

SCOTTISH STATUTORY INSTRUMENTS

2009 No. 140

The Renewables Obligation (Scotland) Order 2009

PART 4

Cases and circumstances when a SROC must not be issued

Excluded generating stations

17.—(1) SROCs are not to be issued in respect of any electricity generated by a generating station located in England and Wales.

(2) SROCs are not to be issued in respect of any electricity generated by a generating station mentioned in Article 54(1) of the Northern Ireland Energy Order where the electricity has been supplied to customers in Northern Ireland.

(3) SROCs are not to be issued in respect of any electricity generated by a generating station located beyond the seaward limits of the territorial sea adjacent to the United Kingdom unless—

- (a) it is connected directly to a transmission or distribution system (or the part of such a system) located in Northern Ireland (and to no other system or part thereof); or
- (b) it is an area designated under section 1(7) of the Continental Shelf Act 1964 ^{M1} or in a Renewable Energy Zone designated by the Renewable Energy Zone (Designation of Areas) (Scottish Ministers) Order 2005 ^{M2} as an area to which the Scottish Ministers are to have functions.

^{F1}(4)

(5) In this article—

“Northern Ireland” has the same meaning as in Article 54(1) of the Northern Ireland Energy Order;

“England and Wales” includes—

- (a) so much of the internal waters and territorial sea of the United Kingdom as are adjacent to England and Wales;
- (b) a Renewable Energy Zone, or any part of such a Zone, designated by the Renewable Energy Zone (Designation of Area) Order 2004 ^{M3} as does not include the area designated by the Renewable Energy Zone (Designation of Area) (Scottish Ministers) Order 2005 as an area in relation to which the Scottish Ministers are to have functions.

F1 [Art. 17\(4\)](#) omitted (20.11.2018) by virtue of [The Renewables Obligation \(Scotland\) Amendment Order 2018 \(S.S.I. 2018/352\)](#), arts. 1(1), 4

Marginal Citations

M1 [1964 c. 29](#). This provision was amended by the [Oil and Gas \(Enterprise\) Act 1982 \(c. 23\)](#), [section 37](#) and Schedule 3, paragraph 1.

M2 [S.I. 2005/3153](#).

M3 [S.I. 2004/2668](#).

[^{F2}Generating stations accredited for longer than 20 years

17A.—(1) Subject to paragraphs (2) and (3) [^{F3}and article 17AA], SROCs are not to be issued in respect of any electricity generated—

- (a) by an existing generating station, after 31st March 2027;
- (b) by a new generating station, on or after the 20th anniversary of the date on which it was accredited or 31st March 2037 (whichever is the earlier).

(2) Where, at the time it generates electricity, a generating station’s total installed capacity is greater than its original capacity, paragraph (1) applies only in relation to SROCs which are to be issued in respect of electricity generated using the station’s original capacity.

(3) In relation to the remainder of the electricity generated by the generating station, SROCs are not to be issued on or after the 20th anniversary of the date on which, in the Authority’s view, the additional capacity first formed part of the station or 31st March 2037 (whichever is the earlier).

(4) Where electricity generated by a generating station using additional capacity added at a particular time (“relevant additional capacity”) is not measured separately from—

- (a) electricity generated by it using additional capacity (if any) which was added to it at a different time; or
- (b) electricity generated by it using its original capacity,

the electricity generated by it which is to be treated (for the purposes of paragraph (3)) as having been generated using the relevant additional capacity is the relevant percentage (the relevant percentage for these purposes being the relevant additional capacity at the date of generation of the electricity expressed as a percentage of the station’s total installed capacity at that date).

(5) In this article—

“existing generating station” means a generating station which was accredited as at 25th June 2008;

“new generating station” means a generating station which was accredited after 25th June 2008; and

“original capacity”, in relation to a generating station, means—

- (a) in the case of an existing generating station, the capacity of the station as accredited and any additional capacity which (in the Authority’s view) formed part of the station by 25th June 2008;
- (b) in the case of a new generating station, the capacity of the station as accredited.]

