (or part of such a system) located in Scotland.

F1 Words in art. 5(2) substituted (8.12.2017) by [The Renewables Obligation \(Scotland\) Amendment Order 2017 \(S.S.I. 2017/432\)](#), arts. 1(1), **4(a)**

F2 Words in art. 5(2)(a) substituted (8.12.2017) by [The Renewables Obligation \(Scotland\) Amendment Order 2017 \(S.S.I. 2017/432\)](#), arts. 1(1), **4(b)**

F3 Words in art. 5(3) substituted (1.4.2010) by [The Renewables Obligation \(Scotland\) Amendment Order 2010 \(S.S.I. 2010/147\)](#), arts. 1, 3 (with art. 17)

Calculation A

6.—(1) Calculation A for the obligation period is the part of calculation A referable to Great Britain in article 7, added to the part of calculation A referable to Northern Ireland in article 8, rounded to the nearest whole number (one half being rounded upwards).

(2) References to calculation A are to be construed accordingly.

Part of calculation A referable to Great Britain

7. The part of calculation A referable to Great Britain is the estimate of megawatt hours of electricity likely to be supplied to customers in Great Britain during a particular obligation period, as estimated by the Secretary of State under [^{F4}article 8(1) of the 2015 Order] (Part of calculation A referable to Great Britain), multiplied by the figure which corresponds to that particular obligation period in the second column of Schedule 1.

F4 Words in art. 7 substituted (8.12.2017) by [The Renewables Obligation \(Scotland\) Amendment Order 2017 \(S.S.I. 2017/432\)](#), arts. 1(1), 5

Part of calculation A referable to Northern Ireland

8. The part of calculation A referable to Northern Ireland is the estimate of megawatt hours of electricity likely to be supplied to customers in Northern Ireland during a particular obligation period, as estimated by the Secretary of State under [^{F5}article 9(1) of the 2015 Order] (Part of calculation A referable to Northern Ireland), multiplied by the figure which corresponds to that particular obligation period in the third column of Schedule 1.

F5 Words in art. 8 substituted (8.12.2017) by [The Renewables Obligation \(Scotland\) Amendment Order 2017 \(S.S.I. 2017/432\)](#), arts. 1(1), 6

Calculation B

9.—[^{F6}(1) Calculation B is the number of renewables obligation certificates likely to be issued in respect of renewable electricity for a particular obligation period, as estimated by the Secretary of State under [^{F7}article 11(2) of the 2015 Order], increased by—

- (a) in relation to the obligation period ending on 31st March 2011, 8 per cent and rounded up to the nearest whole number (one half being rounded upward); and
- (b) in relation to any other obligation period, 10 per cent and rounded up to the nearest whole number (one half being rounded upward).]

(2) References to calculation B are to be construed accordingly.

(3) In this article “renewable electricity” means electricity which is generated from renewable sources and in respect of which renewables obligation certificates may be issued.

F6 Art. 9(1) substituted (1.4.2010) by [The Renewables Obligation \(Scotland\) Amendment Order 2010 \(S.S.I. 2010/147\)](#), arts. 1, 4 (with art. 17)

F7 Words in art. 9(1) substituted (8.12.2017) by [The Renewables Obligation \(Scotland\) Amendment Order 2017 \(S.S.I. 2017/432\)](#), arts. 1(1), 7

Calculation C

F8 10.

F8 Art. 10 omitted (1.4.2010) by virtue of [The Renewables Obligation \(Scotland\) Amendment Order 2010 \(S.S.I. 2010/147\)](#), arts. 1, 5 (with art. 17)

Determining the total number of renewables obligation certificates to be produced in an obligation period

11.—(1) Following the determination of calculations A and B for an obligation period ^{F9}..., the Scottish Ministers are to determine the total number of renewables obligation certificates required to be produced by designated electricity suppliers (“the total obligation”) for that period in accordance with paragraphs (2) to (5).

(2) Where calculation A is greater than or equal to calculation B for an obligation period, the total obligation for that period is calculation A.

(3) ^{F10}... Where calculation B is greater than calculation A for an obligation period, the total obligation for that period is calculation B.

F11(4)

(5) References to the total obligation are to be construed accordingly.

F9 Words in art. 11(1) omitted (1.4.2010) by virtue of [The Renewables Obligation \(Scotland\) Amendment Order 2010 \(S.S.I. 2010/147\)](#), arts. 1, 6(a) (with art. 17)

F10 Words in art. 11(3) omitted (1.4.2010) by virtue of [The Renewables Obligation \(Scotland\) Amendment Order 2010 \(S.S.I. 2010/147\)](#), arts. 1, 6(b) (with art. 17)

F11 Art. 11(4) omitted (1.4.2010) by virtue of [The Renewables Obligation \(Scotland\) Amendment Order 2010 \(S.S.I. 2010/147\)](#), arts. 1, 6(c) (with art. 17)

Determining the number of renewables obligation certificates to be produced by a designated electricity supplier in order to discharge its renewables obligation

12.—^{F12}(A1) This article applies in respect of an obligation period other than an obligation period in respect of which article 12A applies.]

