
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 140

The Renewables Obligation (Scotland) Order 2009

PART 6

Banding and grandfathering

The amount of electricity to be stated in each SROC

27.—(1) Each SROC is to state the amount of electricity in respect of which it has been issued.

[^{F1}(2) The amount of electricity to be stated in each SROC depends on—

- (a) the way in which the electricity in respect of which it is to be issued has been generated; and
- (b) the type of generating capacity used to generate the electricity in respect of which the SROC is to be issued.

(3) Subject to articles 28 to 32, the amount of electricity to be stated in each SROC is to be determined in accordance with paragraphs (4) to (10).

(4) Each SROC to be issued in respect of electricity generated—

- (a) using pre-2013 capacity; and
- (b) in a way described in the first column of Part 2 of Schedule 2,

must state the amount of electricity which corresponds to that description in the second column of that Part of that Schedule.

(5) Each SROC to be issued in respect of electricity generated—

- (a) using 2013/14 capacity; and
- (b) in a way described in the first column of Part 2A of Schedule 2,

must state the amount of electricity which corresponds to that description in the second column of that Part of that Schedule.

(6) Each SROC to be issued in respect of electricity generated—

- (a) using 2014/15 capacity; and
- (b) in a way described in the first column of Part 2A of Schedule 2,

must state the amount of electricity which corresponds to that description in the third column of that Part of that Schedule.

(7) Each SROC to be issued in respect of electricity generated—

- (a) using 2015/16 capacity; and
- (b) in a way described in the first column of Part 2A of Schedule 2,

must state the amount of electricity which corresponds to that description in the fourth column of that Part of that Schedule.

(8) Each SROC to be issued in respect of electricity generated—

- (a) using post-2016 capacity; and

(b) in a way described in the first column of Part 2A of Schedule 2, must state the amount of electricity which corresponds to that description in the fifth column of that Part of that Schedule.

(9) The amount of electricity to be stated in each SROC to be issued in respect of electricity generated—

(a) using pre-2013 capacity; and

(b) in a way which is not described in the first column of Part 2 of Schedule 2,

is one megawatt hour.

(10) The amount of electricity to be stated in each SROC to be issued in respect of electricity generated—

(a) using 2013/14 capacity, 2014/15 capacity, 2015/16 capacity or post-2016 capacity; and

(b) in a way which is not described in the first column of Part 2A of Schedule 2,

is one megawatt hour.]

F1 Art. 27(2)-(10) substituted for art. 27(2)-(5) (1.4.2013) by [The Renewables Obligation \(Scotland\) Amendment Order 2013 \(S.S.I. 2013/116\)](#), arts. 1(1), **11** (with art. 29)

[^{F2}Electricity generated by qualifying combined heat and power generating stations

28.—(1) This article applies to electricity—

(a) which is generated by a qualifying combined heat and power generating station in a way described in the first column of Part 2B of Schedule 2;

(b) to which none of articles 28A to 28E apply; and

(c) which is generated by a generating station to which article 29 does not apply.

(2) Subject to paragraphs (3) to (6), the amount of electricity to be stated in each SROC issued in respect of electricity to which this article applies is to be determined in accordance with article 27(4) to (8).

(3) Where electricity to which this article applies is generated using pre-2013 capacity, the amount of electricity to be stated in each SROC is—

(a) in respect of the qualifying proportion of that electricity, the amount of electricity in the second column of Part 2B of Schedule 2 which corresponds to the description of the way in which the electricity is generated in the first column of that Part of that Schedule; and

(b) in respect of the remainder of that electricity, the amount of electricity in the third column of Part 2B of Schedule 2 which corresponds to the description of the way in which the electricity is generated in the first column of that Part of that Schedule.

(4) Where a declaration has been made in accordance with paragraph (7) in respect of the 2013/15 capacity of a generating station, and electricity to which this article applies is generated by that station using 2013/15 capacity, the amount of electricity to be stated in each SROC is—

(a) in respect of the qualifying proportion of that electricity, the amount of electricity in the second column of Part 2B of Schedule 2 which corresponds to the description of the way in which the electricity is generated in the first column of that Part of that Schedule; and

(b) in respect of the remainder of that electricity, the amount of electricity in the third column of Part 2B of Schedule 2 which corresponds to the description of the way in which the electricity is generated in the first column of that Part of that Schedule.

(5) Where a declaration has been made in accordance with paragraph (7) in respect of the 2015/16 capacity of a generating station, and electricity to which this article applies is generated by that station using 2015/16 capacity, the amount of electricity to be stated in each SROC is—

- (a) in respect of the qualifying proportion of that electricity, the amount of electricity in the second column of Part 2C of Schedule 2 which corresponds to the description of the way in which the electricity is generated in the first column of that Part of that Schedule; and
- (b) in respect of the remainder of that electricity, the amount of electricity in the third column of Part 2C of Schedule 2 which corresponds to the description of the way in which the electricity is generated in the first column of that Part of that Schedule.