F2 Arts. 17A-17E inserted (1.4.2010) by [The Renewables Obligation \(Scotland\) Amendment Order 2010 \(S.S.I. 2010/147\)](#), arts. 1, 8 (with art. 17)

F3 Words in art. 17A(1) inserted (1.4.2011) by [The Renewables Obligation \(Scotland\) Amendment Order 2011 \(S.S.I. 2011/225\)](#), arts. 1, 7 (with art. 19)

[^{F4}Offshore wind turbines registered for longer than 20 years

17AA.—(1) This article applies in relation to the issue of SROCs in respect of the generation of electricity using a registered offshore wind turbine.

(2) SROCs are not to be issued in respect of any electricity generated using a registered offshore wind turbine, on or after the 20th anniversary of the date on which it was registered under article 58A (registration of offshore wind turbines) or 31st March 2037 (whichever is the earlier).

(3) Where the electricity generated by a generating station is generated in part using registered offshore wind turbines, but the amount of electricity so generated is not measured separately from electricity generated otherwise than by using those turbines, the electricity generated by it which is to be treated (for the purposes of paragraph (2)) as having been generated using those turbines is the relevant percentage (the relevant percentage for these purposes being the total installed capacity of those turbines at the date of generation of the electricity expressed as a percentage of the station's total installed capacity at that date).

(4) Article 17A does not apply in relation to the issue of SROCs in respect of the generation of electricity using a registered offshore wind turbine.

(5) In this article, "registered offshore wind turbine" means a wind turbine which is registered under article 58A.]

F4 Arts. 17AA, 17AB inserted (1.4.2011) by [The Renewables Obligation \(Scotland\) Amendment Order 2011 \(S.S.I. 2011/225\)](#), arts. 1, **8** (with art. 19)

[^{F5} **Generating stations using excluded capacity to generate electricity**

17AB.—(1) This article applies to a generating station where excluded capacity forms all or part of the total installed capacity of the station.

(2) SROCs are not to be issued in respect of any electricity generated in any month by a generating station to which this article applies unless during that month—

- (a) all of the electricity generated by the station using the excluded capacity is measured separately from any electricity generated by the station using RO capacity; or
- (b) all of the electricity generated by the station using the RO capacity is measured separately from any electricity generated by the station using the excluded capacity.

(3) SROCs are not to be issued in respect of any electricity generated using excluded capacity.]

F5 Art. 17AB substituted (1.4.2014) by [The Renewables Obligation \(Scotland\) Amendment Order 2014 \(S.S.I. 2014/94\)](#), arts. 1(1), **5** (with art. 27)

[^{F2} **Microgenerators in respect of which feed-in tariffs may be available**

17B. SROCs are not to be issued in respect of any electricity generated on or after 1st April 2010 by a microgenerator—

- (a) if that microgenerator is a hydro generating station; or
- (b) if that electricity is generated—
 - (i) from gas formed by the anaerobic digestion of material which is neither sewage nor material in a landfill;
 - (ii) from the direct conversion of sunlight into electricity; or
 - (iii) from wind.]

F2 Arts. 17A-17E inserted (1.4.2010) by [The Renewables Obligation \(Scotland\) Amendment Order 2010 \(S.S.I. 2010/147\)](#), arts. 1, **8** (with art. 17)

[^{F2}Generating stations (other than microgenerators) accredited before feed-in tariffs become available

17C.—(1) This article applies to a generating station (other than a microgenerator or a generating station whose electricity is sold pursuant to a NFFO arrangement) which is accredited on or after 15th July 2009 and at a time when no relevant financial scheme is in force.

(2) Where a relevant financial scheme (“the scheme”) comes into force in relation to a generating station to which this article applies (“the station”), the operator of the station (“A”) (or, where A is not entitled to receive financial incentives in respect of the station under the scheme, the person who is so entitled (“B”)), must (if they have not done so beforehand) notify the Authority in writing within 5 months of the date on which the scheme comes into force whether support for electricity generated by the station should be given in the form of SROCs or in the form of financial incentives under the scheme.

