
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⁽¹⁾ or in a Renewable Energy Zone designated by the Renewable Energy Zone (Designation of Areas) (Scottish Ministers) Order 2005⁽²⁾ as an area to which the Scottish Ministers are to have functions.

(4) SROCs are not to be issued in respect of any electricity generated by a large hydro generating station (wherever that station is located) if the station was first commissioned on or before 1st April 2002.

(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⁽³⁾ 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.

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

(2) S.I. 2005/3153.

(3) S.I. 2004/2668.

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(4).

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.

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—

(4) *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.

- (a) wholly from renewable sources which consist of or include waste unless–
 - (i) the waste is biomass;
 - (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;
 - (ii) biomass 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; or
 - (v) standby generation or the testing of standby generation capacity, 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.

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.