
DRAFT STATUTORY INSTRUMENTS

2015 No.

The Renewables Obligation Order 2015

PART 4

Issue and revocation of ROCs

Issue of ROCs to generators and suppliers

18.—(1) The Authority is to issue ROCs.

(2) Subject to paragraphs (3) to (5) and article 19, the Authority is to issue a ROC to the operator of the generating station by which the electricity to which the ROC relates was generated.

(3) Where electricity—

(a) is required to be generated by a generating station from renewable sources under a NFFO arrangement, or

(b) in compliance with such an arrangement, is required to be made available to the nominated person,

ROCs are to be issued as set out in paragraphs (4) and (5).

(4) Where by virtue of the NFFO arrangement the nominated person is entitled to the electricity, ROCs are to be issued to electricity suppliers notified to the Authority by the nominated person as being purchasers of the electricity and to each in such numbers as are appropriate to the amount of the electricity which the nominated person notifies the Authority each has purchased (subject to the total number of ROCs available to be issued in respect of the electricity).

(5) Where electricity suppliers are entitled to electricity under a NFFO arrangement, ROCs are to be issued to those electricity suppliers, each in proportion to its entitlement.

(6) In this article, “nominated person” has the same meaning as it has in the Electricity from Non-Fossil Fuel Sources Saving Arrangements Order 2000(1).

Issue of ROCs to agents

19.—(1) This article applies to a ROC which certifies the matters within section 32B(5), (6) or (8) of the Act (a “relevant ROC”).

(2) Where the generating stations to which a relevant ROC relates are operated by two or more persons (“the operators”), that ROC must be issued to an agent appointed for the purpose by the operators.

(3) The Authority must be notified in writing of—

(a) the agent’s appointment, name and address; and

(b) any termination of the agent’s appointment.

(4) A notification under paragraph (3) is to be given by the operators (or any of them) or the agent.

(1) [S.I. 2000/2727](#); see article 2 of that Order which has been amended by section 3 of the Utilities Act 2000 ([c.27](#)) and [S.I. 2001/3268](#).

(5) Where notice is given under paragraph (3)(b) and received by the Authority, the termination takes effect (subject to paragraph (6)) at the end of the obligation period during which it is given, and until the expiration of that obligation period the Authority must continue to issue any relevant ROCs to the agent.

(6) Notwithstanding that termination of the agent's appointment, after the expiration of that obligation period the Authority must continue to issue relevant ROCs to the agent where those ROCs relate to electricity generated during that obligation period.

(7) Paragraphs (5) and (6) do not apply in any case where the Authority is satisfied, by evidence produced to it, that owing to exceptional circumstances the termination should have immediate effect (in which case the termination takes effect on receipt of the notice under paragraph (3)(b)).

(8) Where any provision of this Order requires or permits something to be done by, to or in respect of an agent appointed under this article and the agent's appointment is terminated before that thing is done, references to that agent (however framed) are to be construed—

- (a) where a successor to the agent has been appointed under this article, as references to that successor;
- (b) in any other case, as references to the operators of the generating stations for whom the agent acted before they terminated the appointment.

Confirmations required from the person being issued with a ROC

20.—(1) Subject to paragraphs (2) and (3), once during each obligation period the person to whom a ROC is to be issued must confirm to the Authority in writing, whether before or after the generation of the electricity to which the ROC relates, that that electricity, to the best of the person's knowledge and belief, has been or (as the case may be) will be—

- (a) in the case of a ROC certifying the matters within section 32B(3) or (5) of the Act, supplied by an electricity supplier to customers in Great Britain;
- (b) in the case of a ROC certifying the matters within section 32B(4) or (6) of the Act, supplied by a Northern Ireland supplier to customers in Northern Ireland;
- (c) in the case of a ROC certifying the matters within section 32B(7) or (8) of the Act, used in a permitted way.

(2) Where a ROC certifying the matters within section 32B(3) or (5) of the Act is to be issued and paragraph (1)(a) cannot be complied with because the electricity in respect of which the ROC is to be issued cannot be shown to have been supplied to customers in Great Britain, the person to whom the ROC is to be issued must confirm to the Authority in writing—

- (a) that the electricity in question is to be regarded as having been supplied to customers in Great Britain by virtue of article 16(2) or (3); and
- (b) where it is located otherwise than on land, that the generating station to which the ROC relates is connected directly to a transmission or distribution system (or the part of such a system) that is located in Northern Ireland (and to no other system or part thereof).

(3) Where a ROC certifying the matters within section 32B(4) or (6) of the Act is to be issued and paragraph (1)(b) cannot be complied with because the electricity in respect of which the ROC is to be issued cannot be shown to have been supplied to customers in Northern Ireland, the person to whom the ROC is to be issued must confirm to the Authority in writing that the electricity in question is to be regarded as having been supplied to customers in Northern Ireland by virtue of article 16(5).

(4) In this article "Northern Ireland" has the same meaning as in Article 54(1) of the Energy (Northern Ireland) Order 2003.

Further confirmations required for ROCs certifying matters within section 32B(3) and (5) of the Act where electricity generated otherwise than on land

21.—(1) This article applies to a ROC certifying the matters within section 32B(3) or (5) of the Act which is to be issued in respect of electricity generated by a generating station which—

- (a) is not located on land, and
- (b) is not connected directly to a transmission or distribution system (or a part of such a system) that is located in Northern Ireland.