(3) Where A or (as the case may be) B—

- (a) notifies the Authority in writing that support should be given in the form of financial incentives under the scheme; and
- (b) that notification is received by the Authority before or within 5 months of the date on which the scheme comes into force,

the notification (once it has been accepted by the Authority) cannot be withdrawn and paragraph (4) or (as the case may be) (5) applies.

(4) Where the notification was received by the Authority before 1st April 2010 and the scheme comes into force on that date, SROCs are not to be issued in respect of any electricity generated by the station to which the notification relates on or after that date.

(5) In any other case SROCs are not to be issued in respect of any electricity generated by the station to which the notification relates on or after 1st April of the obligation period immediately following the obligation period in which the notification was received by the Authority.

(6) Where written notification in relation to the station is not received by the Authority before or within 5 months of the date on which the scheme comes into force, support (if any) for electricity generated by the station will be given in the form of SROCs.

(7) In this article, “relevant financial scheme”, in relation to a generating station, means a scheme of financial incentives—

- (a) which the Secretary of State establishes, or for the administration of which the Secretary of State makes arrangements, in exercise of the power in section 41(1) of the Energy Act 2008; and
- (b) under which support may be given to encourage the generation of electricity by the station.]

<p>F2 Arts. 17A-17E inserted (1.4.2010) by The Renewables Obligation (Scotland) Amendment Order 2010 (S.S.I. 2010/147), arts. 1, 8 (with art. 17)</p>
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[^{F2}Generating stations (other than microgenerators) accredited after feed-in tariffs become available

17D.—(1) This article applies to a generating station (other than a microgenerator or a generating station whose electricity is sold pursuant to a NFFO arrangement) in respect of which an application for accreditation is made and determined at a time when a relevant financial scheme (“the scheme”) is in force.

(2) The operator of a generating station to which this article applies (“A”) (or, where A is not entitled to receive financial incentives in respect of that station under the scheme, the person who

is so entitled (“B”)), must notify the Authority in writing, before the application for accreditation is determined, whether support for electricity generated by that station should be given in the form of SROCs or in the form of financial incentives under the scheme.

(3) Where, before the application for accreditation is determined, A or (as the case may be) B notifies the Authority in writing that support for electricity generated by the generating station should be given in the form of financial incentives under the scheme, that notification (if the application for accreditation has been approved) cannot be withdrawn and SROCs must not be issued in respect of any electricity generated by that station.

(4) In this article, “relevant financial scheme” has the same meaning as in article 17C.]

F2 Arts. 17A-17E inserted (1.4.2010) by [The Renewables Obligation \(Scotland\) Amendment Order 2010 \(S.S.I. 2010/147\)](#), arts. 1, 8 (with art. 17)

[^{F2}Articles 17C and 17D: supplemental

17E.—(1) This article applies to a generating station—

- (a) to which article 17C applies; or
- (b) to which article 17D has applied.

(2) Nothing in article 17C or 17D prevents the issue of SROCs in respect of electricity generated by a generating station to which this article applies if support which was formerly available under a financial scheme to encourage the generation of electricity by that station is no longer available by virtue of the size of that station’s total installed capacity.

(3) In this article, “financial scheme” means a scheme of financial incentives which the Secretary of State establishes, or for the administration of which the Secretary of State makes arrangements, in exercise of the power in section 41(1) of the Energy Act 2008.]

F2 Arts. 17A-17E inserted (1.4.2010) by [The Renewables Obligation \(Scotland\) Amendment Order 2010 \(S.S.I. 2010/147\)](#), arts. 1, 8 (with art. 17)

Generating stations first commissioned before 1st January 1990

18.—(1) This article applies to a generating station—

- (a) which was first commissioned before 1st January 1990;
- (b) the main components of which have not been renewed since 31st December 1989; and
- (c) which is not a micro hydro generating station.