(1) ^{F13}Subject to article 12B, where] the total obligation for an obligation period is calculation A, the number of renewables obligation certificates that a designated electricity supplier is required to produce in order to discharge its renewables obligation in respect of electricity that it supplies to customers in Scotland during that period is, for each megawatt hour so supplied, the figure set out in the second column of Schedule 1 that corresponds to that period.

(2) ^{F14}Subject to article 12B, where] the total obligation for an obligation period is calculation B, the number of renewables obligation certificates that a designated electricity supplier is required to produce in order to discharge its renewables obligation in respect of electricity that it supplies to customers in Scotland during that period is, for each megawatt hour so supplied, equal to—

figure set out in second column of Schedule 1 for that period × calculation B for that period
 calculation A for that period

^{F15}(3)

(4) The Scottish Ministers must publish, by the 1st October preceding an obligation period, the number of renewables obligation certificates that a designated electricity supplier is required to produce in respect of each megawatt hour of electricity that it supplies to customers in Scotland during that period in order to discharge its renewables obligation for that period ^{M1}.

<p>F12 Art. 12(A1) inserted (8.12.2017) by The Renewables Obligation (Scotland) Amendment Order 2017 (S.S.I. 2017/432), arts. 1(1), 8(a)</p> <p>F13 Words in art. 12(1) substituted (8.12.2017) by The Renewables Obligation (Scotland) Amendment Order 2017 (S.S.I. 2017/432), arts. 1(1), 8(b)</p> <p>F14 Words in art. 12(2) substituted (8.12.2017) by The Renewables Obligation (Scotland) Amendment Order 2017 (S.S.I. 2017/432), arts. 1(1), 8(b)</p> <p>F15 Art. 12(3) omitted (1.4.2010) by virtue of The Renewables Obligation (Scotland) Amendment Order 2010 (S.S.I. 2010/147), arts. 1, 7 (with art. 17)</p>

Marginal Citations

M1 See www.scotland.gov.uk/home for publication.

[^{F16}Determining the number of renewables obligation certificates to be produced by a designated electricity supplier in order to discharge its renewables obligation: obligation periods beginning on or after 1st April 2019

12A.—(1) This article applies in respect of an obligation period beginning on or after 1st April 2019.

(2) Where the total obligation for the obligation period is calculation A, the number of renewables obligation certificates that a designated electricity supplier is required to produce in order to discharge its renewables obligation is, for each megawatt hour of relevant electricity that it supplies during that period, equal to—

$$\frac{0.154 \times C}{C - D}$$

(3) Where the total obligation for the obligation period is calculation B, the number of renewables obligation certificates that a designated electricity supplier is required to produce in order to discharge its renewables obligation is, for each megawatt hour of relevant electricity that it supplies during that period, equal to—

$$\frac{E \times C}{C - D}$$

(4) For the purposes of paragraphs (2) and (3)—

- (a) C is the estimate made by the Secretary of State under article 8(1) of the 2015 Order of the total amount of electricity likely to be supplied to customers in Great Britain during the obligation period;
- (b) D is the estimate made by the Secretary of State under article 13A(2) of the 2015 Order of the total amount of EII excluded electricity likely to be supplied to customers in Great Britain during the obligation period; and
- (c) E is equal to—

$$\frac{\textit{Calculation B for the obligation period} \times 0.154}{\textit{Calculation A for the obligation period}}$$

(5) The Scottish Ministers must publish, by the 1st October preceding the obligation period, the number of renewables obligation certificates that a designated electricity supplier is required to produce in respect of each megawatt hour of relevant electricity that it supplies during that period in order to discharge its renewables obligation for that period.]

F16 Arts. 12A, 12B inserted (8.12.2017) by The Renewables Obligation (Scotland) Amendment Order 2017 (S.S.I. 2017/432), arts. 1(1), 9

[^{F16}Determining the number of renewables obligation certificates to be produced by a designated electricity supplier in order to discharge its renewables obligation: special arrangements for obligation periods in respect of which article 12A does not apply

12B.—(1) This article applies in respect of—

- (a) the 2017/18 obligation period; and
- (b) the 2018/19 obligation period.

(2) Subject to paragraph (3), following the publication under article 12(4) of the obligation level for an obligation period in respect of which this article applies, the Scottish Ministers may revise the obligation level in accordance with paragraph (4).

(3) The Scottish Ministers must not revise an obligation level under paragraph (2)—

- (a) after the 23rd November falling within the obligation period to which the obligation level relates; or
- (b) more than once in relation to any obligation period.

(4) Any revision of an obligation level under paragraph (2) must be calculated in accordance with—

- (a) article 12A(2) where the total obligation for the obligation period is calculation A; or
- (b) article 12A(3) where the total obligation for the obligation period is calculation B,

with the references to “D” in the formulae set out in article 12A(2) and (3) being treated as references to the estimate made by the Secretary of State under article 13B(4) of the 2015 Order of the total amount of EII excluded electricity likely to be supplied to customers in Great Britain during the obligation period.