(6) Where a declaration has been made in accordance with paragraph (7) in respect of the post-2016 capacity of a generating station, and electricity to which this article applies is generated by that station using post-2016 capacity, the amount of electricity to be stated in each SROC is—

- (a) in respect of the qualifying proportion of that electricity, the amount of electricity in the second column of Part 2D of Schedule 2 which corresponds to the description of the way in which the electricity is generated in the first column of that Part of that Schedule; and
- (b) in respect of the remainder of that electricity, the amount of electricity in the third column of Part 2D of Schedule 2 which corresponds to the description of the way in which the electricity is generated in the first column of that Part of that Schedule.

(7) A declaration is made in accordance with this paragraph if it meets the following conditions—

- (a) it is made by the operator of the generating station to the Authority in writing;
- (b) it is made in respect of the 2013/15 capacity, 2015/16 capacity or post-2016 capacity of the station;
- (c) in the case of a declaration made in respect of the 2013/15 capacity of the station, it confirms that—
 - (i) 2013/15 capacity forms part of the total installed capacity of the station; and
 - (ii) support has not been given under any relevant scheme for heat produced by the use of that generating capacity;
- (d) in the case of a declaration made in respect of the 2015/16 capacity of the station, it confirms that—
 - (i) 2015/16 capacity forms part of the total installed capacity of the station; and
 - (ii) none of the heat produced by the use of the 2015/16 capacity is eligible for support under a relevant scheme for reasons that include one or both of the following—
 - (aa) the way in which the station generates electricity;
 - (bb) the biomass, bioliquid or energy crops used by the station to generate electricity;
- (e) in the case of a declaration made in respect of the post-2016 capacity of the station, it confirms that—
 - (i) post-2016 capacity forms part of the total installed capacity of the station; and
 - (ii) none of the heat produced by the use of the post-2016 capacity is eligible for support under a relevant scheme for reasons that include one or both of the following—
 - (aa) the way in which the station generates electricity;
 - (bb) the biomass, bioliquid or energy crops used by the station to generate electricity; and
- (f) it states that, for so long as the station generates electricity in respect of which SROCs may be issued, the operator of the station will not claim support under any relevant scheme for

heat produced by the station using the type of generating capacity in respect of which the declaration is made.

(8) A declaration made in accordance with paragraph (7) cannot be withdrawn.

(9) In this article “relevant scheme” means a scheme established by the Secretary of State in exercise of the power in section 100(1)(a) of the Energy Act 2008.

(10) This article is subject to article 32.]

F2 Art. 28 substituted (1.4.2013) by [The Renewables Obligation \(Scotland\) Amendment Order 2013 \(S.S.I. 2013/116\)](#), arts. 1(1), **12** (with art. 29)

[^{F3}High-range co-firing in the 2013/14 obligation period

28A.—(1) This article applies to electricity which is generated—

- (a) before 1st April 2014;
- (b) in the way described as “high-range co-firing” in Schedule 2; and
- (c) by a generating station to which article 29 does not apply.

(2) Subject to paragraph (4), the amount of electricity to be stated in each SROC issued in respect

of electricity to which this article applies is $\frac{10}{7}$ of a megawatt hour.

(3) Paragraph (4) applies to electricity to which this article applies which is generated—

- (a) in the way described as “high-range co-firing with CHP” in Schedule 2; and
- (b) using—
 - (i) pre-2013 capacity; or
 - (ii) 2013/15 capacity in respect of which a declaration has been made in accordance with article 28(7).

(4) Where this paragraph applies, the amount of electricity to be stated in each SROC is—

- (a) in respect of the qualifying proportion of the electricity to which this paragraph applies,

$\frac{5}{6}$ of a megawatt hour; and

- (b) in respect of the remainder of the electricity to which this paragraph applies, $\frac{10}{7}$ of a megawatt hour.

(5) This article is subject to article 32.]

F3 Arts. 28A-28E inserted (1.4.2013) by [The Renewables Obligation \(Scotland\) Amendment Order 2013 \(S.S.I. 2013/116\)](#), arts. 1(1), **13** (with art. 29)

[^{F3}Co-firing of regular bioliquid in the 2013/14 and 2014/15 obligation periods

28B.—(1) This article applies to electricity which is generated—

- (a) before 1st April 2015;
- (b) in the way described as “co-firing of regular bioliquid” in Schedule 2; and
- (c) by a generating station to which article 29 does not apply.

- (2) Subject to paragraph (4), the amount of electricity to be stated in each SROC issued in respect of electricity to which this article applies is $\frac{10}{3}$ of a megawatt hour.
- (3) Paragraph (4) applies to electricity to which this article applies which is generated—
- (a) in the way described as “co-firing of regular bioliquid with CHP” in Schedule 2; and
 - (b) using—
 - (i) pre-2013 capacity; or
 - (ii) 2013/15 capacity in respect of which a declaration has been made in accordance with article 28(7).
- (4) Where this paragraph applies, the amount of electricity to be stated in each SROC is—
- (a) in respect of the qualifying proportion of the electricity to which this paragraph applies, $\frac{5}{4}$ of a megawatt hour; and
 - (b) in respect of the remainder of the electricity to which this paragraph applies, $\frac{10}{3}$ of a megawatt hour.
- (5) This article is subject to article 32.]