(2) No SROCs are to be issued in respect of any electricity generated in any month by a generating station to which this article applies unless all of the electricity generated by that station during that month—

- (a) is generated—
 - (i) partly from fossil fuel; and
 - (ii) partly from renewable sources which consist wholly of—
 - (aa) biomass;
 - (bb) biomass and Solid Recovered Fuel; or
 - (cc) a liquid or gaseous fuel produced by means of gasification, pyrolysis or anaerobic digestion; or
- (b) is generated from biomass and the following conditions are met—

- (i) where that station generated electricity in any month prior to April 2003, no less than 75 per cent of the energy content of the fuel used to generate that electricity was derived from fossil fuel;
 - (ii) the first month in which all of the electricity generated by that station was generated from biomass occurred after March 2004; and
 - (iii) in relation to electricity generated in any month after that first month by that station, no more than 75 per cent of the energy content of the fuel used to generate that electricity was derived from fossil fuel.
- (3) For the purposes of paragraph (1)(b), the main components of a generating station are only to be regarded as having been renewed since 31st December 1989–
- (a) in the case of a hydro generating station, where the following parts have been installed in the generating station after 31st December 1989 and were not used for the purpose of electricity generation prior to their installation–
 - (i) all the turbine runners or all the turbine blades or the propeller; and
 - (ii) all the inlet guide vanes or all the inlet guide nozzles;
 - (b) in the case of any other generating station, where all the boilers and turbines (driven by any means including wind, water, steam or gas) have been installed in the generating station after 31st December 1989 and were not used for the purpose of electricity generation prior to their installation.
- (4) For the purposes of paragraph (2)–
- (a) in sub-paragraph (a)(i), fossil fuel does not include waste which is a renewable source; and
 - (b) in determining whether or not the requirements of sub-paragraph (a) or (b) are met, no account is to be taken of any fossil fuel or waste which the generating station uses for permitted ancillary purposes.

Generating stations generating under arrangements referred to in the Electricity (Northern Ireland) Order 1992

19. No SROCs are to be issued in respect of any electricity generated by a generating station which generates electricity under the arrangements or additional arrangements referred to in Article 35(1) of the Electricity (Northern Ireland) Order 1992 ^{M4}.

Marginal Citations

M4 S.I. 1992/231 (N.I. 1), **Article 35** is prospectively repealed by S.I. 2003/419 (N.I. 6), but the relevant provision has not yet been commenced.

Generating stations in respect of which a NFFO arrangement applied but was terminated

- 20.—(1) This article applies where–
- (a) a NFFO arrangement (“the applicable NFFO arrangement”) provided for the building of a generating station at a specified location (“the location”);
 - (b) the applicable NFFO arrangement was terminated due to the operator of the generating station to which it applied having committed an unremedied breach of it; and
 - (c) the last period in the tables contained in Schedule 1 to the Non-Fossil Fuel Order which relates to the applicable NFFO arrangement has not expired.

(2) Subject to paragraph (3), where this article applies no SROCs are to be issued in respect of any electricity generated by a generating station—

- (a) which is situated wholly or partly at the location;
- (b) to which the applicable NFFO arrangement applied at the time it was commissioned; and
- (c) which is owned or operated by a person—
 - (i) who was a party to the applicable NFFO arrangement; or
 - (ii) who is a connected person or a linked person in relation to any such party.

(3) Paragraph (2) does not apply in relation to electricity generated by a generating station in a month in which all of the electricity generated by that station is sold pursuant to another NFFO arrangement.

Non-commissioned generating stations in respect of which a NFFO arrangement applies

21.—(1) This article applies where a NFFO arrangement (“the applicable NFFO arrangement”) provides for the building of a generating station (“the specified station”) at a specified location (“the location”) and the specified station has not been commissioned.

(2) Subject to paragraph (3), where this article applies no SROCs are to be issued in respect of any electricity generated by a generating station which—

- (a) is situated wholly or partly at the location; and
- (b) is owned or operated by a person who is a party to the applicable NFFO arrangement or who is a connected person or a linked person in relation to any such party.

