



Accordingly the Secretary of State makes the following Order:

**Citation, commencement, extent and interpretation**

1.—(1) This Order may be cited as the Renewables Obligation (Amendment) Order 2013 and comes into force on 1st April 2013.

(2) This Order extends to England and Wales only.

(3) In this Order, “the 2009 Order” means the Renewables Obligation Order 2009.

**Amendments to article 2 of the 2009 Order (interpretation)**

2.—(1) Article 2 of the 2009 Order(a) is amended as follows.

(2) In paragraph (1), after the definition of “the Act” insert—

““2013/14 capacity” means—

(a) in relation to a generating station accredited on or before 31st March 2013, any capacity which—

(i) in the Authority’s view, forms part of the station from a date no earlier than 1st April 2013 and no later than 31st March 2014, and

(ii) does not form part of the capacity of the station as accredited;

(b) in relation to a generating station which is registered under article 58ZA as a grace period generating station, any capacity which—

(i) in the Authority’s view, forms part of the station from a date no later than 31st March 2014, and

(ii) does not form part of the capacity of the station as accredited;

(c) in relation to a generating station which—

(i) was not accredited on or before 31st March 2013,

(ii) was accredited on or before 31st March 2014, and

(iii) is not registered under article 58ZA as a grace period generating station,

the capacity of the station as accredited, together with any additional capacity which, in the Authority’s view, forms part of the station from a date no later than 31st March 2014;

“2013/15 capacity” means any capacity which is—

(a) 2013/14 capacity, or

(b) 2014/15 capacity;

“2014/15 capacity” means—

(a) in relation to a generating station accredited on or before 31st March 2014, any capacity which—

(i) in the Authority’s view, forms part of the station from a date no earlier than 1st April 2014 and no later than 31st March 2015, and

(ii) does not form part of the capacity of the station as accredited;

(b) in relation to a generating station which—

(i) was not accredited on or before 31st March 2014, and

(ii) was accredited on or before 31st March 2015,

the capacity of the station as accredited, together with any additional capacity which, in the Authority’s view, forms part of the station from a date no later than 31st March 2015;

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(a) Article 2 was amended by article 3 of S.I. 2011/984 and by paragraph 29 of Schedule 4 to S.I. 2011/988.

“2015/16 capacity” means—

- (a) in relation to a generating station accredited on or before 31st March 2015, any capacity which—
  - (i) in the Authority’s view, forms part of the station from a date no earlier than 1st April 2015 and no later than 31st March 2016, and
  - (ii) does not form part of the capacity of the station as accredited;
- (b) in relation to a generating station which—
  - (i) was not accredited on or before 31st March 2015, and
  - (ii) was accredited on or before 31st March 2016,the capacity of the station as accredited, together with any additional capacity which, in the Authority’s view, forms part of the station from a date no later than 31st March 2016;”.

(3) In paragraph (1), after the definition of “accreditation” insert—

““advanced fuel” means a liquid or gaseous fuel which is produced directly or indirectly from the gasification or the pyrolysis of—

- (a) waste, or
- (b) biomass;”.

(4) In paragraph (1), after the definition of “combined heat and power generating station” insert—

““combustion unit” means a boiler, turbine or engine;”.

(5) In paragraph (1), for the definition of “energy crops” substitute—

““energy crops” means—

- (a) a perennial crop planted at high density, the stems of which are harvested above ground level at intervals of less than twenty years and which is one of the following—
  - (i) *Acer pseudoplatanus* (also known as sycamore);
  - (ii) *Alnus* (also known as alder);
  - (iii) *Betula* (also known as birch);
  - (iv) *Castanea sativa* (also known as sweet chestnut);
  - (v) *Corylus avellana* (also known as hazel);
  - (vi) *Fraxinus excelsior* (also known as ash);
  - (vii) *Populus* (also known as poplar);
  - (viii) *Salix* (also known as willow);
  - (ix) *Tilia cordata* (also known as small-leaved lime); or
- (b) a perennial crop which is one of the following—
  - (i) *Arundo donax* (also known as giant reed);
  - (ii) *Bambuseae*, where the crop was planted after 31st December 1989 and is grown primarily for the purpose of being used as fuel;
  - (iii) *Miscanthus*;
  - (iv) *Panicum*;
  - (v) *Pennisetum* (other than *Pennisetum setaceum* (also known as fountain grass), *Pennisetum clandestinum* (also known as kikuyu grass) and *Pennisetum villosum* (also known as feathertop grass));
  - (vi) *Phalaris*;”.