F3 Arts. 28A-28E inserted (1.4.2013) by [The Renewables Obligation \(Scotland\) Amendment Order 2013 \(S.S.I. 2013/116\)](#), arts. 1(1), 13 (with art. 29)

[^{F3}Low-range co-firing in the 2013/14 and 2014/15 obligation periods

- 28C.**—(1) This article applies to electricity which is generated—
- (a) before 1st April 2015;
 - (b) in the way described as “low-range co-firing” in Schedule 2; and
 - (c) by a generating station to which article 29 does not apply.
- (2) Subject to paragraph (4), the amount of electricity to be stated in each SROC issued in respect of electricity to which this article applies is $\frac{10}{3}$ of a megawatt hour.
- (3) Paragraph (4) applies to electricity to which this article applies which is generated—
- (a) in the way described as “low-range co-firing with CHP” in Schedule 2; and
 - (b) using—
 - (i) pre-2013 capacity; or
 - (ii) 2013/15 capacity in respect of which a declaration has been made in accordance with article 28(7).
- (4) Where this paragraph applies, the amount of electricity to be stated in each SROC is—
- (a) in respect of the qualifying proportion of the electricity to which this paragraph applies, $\frac{5}{4}$ of a megawatt hour; and

- (b) $\frac{10}{3}$
 in respect of the remainder of the electricity to which this paragraph applies,
 of a megawatt hour.

(5) This article is subject to articles 28D, 28E and 32.]

F3 Arts. 28A-28E inserted (1.4.2013) by [The Renewables Obligation \(Scotland\) Amendment Order 2013 \(S.S.I. 2013/116\)](#), arts. 1(1), **13** (with art. 29)

[^{F3}Low-range co-firing of relevant energy crops

28D.—(1) This article applies to electricity which is generated—

- (a) before 1st April 2019;
- (b) by a generating station to which article 29 does not apply; and
- (c) from relevant energy crops burned in a combustion unit in a month in which—
 - (i) the energy content of the biomass burned in that combustion unit is less than 50 per cent of the energy content of all of the energy sources burned in that combustion unit during that month; and
 - (ii) the generating station generates electricity partly from fossil fuel and partly from renewable sources.

(2) The amount of electricity to be stated in each SROC issued in respect of electricity to which this article applies is—

- (a) $\frac{5}{4}$
 in the case of electricity generated before 1st April 2015, $\frac{5}{4}$ of a megawatt hour; and
- (b) in the case of electricity generated on or after 1st April 2015, one megawatt hour.

(3) Paragraphs (a), (b) and (d) of paragraph 1(2) of Part 1 of Schedule 2 shall apply for the purposes of this article as they apply for the purposes of that Schedule.

(4) In this article “relevant energy crops” means energy crops which are supplied to the operator of a generating station in accordance with an agreement made—

- (a) in writing;
- (b) before 7th September 2012; and
- (c) between the owner or operator of the generating station and a person who is not connected to the owner or operator of the station within the meaning of section 1122 of the Corporation Tax Act 2010.

(5) This article is subject to articles 28E and 32.]

F3 Arts. 28A-28E inserted (1.4.2013) by [The Renewables Obligation \(Scotland\) Amendment Order 2013 \(S.S.I. 2013/116\)](#), arts. 1(1), **13** (with art. 29)

[^{F3}Low-range co-firing of relevant energy crops with CHP

28E.—(1) This article applies to electricity which is generated—

- (a) before 1st April 2019;
- (b) by a qualifying combined heat and power generating station to which article 29 does not apply;

- (c) from relevant energy crops burned in a combustion unit in a month in which—
- (i) the energy content of the biomass burned in that combustion unit is less than 50 per cent of the energy content of all of the energy sources burned in that combustion unit during that month;
 - (ii) the generating station generates electricity partly from fossil fuel and partly from renewable sources; and
 - (iii) the fossil fuel and the relevant energy crops have been burned in separate combustion units; and
- (d) using—
- (i) pre-2013 capacity; or
 - (ii) 2013/15 capacity, 2015/16 capacity or post-2016 capacity in respect of which a declaration has been made in accordance with article 28(7).
- (2) Paragraph (3) applies to electricity to which this article applies which is generated before 1st April 2015.
- (3) Where this paragraph applies, the amount of electricity to be stated in each SROC is—
- (a) in respect of the qualifying proportion of the electricity to which this paragraph applies,
 $\frac{10}{13}$ of a megawatt hour; and
 - (b) in respect of the remainder of the electricity to which this paragraph applies,
 $\frac{5}{4}$ of a megawatt hour.
- (4) Paragraph (5) applies to electricity to which this article applies which is generated on or after 1st April 2015.
- (5) Where this paragraph applies, the amount of electricity to be stated in each SROC is—
- (a) in respect of the qualifying proportion of the electricity to which this paragraph applies,
 $\frac{2}{3}$ of a megawatt hour; and
 - (b) in respect of the remainder of the electricity to which this paragraph applies, one megawatt hour.
- (6) Paragraphs (a), (b) and (d) of paragraph 1(2) of Part 1 of Schedule 2 shall apply for the purposes of this article as they apply for the purposes of that Schedule.
- (7) In this article, “relevant energy crops” has the same meaning as in article 28D.
- (8) This article is subject to article 32.]