(3) Paragraph (2) does not apply in relation to electricity generated by a generating station in a month in which all of the electricity generated by that station is sold pursuant to another NFFO arrangement.

[^{F6}Electricity in respect of which a CFD or investment contract applies

21A. SROCs are not to be issued in respect of any electricity in respect of which a CFD or investment contract applies.]

F6 Arts. 21A, 21B inserted (1.4.2014) by [The Renewables Obligation \(Scotland\) Amendment Order 2014](#) (S.S.I. 2014/94), arts. 1(1), 6 (with art. 27)

[^{F6}Combustion units in relation to which a CFD or investment contract has been entered into

21B.—(1) This article applies to a combustion unit in relation to which a CFD or investment contract has been entered into.

(2) Subject to paragraph (3), SROCs are not to be issued in respect of any electricity generated by a combustion unit to which this article applies.

(3) Paragraph (2) does not apply if a CFD transfer notice has been given to the Authority by the operator of the generating station in respect of the combustion unit.

- (4) A CFD transfer notice is a notice which—
 - (a) is in writing;
 - (b) identifies the combustion unit to which it relates;
 - (c) states the date from which the operator of the generating station intends to start using that combustion unit to generate electricity only from biomass (“the conversion date”); and

- (d) states the date on which a CFD or investment contract was entered into in relation to that combustion unit.
- (5) Once a CFD transfer notice has been received by the Authority it cannot be withdrawn.
- (6) Subject to paragraph (7), the operator of a generating station may change the conversion date stated in a CFD transfer notice in respect of a combustion unit at the generating station by giving notice to the Authority in writing.
- (7) The conversion date stated in a CFD transfer notice cannot be changed—
- (a) after [^{F7}31st] March 2027;
 - (b) after the CFD transfer notice has come into force; or
 - (c) if a CFD entered into in relation to the combustion unit to which the CFD transfer notice relates has been terminated or otherwise ceased to have effect.
- (8) For the purpose of this article, a CFD transfer notice comes into force—
- (a) on the conversion date stated in the CFD transfer notice; or
 - (b) if earlier, as from the start of the first month—
 - (i) which is after March 2014; and
 - (ii) during which the combustion unit to which the CFD transfer notice relates burns only biomass.
- (9) For the purpose of paragraph (8)(b)(ii), no account is to be taken of any fossil fuel or waste which is used—
- (a) in the combustion unit for a purpose listed in article 22(3)(a); and
 - (b) in a month in which the energy content of the fossil fuel or waste used in that combustion unit for a purpose listed in article 22(3)(a) (or, where both fossil fuel and waste are so used during a month, their combined energy content) does not exceed 10% of the energy content of all of the energy sources burned in that combustion unit during that month.]

- F6** Arts. 21A, 21B inserted (1.4.2014) by [The Renewables Obligation \(Scotland\) Amendment Order 2014 \(S.S.I. 2014/94\)](#), arts. 1(1), 6 (with art. 27)
- F7** Word in art. 21B(7)(a) substituted (1.12.2015) by [The Renewables Obligation \(Scotland\) Amendment Order 2015 \(S.S.I. 2015/384\)](#), arts. 1(1), 5 (with art. 16)

Circumstances in which no SROCs are to be issued in respect of electricity generated from renewable sources

- 22.**—(1) No SROCs are to be issued in respect of any electricity generated by a generating station in a month during all or part of which it generates electricity—
- (a) wholly from renewable sources which consist of or include waste unless—
 - (i) the waste is biomass ^{F8} ...;
 - (ii) the waste is a liquid consisting wholly or mainly of hydrocarbon compounds;
 - (iii) the waste is in the form of a liquid or gaseous fuel produced by means of gasification, pyrolysis or anaerobic digestion; or
 - (iv) the generating station is a qualifying combined heat and power generating station;
 - (b) partly from renewable sources and partly from fossil fuel unless the renewable sources consist of—
 - (i) biomass ^{F9} ...;

