
DRAFT STATUTORY INSTRUMENTS

2015 No.

The Renewables Obligation Order 2015

PART 6

Banding

Review of banding provisions

42.—(1) For the purposes of section 32D(7) and (8) of the Act, the Secretary of State may commence a review of the banding provisions in October 2018 and at subsequent four yearly intervals.

(2) For those purposes the Secretary of State 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 Secretary of State 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 Secretary of State 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 or Part 3 of Schedule 5;
- (d) there has been a change, since the Secretary of State 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 or Part 3 of Schedule 5 are significantly different from the costs of generating electricity in that way to which the Secretary of State had regard when making the banding provisions;
- (f) there is evidence over a significant period that the provisions of article 14(3) and (4) are having a material effect on trade in ROCs referred to in article 14(3);
- (g) in an obligation period the number of ROCs issued by, produced to or likely to be produced to the Authority exceeds or is likely to exceed the total number of ROCs 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 Secretary of State when making the banding provisions, and

(iii) has had or is likely to have a material effect on the operation of this Order.

(3) In this article—

“banding provision” means a provision of articles 33 to 40, and

“network operators” are persons authorised by a licence under section 6(1)(b) or (c) of the Act(1) to participate in the transmission of electricity or to distribute electricity.

(1) 1989 c.29. Section 6 was substituted by section 30 of the Utilities Act 2000 (c.27); section 6(1)(b) was substituted by section 136(1) of the Energy Act 2004 (c.20); section 6(1)(c) was amended by Schedule 23(1) paragraph 1 to the Energy Act 2004 (c.20).