F3 Arts. 28A-28E inserted (1.4.2013) by [The Renewables Obligation \(Scotland\) Amendment Order 2013 \(S.S.I. 2013/116\)](#), arts. 1(1), 13 (with art. 29)

Microgenerators

- 29.**—(1) This article applies to a generating station which—
- (a) is a microgenerator; and
 - (b) has not had a declared net capacity in excess of 50 kilowatts at any time after 31st March 2009.

[^{F4}(2) The amount of electricity to be stated in each SROC issued in respect of electricity generated—

- (a) by a generating station to which this article applies; and
- (b) using—
 - (i) pre-2013 capacity;
 - (ii) 2013/14 capacity; or
 - (iii) 2014/15 capacity,

is $\frac{1}{2}$ of a megawatt hour.

(3) The amount of electricity to be stated in each SROC issued in respect of electricity generated—

- (a) by a generating station to which this article applies; and
- (b) using 2015/16 capacity,

is $\frac{10}{19}$ of a megawatt hour.

(4) The amount of electricity to be stated in each SROC issued in respect of electricity generated—

- (a) by a generating station to which this article applies; and
- (b) using post-2016 capacity,

is $\frac{5}{9}$ of a megawatt hour.

(5) This article is subject to article 32.]

F4 Art. 29(2)-(5) substituted for art. 29(2) (1.4.2013) by [The Renewables Obligation \(Scotland\) Amendment Order 2013 \(S.S.I. 2013/116\)](#), arts. 1(1), 14 (with art. 29)

Generating stations which were accredited as at 11th July 2006

30.—[^{F5}(1) This article applies to electricity which is generated—

- (a) by a generating station—
 - (i) which was accredited as at 11th July 2006;
 - (ii) which has not ceased to be accredited since that date; and
 - (iii) to which article 29 does not apply;
- (b) using pre-2013 capacity; and
- (c) in one of the ways described in the first column of Part 3 of Schedule 2.]

^{F6}(2)

[^{F7}(3) The amount of electricity to be stated in each SROC issued in respect of electricity to which this article applies is (subject to paragraphs (4) to (6)) the amount in the second column of Part 3 of Schedule 2 which corresponds to the description in the first column of that Part of that Schedule of the way in which the electricity was generated.]

(4) Where, at the time it generates the electricity, the generating station's total installed capacity is greater than it was on 11th July 2006, paragraph (3) applies only in relation to SROCs which are to be issued in respect of—

(a) where electricity generated using the total installed capacity of the station as at 11th July 2006 (“the original capacity”) is measured separately from electricity generated using capacity which has been added to the station since that date (“additional capacity”), the electricity [^{F8}to which this article applies] which is generated using the station's original capacity;

[^{F9}(b) in any other case, the appropriate percentage of the electricity to which this article applies (the appropriate percentage for these purposes being the total installed capacity of the station as at 11th July 2006 expressed as a percentage of the total installed capacity of the pre-2013 capacity of the station as at the date of generation of the electricity).]

(5) In relation to the remainder of the electricity [^{F10}to which this article applies], the amount of electricity to be stated in each SROC is to be determined in accordance with article 27(4)^{F11}... except to the extent that the electricity—

(a) is generated using additional capacity which was operational before 1st April 2011 (“relevant additional capacity”); and

(b) is generated in a way described in the first column of Part 4 of Schedule 2.

(6) Where the electricity [^{F12}to which this article applies] is generated using relevant additional capacity in a way described in the first column of Part 4 of Schedule 2, the amount of electricity to be stated in each SROC which is to be issued in respect of that electricity is the amount which corresponds to that description in the second column of that Part of that Schedule.

(7) In paragraphs (5) and (6), the reference to electricity being generated using relevant additional capacity is a reference to—

(a) where electricity generated using relevant additional capacity is measured separately from electricity generated otherwise than by using such capacity, the electricity which is generated using that capacity;

(b) in any other case, the appropriate percentage of the electricity [^{F13}to which this article applies] (the appropriate percentage for these purposes being the relevant additional capacity of the station at the date of generation of the electricity expressed as a percentage of the [^{F14}total installed capacity of the pre-2013 capacity] at that date).

(8) This article is subject to article 32.