- (ii) biomass ^{F10}... and Solid Recovered Fuel; or
 - (iii) a liquid or gaseous fuel produced by means of gasification, pyrolysis or anaerobic digestion;
 - (c) partly from renewable sources and partly from fossil fuel where the fossil fuel consists of or includes waste unless that waste is–
 - (i) liquid consisting wholly or mainly of hydrocarbon compounds;
 - (ii) in the form of a liquid or gaseous fuel produced by means of gasification, pyrolysis or anaerobic digestion; or
 - (iii) Solid Recovered Fuel;
 - (d) wholly or partly from peat.
- (2) In this article–
- (a) in paragraph (1)(a) and (c), waste includes anything derived directly or indirectly from waste;
 - (b) in paragraph (1)(b) and (c), fossil fuel does not include waste which is a renewable source; and
 - (c) in determining how electricity has been generated for the purposes of paragraph (1)(a), (b) or (c), no account is to be taken of any fossil fuel or waste which the generating station uses for permitted ancillary purposes.
- (3) For the purposes of paragraph (2)(c), fossil fuel or waste (which includes anything derived directly or indirectly from waste) is used for permitted ancillary purposes if–
- (a) it is used in a generating station for–
 - (i) cleansing other fuels from the generating station's combustion system prior to using fossil fuel or waste to heat the combustion system to its normal temperature;
 - (ii) the heating of the station's combustion system to its normal operating temperature or the maintenance of that temperature;
 - (iii) the ignition of fuels of low or variable calorific value;
 - (iv) emission control; ^{F11}...
 - (v) standby generation or the testing of standby generation capacity, ^{F12}...
 - ^{F13}(vi) corrosion control; or
 - (vii) fouling reduction; and]
 - (b) the energy content of the fossil fuel or waste so used during a month (or, where both are so used during a month, their combined energy content) does not exceed 10 per cent of the energy content of all the energy sources used by that generating station to generate electricity during that month.
- (4) In this article, “standby generation” means the generation of electricity by equipment which is not used frequently or regularly to generate electricity and where all the electricity generated by that equipment is used by the generating station.

F8 Words in art. 22(1)(a)(i) omitted (1.4.2013) by virtue of [The Renewables Obligation \(Scotland\) Amendment Order 2013 \(S.S.I. 2013/116\)](#), arts. 1(1), **6(2)** (with art. 29)

F9 Words in art. 22(1)(b)(i) omitted (1.4.2013) by virtue of [The Renewables Obligation \(Scotland\) Amendment Order 2013 \(S.S.I. 2013/116\)](#), arts. 1(1), **6(2)** (with art. 29)

F10 Words in art. 22(1)(b)(ii) omitted (1.4.2013) by virtue of [The Renewables Obligation \(Scotland\) Amendment Order 2013 \(S.S.I. 2013/116\)](#), arts. 1(1), **6(2)** (with art. 29)

- F11** Word in art. 22(3)(a)(iv) omitted (1.4.2013) by virtue of [The Renewables Obligation \(Scotland\) Amendment Order 2013 \(S.S.I. 2013/116\)](#), arts. 1(1), **6(3)** (with art. 29)
- F12** Word in art. 22(3)(a)(v) omitted (1.4.2013) by virtue of [The Renewables Obligation \(Scotland\) Amendment Order 2013 \(S.S.I. 2013/116\)](#), arts. 1(1), **6(4)(a)** (with art. 29)
- F13** Art. 22(3)(a)(vi)(vii) inserted (1.4.2013) by [The Renewables Obligation \(Scotland\) Amendment Order 2013 \(S.S.I. 2013/116\)](#), arts. 1(1), **6(4)(b)** (with art. 29)

[^{F14}Circumstances in which no SROCs are to be issued in respect of electricity generated from solid or gaseous biomass

22ZA.—(1) This article applies to biomass (other than animal excreta, bioliquid, landfill gas, sewage gas or waste).