(2) Once during each obligation period, the person to be issued with a ROC to which this article applies must confirm to the Authority in writing, whether before or after the generation of the electricity to which the ROC relates, that—

- (a) the generating station to which the ROC relates is connected directly to a transmission or distribution system in Great Britain, and
- (b) the electricity in respect of which the ROC is to be issued cannot be or have been conveyed to Great Britain through an interconnector.

Further confirmations required for ROCs certifying matters within section 32B(3) to (6) of the Act

22.—(1) Subject to paragraph (2), once during each obligation period the person to be issued with a ROC certifying the matters within section 32B(3), (4), (5) or (6) of the Act must confirm to the Authority in writing, whether before or after the generation of the electricity to which the ROC relates—

- (a) that they are not a person who has been a party to an applicable NFFO arrangement (within the meaning of article 52);
- (b) that they are not (and to the best of their knowledge and belief will not during the obligation period in which the confirmation is given become) a person who is a party to an applicable NFFO arrangement (within the meaning of article 53); and
- (c) that they are not (and to the best of their knowledge and belief will not during the obligation period in which the confirmation is given become) a person who is a connected person or a linked person in relation to any such party.

(2) Paragraph (1) does not apply where the person to be issued with a ROC is an electricity supplier.

Further confirmations required for ROCs certifying matters within section 32B(5), (6) and (8) of the Act

23.—(1) Once during each obligation period, the person to be issued with a ROC certifying the matters within section 32B(5), (6) or (8) of the Act must confirm to the Authority in writing, whether before or after the generation of the electricity to which the ROC relates, the matters set out in paragraph (2).

(2) Those matters are—

- (a) that each of the generating stations in relation to which the ROC is to be issued—
 - (i) is a microgenerator, and
 - (ii) is accredited as a generating station capable of generating electricity in the same way from the same renewable source; and
- (b) where the generating stations in relation to which the ROC is to be issued are operated by two or more persons (“the operators”), that the operators have each—

- (i) appointed the person providing the confirmation to act as agent to receive the ROC on their behalf in accordance with article 19, and
- (ii) agreed that their entitlement to ROCs should be determined in the same way (either on a monthly basis or on an annual basis, depending on whether or not a notice has been given to the Authority under article 94(2)).

Refusing to issue and revoking ROCs

24.—(1) The Authority may refuse to issue a ROC where, in its opinion—

- (a) any confirmation required under articles 20 to 23 in respect of that ROC has not been provided,
- (b) any confirmation provided to it under this Part is not accurate and reliable, or
- (c) any requirement in article 78 or 80 which relates to that ROC is not met.

(2) Where, in relation to any electricity generated by a generating station in a month, the Authority is satisfied that—

- (a) any confirmation provided to it under this Part is false,
- (b) any information requested under or required to be provided by article 78 or 80 is false, or
- (c) a ROC was issued on the basis of any fraudulent behaviour, statement or undertaking on the part of the operator of that generating station or a connected person or, where ROCs are issued to an agent by virtue of article 19, that agent,

the Authority may revoke all ROCs issued in respect of that electricity in that month.

(3) The Authority must revoke any ROC which it has issued where the ROC certifies the matters within section 32B(4) or (6) of the Act and the Northern Ireland authority has notified the Authority that it is not satisfied that the electricity in respect of which the ROC was issued has been supplied to customers in Northern Ireland.

(4) Where the Authority—

- (a) is no longer satisfied that a ROC is accurate or should have been issued,
- (b) has reasonable doubts as to the accuracy or reliability of the information upon which it relied prior to the issue of a ROC, or
- (c) has been unable, due to a failure or refusal by any person (whether inside or outside England and Wales) to provide it with any information reasonably requested by it, to check the accuracy of either a ROC or any information which it relied upon prior to the issue of a ROC,

it may revoke the ROC (or another ROC which is identical in all material respects and which has been issued to the same person).

(5) In determining whether to revoke a ROC under paragraph (3) or (4), the Authority may disregard any changes to the amounts for RO input electricity, RO output electricity, total input electricity and total output electricity which were used by it to determine a generating station's RO eligible renewable output in a month if satisfied that, in all the circumstances, it is reasonable for it to do so.

(6) Where the Authority revokes a ROC it must delete that ROC from the Register and as soon as reasonably practicable afterwards give notice in writing of such revocation to the person who was the registered holder of the ROC at the time of its revocation.

(7) This article is subject to article 25(2) to (4).

Where ROCs cannot be revoked

25.—(1) A ROC cannot be revoked where it has been produced to the Authority under article 7 or under article 5 of the 2009 Order.

(2) Nor can a ROC be revoked by the Authority under article 24(2) or (4) more than six years after it has been issued.

(3) Where the Authority would have revoked a ROC (“the original ROC”) under article 24(2) or (4) but for the fact that it has already been produced to it under article 7 or under article 5 of the 2009 Order, the Authority must, subject to paragraph (4), refuse to issue a further ROC (“the further ROC”) in respect of electricity generated by the generating station in relation to which the original ROC was issued.

(4) The Authority must refuse to issue the further ROC under paragraph (3) only if the original ROC was—

- (a) issued no more than six years previously; and
- (b) not issued to an electricity supplier under article 18(3) to (5).