F5 Art. 30(1) substituted (1.4.2013) by [The Renewables Obligation \(Scotland\) Amendment Order 2013 \(S.S.I. 2013/116\)](#), arts. 1(1), **15(2)** (with art. 29)

F6 Art. 30(2) omitted (1.4.2013) by virtue of [The Renewables Obligation \(Scotland\) Amendment Order 2013 \(S.S.I. 2013/116\)](#), arts. 1(1), **15(3)** (with art. 29)

F7 Art. 30(3) substituted (1.4.2013) by [The Renewables Obligation \(Scotland\) Amendment Order 2013 \(S.S.I. 2013/116\)](#), arts. 1(1), **15(4)** (with art. 29)

F8 Words in art. 30(4)(a) inserted (1.4.2013) by [The Renewables Obligation \(Scotland\) Amendment Order 2013 \(S.S.I. 2013/116\)](#), arts. 1(1), **15(5)** (with art. 29)

F9 Art. 30(4)(b) substituted (1.4.2013) by [The Renewables Obligation \(Scotland\) Amendment Order 2013 \(S.S.I. 2013/116\)](#), arts. 1(1), **15(6)** (with art. 29)

F10 Words in art. 30(5) substituted (1.4.2013) by [The Renewables Obligation \(Scotland\) Amendment Order 2013 \(S.S.I. 2013/116\)](#), arts. 1(1), **15(7)(a)** (with art. 29)

F11 Words in art. 30(5) omitted (1.4.2013) by virtue of [The Renewables Obligation \(Scotland\) Amendment Order 2013 \(S.S.I. 2013/116\)](#), arts. 1(1), **15(7)(b)** (with art. 29)

- F12** Words in art. 30(6) substituted (1.4.2013) by [The Renewables Obligation \(Scotland\) Amendment Order 2013 \(S.S.I. 2013/116\)](#), arts. 1(1), **15(8)** (with art. 29)
- F13** Words in art. 30(7)(b) substituted (1.4.2013) by [The Renewables Obligation \(Scotland\) Amendment Order 2013 \(S.S.I. 2013/116\)](#), arts. 1(1), **15(9)(a)** (with art. 29)
- F14** Words in art. 30(7)(b) substituted (1.4.2013) by [The Renewables Obligation \(Scotland\) Amendment Order 2013 \(S.S.I. 2013/116\)](#), arts. 1(1), **15(9)(b)** (with art. 29)

[^{F15}^{F16}Offshore wind generating stations using 2006/10 wind turbines]

30A.—^{F17}(1) This article applies to electricity which is generated—

- (a) from wind;
- (b) by a generating station which is offshore; and
- (c) using 2006/10 wind turbines.]

^{F18}(2)

^{F18}(3)

^{F19}(4) The amount of electricity to be stated in each SROC issued in respect of electricity to

which this article applies is $\frac{2}{3}$ of a megawatt hour.]

(5) Where the electricity ^{F20}... to which this article applies is generated in part using [^{F21}2006/10 wind turbines], but the amount of electricity so generated is not measured separately from electricity generated otherwise than by using those turbines, the percentage of the electricity which is to be treated (for the purposes of paragraph (4)) as having been generated using those turbines is the total installed capacity of those turbines at the date of generation of the electricity expressed as a percentage of the total installed capacity of the station at that date.

^{F22}(6)

^{F23}(7) In this article, “2006/10 wind turbine”, in relation to a generating station, means a wind turbine which, in the Authority’s view, forms part of the station from a date no earlier than 12th July 2006 and no later than 31st March 2010.]

(8) This article is subject to article 32.]

- F15** Art. 30A inserted (1.4.2010) by [The Renewables Obligation \(Scotland\) Amendment Order 2010 \(S.S.I. 2010/147\)](#), arts. 1, **9** (with art. 17)
- F16** Art. 30A heading substituted (1.4.2013) by [The Renewables Obligation \(Scotland\) Amendment Order 2013 \(S.S.I. 2013/116\)](#), arts. 1(1), **16(2)** (with art. 29)
- F17** Art. 30A(1) substituted (1.4.2013) by [The Renewables Obligation \(Scotland\) Amendment Order 2013 \(S.S.I. 2013/116\)](#), arts. 1(1), **16(3)** (with art. 29)
- F18** Art. 30A(2)(3) omitted (1.4.2013) by virtue of [The Renewables Obligation \(Scotland\) Amendment Order 2013 \(S.S.I. 2013/116\)](#), arts. 1(1), **16(4)** (with art. 29)
- F19** Art. 30A(4) substituted (1.4.2013) by [The Renewables Obligation \(Scotland\) Amendment Order 2013 \(S.S.I. 2013/116\)](#), arts. 1(1), **16(5)** (with art. 29)
- F20** Words in art. 30A(5) omitted (1.4.2013) by virtue of [The Renewables Obligation \(Scotland\) Amendment Order 2013 \(S.S.I. 2013/116\)](#), arts. 1(1), **16(6)(a)** (with art. 29)
- F21** Words in art. 30A(5) substituted (1.4.2013) by [The Renewables Obligation \(Scotland\) Amendment Order 2013 \(S.S.I. 2013/116\)](#), arts. 1(1), **16(6)(b)** (with art. 29)
- F22** Art. 30A(6) omitted (1.4.2011) by virtue of [The Renewables Obligation \(Scotland\) Amendment Order 2011 \(S.S.I. 2011/225\)](#), arts. 1, **11(a)** (with art. 19)

F23 Art. 30A(7) substituted (1.4.2013) by [The Renewables Obligation \(Scotland\) Amendment Order 2013](#) (S.S.I. 2013/116), arts. 1(1), **16(7)** (with art. 29)

[^{F24}Wave and tidal stream generating stations

30B.—(1) This article applies to electricity which is generated—

- (a) using 2012/17 marine capacity; and
- (b) by a generating station to which article 29 does not apply.