(2) No SROCs are to be issued in respect of any electricity generated by a generating station from biomass to which this article applies unless—

- (a) the generating station has a total installed capacity of less than one megawatt; or
- (b) the biomass meets the greenhouse gas emission criteria and the land criteria.]

- F14** [Art. 22ZA](#) inserted (1.12.2015) by [The Renewables Obligation \(Scotland\) Amendment Order 2015 \(S.S.I. 2015/384\)](#), arts. 1(1), **6** (with art. 16)

[^{F15}Circumstances in which no SROCs are to be issued in respect of electricity generated from bioliquid

22A.—(1) No SROCs are to be issued in respect of any electricity generated by a generating station from bioliquid unless the bioliquid meets the greenhouse gas emission criteria and the land criteria.

(2) It is for the operator of the generating station to demonstrate to the Authority's satisfaction that the bioliquid meets the greenhouse gas emission criteria and the land criteria.

(3) Where paragraph (4) applies to a consignment of bioliquid, a mass balance system must be used for the purpose of demonstrating that the bioliquid meets the greenhouse gas emission criteria and the land criteria.

(4) This paragraph applies to a consignment of bioliquid where—

- (a) the consignment of bioliquid was withdrawn from a mixture containing consignments of bioliquid with differing sustainability profiles; or
- (b) consignments of the biomaterial from which the consignment of bioliquid was made were withdrawn from a mixture containing consignments of biomaterial with differing sustainability profiles.

(5) For the purposes of paragraph (3), a mass balance system is a system which—

- (a) provides for the sustainability profiles of the consignments of biomaterial or bioliquid added to a mixture to be attributed to the consignments withdrawn from that mixture; and
- (b) requires the sustainability profile attributed to the sum of all the consignments withdrawn from a mixture to be the same, and in the same quantities, as the sustainability profile of the sum of all the consignments added to that mixture.

(6) For the purposes of paragraphs (4) and (5)—

- (a) the sustainability profile of a consignment of biomaterial is—
 - (i) information identifying the material of which the biomaterial is composed; and

- (ii) information relating to the biomaterial to be used for the purpose of determining whether bioliquid made from the biomaterial meets the greenhouse gas emission criteria and the land criteria;
- (b) the sustainability profile of a consignment of bioliquid is information identifying—
 - (i) the material of which the bioliquid is composed; and
 - (ii) the proportion that meets the greenhouse gas emission criteria and the land criteria.]

F15 Arts. 22A, 22B inserted (1.4.2011) by [The Renewables Obligation \(Scotland\) Amendment Order 2011 \(S.S.I. 2011/225\)](#), arts. 1, **10** (with art. 19)

[^{F15}Common agricultural policy requirements

22B.—[

^{F16}(1)] No SROCs are to be issued in respect of any electricity generated by a generating station from bioliquid if—

- (a) the bioliquid is derived from biomaterial which—
 - (i) is of agricultural origin;
 - (ii) was [^{F17}cultivated in the United Kingdom or the EU]; and
 - (iii) is not waste; and
- (b) the Authority is satisfied that the biomaterial referred to in sub-paragraph (a) was—
 - [^{F18}(i) cultivated in a manner that breached a requirement or standard listed in the third column of the table in Annex 2 to Regulation (EU) No 1306/2013 of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy (“the 2013 Regulation”) and corresponding to the entry in the first column of that table for “environment, climate change, good agricultural condition of land”;
 - (ii) cultivated in a manner that breached statutory management requirement number 10 in Annex 2 to the 2013 Regulation; or
 - (iii) obtained from land which does not meet the minimum requirements for good agricultural and environmental condition defined pursuant to Article 94 of the 2013 Regulation.]

[
^{F19}(2) In paragraph (1), a reference to the 2013 Regulation is a reference to—

- (a) in relation to biomaterial cultivated in the United Kingdom on or after IP completion day, the 2013 Regulation as it forms part of domestic law;
- (b) in any other case, the 2013 Regulation as it has effect in EU law.]]

