
DRAFT STATUTORY INSTRUMENTS

2015 No.

The Renewables Obligation Order 2015

PART 7

Cases and circumstances when a ROC must not be issued

Combustion units in relation to which a CFD or investment contract has been entered into

50.—(1) This article applies to a combustion unit in relation to which—

- (a) a CFD has been entered into, or
- (b) an investment contract—
 - (i) has been entered into, and
 - (ii) has not been terminated (or otherwise ceased to have effect) by reason of a permitted termination event.

(2) ROCs are not to be issued in respect of any electricity generated by a combustion unit to which this article applies unless a CFD transfer notice has been given to the Authority by the operator of the generating station in respect of the combustion unit.

(3) 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.

(4) Once a CFD transfer notice has been received by the Authority it cannot be withdrawn unless—

- (a) the CFD transfer notice relates to a combustion unit in relation to which an investment contract has been entered into,
- (b) the investment contract has been terminated (or has otherwise ceased to have effect) by reason of a permitted termination event,
- (c) the CFD transfer notice was given to the Authority before the investment contract was terminated or otherwise ceased to have effect, and
- (d) the withdrawal of the CFD transfer notice is made by notice in writing to the Authority by the operator of the generating station of which the combustion unit forms part.

(5) Subject to paragraph (6), 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.

(6) The conversion date stated in a CFD transfer notice cannot be changed—

- (a) after 31st March 2027,

- (b) after the CFD transfer notice has come into force, or
 - (c) if a CFD made in relation to the combustion unit to which the CFD transfer notice relates has been terminated or otherwise ceased to have effect.
- (7) For the purposes 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.
- (8) For the purpose of paragraph (7)(b)(ii), no account is to be taken of any fossil fuel or waste which is used in the combustion unit for permitted ancillary purposes.