(2) Where the total installed capacity of the 2012/17 marine capacity of the station does not exceed 30 megawatts as at the date of the generation of the electricity, the amount of electricity to be stated in each SROC issued in respect of electricity to which this article applies is $\frac{1}{5}$ of a megawatt hour.

(3) Where the total installed capacity of the 2012/17 marine capacity of the station exceeds 30 megawatts as at the date of the generation of the electricity, the amount of electricity to be stated in each SROC—

- (a) issued in respect of the relevant proportion of the electricity to which this article applies, is $\frac{1}{5}$ of a megawatt hour;
- (b) issued in respect of the remainder of the electricity to which this article applies, is to be determined in accordance with article 27(4) to (8).

(4) In any month where 2012/17 marine capacity forms part, but not the whole, of the total installed capacity of a generating station, the proportion of the station's [^{F25}RO eligible] renewable output which, for the purposes of paragraphs (2) and (3), is generated using 2012/17 marine capacity

is $\frac{A}{B}$.

(5) In paragraph (4)—

- (a) A is the total installed capacity of the 2012/17 marine capacity in the month in question; and
- (b) B is the total installed capacity of the generating station in the month in question.

(6) In this article—

“2012/17 marine capacity”, in relation to a generating station, means any capacity which—

- (a) generates electricity from the capture of the energy created from—
 - (i) the motion of naturally occurring tidal currents in water; or
 - (ii) the motion of naturally occurring waves on water;
- (b) in the Authority's view, forms part of the station from a date no earlier than 1st April 2012 and no later than 31st March 2017;
- (c) has, on or before 31st March 2017, generated electricity in respect of which SROCs may be issued; and
- (d) in the case of a generating station accredited on or before 31st March 2012, does not form part of the capacity of the station as accredited;

“the relevant proportion”, in relation to electricity generated using the 2012/17 marine capacity of a generating station, is the proportion which 30 megawatts bears to the total installed capacity of the 2012/17 marine capacity as at the date of generation of the electricity;

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(7) This article is subject to article 32.]

F24	Art. 30B inserted (1.4.2013) by The Renewables Obligation (Scotland) Amendment Order 2013 (S.S.I. 2013/116) , arts. 1(1), 17 (with art. 29)
F25	Words in art. 30B(4) inserted (1.4.2014) by The Renewables Obligation (Scotland) Amendment Order 2014 (S.S.I. 2014/94) , arts. 1(1), 12(2) (with art. 27)
F26	Words in art. 30B(6) omitted (1.4.2014) by virtue of The Renewables Obligation (Scotland) Amendment Order 2014 (S.S.I. 2014/94) , arts. 1(1), 12(3) (with art. 27)

[^{F27}Offshore wind generating stations using test and demonstration wind turbines

30C.—(1) This article applies to electricity—

- (a) which is generated from wind;
- (b) which is generated by a generating station which—
 - (i) is offshore; and
 - (ii) uses only eligible wind turbines; and
- (c) in respect of which a declaration has been made in accordance with paragraph (3).

(2) The amount of electricity to be stated in each SROC issued in respect of electricity to which this article applies is 2/5 of a megawatt hour.

(3) A declaration is made in accordance with this paragraph if—

- (a) it is made by the operator of the generating station to the Authority in writing; and
- (b) it confirms that—
 - (i) to the best of the operator’s knowledge and belief the wind turbines used to generate the electricity are eligible wind turbines; and
 - (ii) the lease in respect of which the generating station is entitled to operate at that particular area of seabed is a demonstration lease issued by the Crown Estate [^{F28}Commissioners or a relevant person] in relation to that site.

(4) In this article—

- (a) “eligible wind turbine” in relation to a generating station means a wind turbine which in the Authority’s view forms part of the generating station from a date no earlier than 1st April 2014; and

^{F29}(b)]

F27	Arts. 30C, 30D inserted (1.4.2014) by The Renewables Obligation (Scotland) Amendment Order 2014 (S.S.I. 2014/94) , arts. 1(1), 13 (with art. 27)
F28	Words in art. 30C(3)(b)(ii) inserted (1.4.2017) by The Crown Estate Transfer Scheme 2017 (S.I. 2017/524) , art. 1(2), Sch. 5 para. 117(3)
F29	Art. 30C(4)(b) omitted (1.12.2015) by virtue of The Renewables Obligation (Scotland) Amendment Order 2015 (S.S.I. 2015/384) , arts. 1(1), 9 (with art. 16)

[^{F27}Offshore wind generating stations using floating wind turbines

30D.—(1) This article applies to electricity—

- (a) which is generated from wind;