(5) If the Scottish Ministers revise an obligation level under paragraph (2), they must publish the revised obligation level within 7 days.

(6) In the case of the 2017/18 obligation period—

- (a) if the Scottish Ministers publish a revised obligation level under paragraph (5) on or before 31st October 2017, the number of renewables obligation certificates a designated electricity supplier is required to produce in order to discharge its renewables obligation is—
 - (i) for each megawatt hour of relevant electricity that it supplies during the part of the obligation period beginning with the first day of the obligation period and ending with 31st December 2017, the original obligation level; and
 - (ii) for each megawatt hour of relevant electricity that it supplies during the part of the obligation period beginning with 1st January 2018 and ending with the last day of the obligation period, the revised obligation level;

- (b) if the Scottish Ministers publish a revised obligation level under paragraph (5) on or after 1st November 2017, the number of renewables obligation certificates a designated electricity supplier is required to produce in order to discharge its renewables obligation is—
- (i) for each megawatt hour of relevant electricity that it supplies during the part of the obligation period beginning with the first day of the obligation period and ending with the last day of the third month after the publication date, the original obligation level; and
 - (ii) for each megawatt hour of relevant electricity that it supplies during the part of the obligation period beginning with the first day of the fourth month after the publication date and ending with the last day of the obligation period, the revised obligation level.
- (7) In the case of the 2018/19 obligation period—
- (a) if the Scottish Ministers publish a revised obligation level under paragraph (5) on or before 31st December 2017 the number of renewables obligation certificates a designated electricity supplier is required to produce in order to discharge its renewables obligation is, for each megawatt hour of relevant electricity that it supplies during that obligation period, the revised obligation level; and
 - (b) if the Scottish Ministers publish a revised obligation level under paragraph (5) on or after 1st January 2018 the number of renewables obligation certificates a designated electricity supplier is required to produce in order to discharge its renewables obligation is—
 - (i) for each megawatt hour of relevant electricity that it supplies during the part of the obligation period beginning with the first day of the obligation period and ending with the last day of the third month after the publication date, the original obligation level; and
 - (ii) for each megawatt hour of relevant electricity that it supplies during the part of the obligation period beginning with the first day of the fourth month after the publication date and ending with the last day of the obligation period, the revised obligation level.
- (8) In this article—
- “2017/18 obligation period” means the obligation period beginning on 1st April 2017;
- “2018/19 obligation period” means the obligation period beginning on 1st April 2018;
- “obligation level” means the number of renewables obligation certificates that a designated electricity supplier is required to produce in respect of each megawatt hour of electricity that it supplies to customers in Scotland during an obligation period in order to discharge its renewables obligation for that period as determined under article 12(1) or (2);
- “original obligation level” means the obligation level as published under article 12(4);
- “publication date” means the date of publication of the revised obligation level under paragraph (5); and
- “revised obligation level” means the obligation level as revised in accordance with paragraph (4).]

<p>F16 Arts. 12A, 12B inserted (8.12.2017) by The Renewables Obligation (Scotland) Amendment Order 2017 (S.S.I. 2017/432), arts. 1(1), 9</p>

Further provision in relation to the production of renewables obligation certificates

13.—(1) A designated electricity supplier may discharge its renewables obligation by the production to the Authority of Northern Ireland certificates.

(2) A designated electricity supplier may discharge up to 25 per cent of its renewables obligation in respect of an obligation period by producing to the Authority renewables obligation certificates relating to electricity supplied in the immediately preceding obligation period.

[^{F17}(3) Subject to paragraph (4), no more than 4 per cent of a designated electricity supplier's renewables obligation may be satisfied by the production of renewables obligation certificates issued in respect of electricity generated from bioliquid.

(4) The limit set out in paragraph (3) does not apply to the production of renewables obligation certificates issued in respect of electricity—

- (a) generated by a generating station to which article 29 applies;
- (b) generated by a qualifying combined heat and power generating station which has, as at the date of generation of the electricity, a total installed capacity of less than one megawatt;
- (c) generated from advanced fuel;
- (d) generated in the way described as “energy from waste with CHP” in Schedule 2; or
- (e) generated before 1st April 2013.]

(7) A designated electricity supplier must not produce to the Authority a renewables obligation certificate which has previously been or is produced to the Northern Ireland authority under a NIRO Order.

^{F18}(8)

F17 Art. 13(3)(4) substituted for art. 13(3)-(6) (1.4.2013) by [The Renewables Obligation \(Scotland\) Amendment Order 2013 \(S.S.I. 2013/116\)](#), arts. 1(1), **5(2)** (with art. 29)

F18 Art. 13(8) omitted (1.4.2013) by virtue of [The Renewables Obligation \(Scotland\) Amendment Order 2013 \(S.S.I. 2013/116\)](#), arts. 1(1), **5(3)** (with art. 29)

Changes to legislation:

There are currently no known outstanding effects for the The Renewables Obligation (Scotland) Order 2009, PART 2.