F15 Arts. 22A, 22B inserted (1.4.2011) by [The Renewables Obligation \(Scotland\) Amendment Order 2011 \(S.S.I. 2011/225\)](#), arts. 1, **10** (with art. 19)

F16 Art. 22B renumbered as art. 22B(1) (31.12.2020) by [The Renewables Obligation \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/35\)](#), reg. 1(2), **Sch. 2 para. 2(2)**; 2020 c. 1, Sch. 5 para. 1(1)

F17 Words in art. 22B(1)(a)(ii) substituted (31.12.2020) by [The Renewables Obligation \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/35\)](#), reg. 1(2), **Sch. 2 para. 2(3)**; 2020 c. 1, Sch. 5 para. 1(1)

F18 Art. 22B(b)(i)-(iii) substituted for art. 22B(b)(i)(ii) (1.12.2015) by [The Renewables Obligation \(Scotland\) Amendment Order 2015 \(S.S.I. 2015/384\)](#), arts. 1(1), **7** (with art. 16)

F19 Art. 22B(2) inserted (31.12.2020) by The Renewables Obligation (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/35), reg. 1(2), **Sch. 2 para. 2(4)** (as amended by The Guarantees of Origin of Electricity Produced from High-efficiency Cogeneration and Renewables Obligation (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/849), regs. 1(2), **3(3)**); 2020 c. 1, Sch. 5 para. 1(1)

[^{F20}Electricity generated by certain types of biomass generating station

22C.—(1) This article applies to a generating station which—

- (a) is first commissioned after 31st March 2014;
- (b) has a total installed capacity of more than 15 megawatts;
- (c) generates electricity from relevant biomass.

(2) No SROCs are to be issued in respect of any electricity generated in any month by a generating station to which this article applies—

- [^{F21}(a) unless the generating station was accredited under CHPQA when first commissioned and is accredited under CHPQA during the relevant month;]
- (b) if the generating station has not been a qualifying combined heat and power [^{F22}generating] station during the whole or part of 5 or more obligation periods.

(3) In this article “relevant biomass” means biomass which is composed wholly or partly from wood which is not an energy crop [^{F23}and “CHPQA” in relation to accreditation obtained before 1st April 2014 has the meaning given by article 2 before that date][^{F24}and in relation to accreditation obtained on or after 1st April 2014 and before 1st January 2017 has the meaning given by article 2 on 1st April 2014].]

F20 Art. 22C inserted (1.4.2013) by The Renewables Obligation (Scotland) Amendment Order 2013 (S.S.I. 2013/116), arts. 1(1), **7** (with art. 29)

F21 Art. 22C(2)(a) substituted (1.4.2014) by The Renewables Obligation (Scotland) Amendment Order 2014 (S.S.I. 2014/94), arts. 1(1), **7(2)** (with art. 27)

F22 Word in art. 22C(2)(b) inserted (1.4.2014) by The Renewables Obligation (Scotland) Amendment Order 2014 (S.S.I. 2014/94), arts. 1(1), **7(3)** (with art. 27)

F23 Words in art. 22C(3) inserted (1.4.2014) by The Renewables Obligation (Scotland) Amendment Order 2014 (S.S.I. 2014/94), arts. 1(1), **7(4)** (with art. 27)

F24 Words in art. 22C(3) inserted (1.1.2017) by The Combined Heat and Power Quality Assurance Regulations 2016 (S.I. 2016/1108), regs. 1(1), **4(b)**

Circumstances in which no SROCs are to be issued by virtue of section 32C(8)(a) of the Act

23. No SROCs certifying the matters within section 32B(4) or (6) of the Act are to be issued where the Northern Ireland authority has notified the Authority that it is not satisfied that the electricity in respect of which the SROCs are to be issued has been supplied to customers in Northern Ireland.

Changes to legislation:

There are currently no known outstanding effects for the The Renewables Obligation (Scotland) Order 2009, PART 4.