- (b) which is generated by a generating station which—
 - (i) is offshore;
 - (ii) uses only floating wind turbines;
 - (iii) is granted preliminary accreditation which takes effect on or before 31st March 2017; and
 - (iv) is commissioned before 1st October 2018; and
 - (c) in respect of which a declaration has been made in accordance with paragraph (3).
- (2) The amount of electricity to be stated in each SROC issued in respect of electricity to which this article applies is 2/7 of a megawatt hour.
- (3) A declaration is made in accordance with this paragraph if—
- (a) it is made by the operator of the generating station to the Authority in writing; and
 - ^{F30}(b) it confirms that—
 - (i) to the best of the operator's knowledge and belief the electricity generated was generated by a generating station using only floating wind turbines; and
 - (ii) the lease in respect of which the generating station is entitled to operate at that particular area of seabed is a demonstration lease issued by the Crown Estate [^{F31}Commissioners or a relevant person] in relation to that site.]
- (4) In this article “floating wind turbine” means a wind turbine which is fixed or connected to the seabed by means of a chain, tension leg or other flexible mooring [^{F32}and not by any other means].]

- F27** Arts. 30C, 30D inserted (1.4.2014) by [The Renewables Obligation \(Scotland\) Amendment Order 2014 \(S.S.I. 2014/94\)](#), arts. 1(1), **13** (with art. 27)
- F30** Art. 30D(3)(b) substituted (1.12.2015) by [The Renewables Obligation \(Scotland\) Amendment Order 2015 \(S.S.I. 2015/384\)](#), arts. 1(1), **10(a)** (with art. 16)
- F31** Words in art. 30D(3)(b)(ii) inserted (1.4.2017) by [The Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\)](#), art. 1(2), **Sch. 5 para. 117(4)**
- F32** Words in art. 30D(4) inserted (1.12.2015) by [The Renewables Obligation \(Scotland\) Amendment Order 2015 \(S.S.I. 2015/384\)](#), arts. 1(1), **10(b)** (with art. 16)

Generating stations which were accredited, or held preliminary accreditation, as at 31st March 2009

- 31.**—^{F33}(1) Subject to paragraph (3), this article applies to electricity which is generated—
- (a) by a generating station—
 - (i) which was accredited as at 31st March 2009;
 - (ii) which has not ceased to be accredited since that date; and
 - (iii) to which article 29 does not apply;
 - (b) in one of the ways described in the first column of Part 4 of Schedule 2; and
 - (c) using pre-2013 capacity.
- (2) Subject to paragraph (3), this article also applies to electricity which is generated—
- (a) by a generating station—
 - (i) which was accredited on or before 31st March 2011;
 - (ii) which, since being accredited, has not ceased to be accredited at any time;
 - (iii) in respect of which preliminary accreditation was held—

- (aa) as at 31st March 2009; and
 - (bb) from that date until the date on which the station was accredited; and
 - (iv) to which article 29 does not apply;
 - (b) in one of the ways described in the first column of Part 4 of Schedule 2; and
 - (c) using pre-2013 capacity.
- (3) This article does not apply to electricity to which article 30 applies.
- (4) The amount of electricity to be stated in each SROC issued in respect of electricity to which this article applies is (subject to paragraph (5)) the amount in the second column of Part 4 of Schedule 2 which corresponds to the description in the first column of that Part of that Schedule of the way in which the electricity was generated.]
- (5) Where, at any time it generates electricity after 31st March 2011, the generating station's total installed capacity is greater than it was on 31st March 2011, paragraph (4) applies only in relation to SROCs which are to be issued in respect of—
- (a) where electricity generated using the total installed capacity of the station as at 31st March 2011 (“the original capacity”) is measured separately from electricity generated using capacity which has been added to the station since that date, the electricity [^{F34}to which this article applies] which is generated using the station's original capacity; and
 - [^{F35}(b) in any other case, the appropriate percentage of the electricity to which this article applies (the appropriate percentage for these purposes being the total installed capacity of the station as at 31st March 2011 expressed as a percentage of the total installed capacity of the pre-2013 capacity of the station as at the date of generation of the electricity).]
- (6) In relation to the remainder of the electricity [^{F36}to which this article applies], the amount of electricity to be stated in each SROC is to be determined in accordance with article 27(4) ^{F37}....
- (7) This article is subject to article 32.

F33	Art. 31(1)-(4) substituted (1.4.2013) by The Renewables Obligation (Scotland) Amendment Order 2013 (S.S.I. 2013/116) , arts. 1(1), 18(2) (with art. 29)
F34	Words in art. 31(5)(a) inserted (1.4.2013) by The Renewables Obligation (Scotland) Amendment Order 2013 (S.S.I. 2013/116) , arts. 1(1), 18(3) (with art. 29)
F35	Art. 31(5)(b) substituted (1.4.2013) by The Renewables Obligation (Scotland) Amendment Order 2013 (S.S.I. 2013/116) , arts. 1(1), 18(4) (with art. 29)
F36	Words in art. 31(6) substituted (1.4.2013) by The Renewables Obligation (Scotland) Amendment Order 2013 (S.S.I. 2013/116) , arts. 1(1), 18(5)(a) (with art. 29)
F37	Words in art. 31(6) omitted (1.4.2013) by virtue of The Renewables Obligation (Scotland) Amendment Order 2013 (S.S.I. 2013/116) , arts. 1(1), 18(5)(b) (with art. 29)

Generating stations in respect of which a statutory grant has been awarded

- 32.—**(1) This article applies to a generating station—
- (a) in respect of which a statutory grant was awarded on or before 11th July 2006; and
 - (b) which either—
 - (i) was granted accreditation which took effect after 11th July 2006; or
 - (ii) generates electricity from biomass or waste (including fuels produced from biomass or waste by means of gasification, pyrolysis or anaerobic digestion); and
 - (c) which is not a microgenerator.

(2) The operation of articles 27 to 31 in relation to electricity generated by a generating station to which this article applies is conditional upon the operator of the station agreeing—

- (a) if the grant or any part of it has been paid, to repay to the Scottish Ministers on or before 31st March 2011 so much of the grant as has been paid;
- (b) to pay to the Scottish Ministers interest on an amount repayable under sub-paragraph (a) for such period, and at such rate, as may be determined by the Scottish Ministers; and
- (c) if the grant or any part of it has not yet been paid, to consent to the cancellation of the award of the grant or part.

(3) Where a generating station to which this article applies generates electricity at a time when the operator of the station—

- (a) has not so agreed; or
- (b) having so agreed, has not produced to the Authority evidence of—
 - (i) the repayment of all amounts due under paragraph (2)(a) or the payment of all amounts of interest due under paragraph (2)(b); and
 - (ii) where a grant or any part has been cancelled under paragraph (2)(c), the cancellation of that grant or part,

the amount of electricity to be stated in each SROC issued in respect of that electricity is 1 megawatt hour or the amount determined in accordance with [F38 any of articles 27 to 28E], whichever is the greater.

(4) In determining how electricity has been generated for the purposes of paragraph (1)(b)(ii), no account is to be taken of any waste which the generating station uses for permitted ancillary purposes.

F38 Words in art. 32(3) substituted (1.4.2013) by [The Renewables Obligation \(Scotland\) Amendment Order 2013 \(S.S.I. 2013/116\)](#), arts. 1(1), 19 (with art. 29)

Review of banding provisions

33.—(1) In this Order, “banding provision” means a provision of articles 27 to 31.

(2) The Scottish Ministers may commence a review of the banding provisions in October 2010 and at subsequent four yearly intervals.

(3) The Scottish Ministers may review all or any of the banding provisions at any time if satisfied that one or more of the following conditions is satisfied—

- (a) the charges imposed by network operators on persons, or a class of persons, making a request for connection to and use of a transmission or distribution system have changed significantly since the Scottish Ministers made the banding provisions;
- (b) the charges imposed by network operators on persons, or a class of persons, who generate electricity have changed significantly since the Scottish Ministers made the banding provisions;
- (c) a way of generating electricity is being or has been developed that—
 - (i) is likely to be used to generate from renewable sources electricity which is supplied to customers in Great Britain; and
 - (ii) is not listed in the first column of Part 2 [F39 or Part 2A] of Schedule 2;
- (d) there has been a change, since the Scottish Ministers made the banding provisions, in any support, whether financial or otherwise, provided under any enactment other than sections 32 to 32M of the Act to persons generating electricity from renewable sources and that

change is likely to have a significant impact on the generation of electricity from renewable sources;

- (e) the costs of generating electricity in any of the ways listed in the first column of Part 2 [^{F40}or Part 2A] of Schedule 2 are significantly different from the costs of generating electricity in that way to which the Scottish Ministers had regard when making the banding provisions;
 - [^{F41}(f) there is evidence over a significant period that the provisions of article 13(3) and (4) are having a material effect on trade in SROCs referred to in article 13(3);]
 - (g) in an obligation period the number of SROCs issued by, produced to or likely to be produced to the Authority exceeds or is likely to exceed the total number of SROCs required to be produced to the Authority in respect of that obligation period by designated electricity suppliers;
 - (h) an event has occurred which–
 - (i) is relevant to the matters set out in section 32D(4) of the Act;
 - (ii) was not foreseen by the Scottish Ministers when making the banding provisions; or
 - (iii) has had or is likely to have a material effect on the operation of this Order.
- (4) In this article, “network operators” are persons authorised by a licence under section 6(1)(b) or (c) of the Act to participate in the transmission of electricity or to distribute electricity.

- F39** Words in art. 33(3)(c)(ii) inserted (1.4.2013) by [The Renewables Obligation \(Scotland\) Amendment Order 2013 \(S.S.I. 2013/116\)](#), arts. 1(1), **20(2)** (with art. 29)
- F40** Words in art. 33(3)(e) inserted (1.4.2013) by [The Renewables Obligation \(Scotland\) Amendment Order 2013 \(S.S.I. 2013/116\)](#), arts. 1(1), **20(3)** (with art. 29)
- F41** Art. 33(3)(f) substituted (1.4.2013) by [The Renewables Obligation \(Scotland\) Amendment Order 2013 \(S.S.I. 2013/116\)](#), arts. 1(1), **20(4)** (with art. 29)

Changes to legislation:

There are currently no known outstanding effects for the The Renewables Obligation (Scotland) Order 2009, PART 6.