(6) In paragraph (1), after the definition of “plant” insert—

““post-2016 capacity” means—

- (a) in relation to a generating station accredited on or before 31st March 2016, any capacity which—
  - (i) in the Authority’s view, forms part of the station from a date no earlier than 1st April 2016, and
  - (ii) does not form part of the capacity of the station as accredited;
- (b) in relation to a generating station which—
  - (i) is accredited, and
  - (ii) was not accredited on or before 31st March 2016,the capacity of the station as accredited, together with any additional capacity which, in the Authority’s view, forms part of the station;  
“pre-2013 capacity” means—
  - (a) in relation to a generating station accredited on or before 31st March 2013, the capacity of the station as accredited, together with any additional capacity, which in the Authority’s view, forms part of the station from a date no later than 31st March 2013;
  - (b) in relation to a generating station which is registered under article 58ZA as a grace period generating station, the capacity of the station as accredited;”.
- (7) In paragraph (1), after the definition of “qualifying power output” insert—

““qualifying proportion”, in relation to electricity generated by a qualifying combined heat and power generating station, is the proportion which the qualifying power output of the station bears to its total power output;”
- (8) In paragraph (1), in the definition of “regular biomass”—
  - (a) in sub-paragraph (d) omit “gasification or pyrolysis;”; and
  - (b) after sub-paragraph (d) insert—

“(e) advanced fuel;”.
- (9) In paragraph (1), in the definition of “Renewables Directive” after “and in” insert “article 54A and”.
- (10) In paragraph (1), in the definition of “total installed capacity” after sub-paragraph (b) insert—

“(c) in relation to a type of generating capacity forming part of a generating station, the maximum capacity at which that generating capacity could be operated for a sustained period without causing damage to it (assuming the source of power used by it to generate electricity was available to it without interruption);”.
- (11) After paragraph (6) insert—

“(7) Any reference in this Order to a “type of generating capacity” is a reference to one of the following—

  - (a) pre-2013 capacity;
  - (b) 2013/14 capacity;
  - (c) 2014/15 capacity;
  - (d) 2015/16 capacity;
  - (e) post-2016 capacity.”.

**Amendment to article 4 (biomass and fuels which are to be treated as biomass)**

**3.** For article 4(1) of the 2009 Order substitute—

- “(1) In this Order, “biomass” means fuel which—
  - (a) falls within paragraph (1A),
  - (b) falls within paragraph (1B), or

- (c) is a fossil derived bioliquid.
- (1A) Fuel falls within this paragraph if—
  - (a) at least 90% of its energy content is derived from relevant material (that is to say, material which is, or is derived directly or indirectly from, plant matter, animal matter, fungi or algae), and
  - (b) any fossil fuel forming part of the fuel is present following a process—
    - (i) to which the relevant material has been subject, and
    - (ii) the undertaking of which has caused the fossil fuel to be present in, on or with that material even though that was not the object of the process.
- (1B) Fuel falls within this paragraph if—
  - (a) at least 90% of its energy content is derived from relevant material (that is to say, material which is, or is derived directly or indirectly from, plant matter, animal matter, fungi or algae),
  - (b) it is waste, and
  - (c) any fossil fuel forming part of it was not added to it with a view to the fossil fuel being used as a fuel.”.

**Amendments to article 13 (further provision in relation to the production of renewables obligation certificates)**

4.—(1) Article 13 of the 2009 Order is amended as follows.

(2) For paragraphs (3) to (6) substitute—

“(3) Subject to paragraph (4), no more than 4% of a designated electricity supplier’s renewables obligation may be satisfied by the production of renewables obligation certificates issued in respect of electricity generated from bioliquid.

(4) The limit set out in paragraph (3) does not apply to the production of renewables obligation certificates issued in respect of electricity—

- (a) generated by a generating station to which article 29 applies,
- (b) generated by a qualifying combined heat and power generating station which has, as at the date of generation of the electricity, a total installed capacity of less than 1 megawatt,
- (c) generated from advanced fuel,
- (d) generated in the way described as “energy from waste with CHP” in Schedule 2, or
- (e) generated before 1st April 2013.”.

(3) Omit paragraph (8).

**Amendments to article 22 (circumstances in which no ROCs are to be issued in respect of electricity generated from renewable sources)**

5.—(1) Article 22 of the 2009 Order(a) is amended as follows.

(2) In paragraph (1) omit each reference to “or fossil derived bioliquid”.

(3) In paragraph (3)(a)(iv) omit “or”.

(4) In paragraph (3)(a)(v) omit “and”.

(5) After paragraph (3)(a)(v) insert—

- “(vi) corrosion control; or
- (vii) fouling reduction, and”.

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(a) Article 22 was amended by article 9 of S.I. 2011/984.

**Amendment to article 24 (ROCs to be issued by Authority in respect of a generating station's renewable output)**

6. After paragraph (3)(a) of article 24 of the 2009 Order insert—

“(aa) deduct from that station's or those stations' renewable output any electricity which is generated from landfill gas other than electricity—

- (i) to be deducted by virtue of sub-paragraph (b),
- (ii) generated by a generating station to which article 29 applies,
- (iii) generated using pre-2013 capacity,
- (iv) generated in the way described as “closed landfill gas” in Schedule 2, or
- (v) generated using the heat from a turbine or engine;”.

**Amendments to article 25 (calculating a generating station's renewable output)**

7.—(1) Article 25 of the 2009 Order is amended as follows.

(2) Omit paragraph (2)(a)(ii)(cc).

(3) For paragraphs (3) to (5) substitute—

“(3) Paragraphs (4) to (4E) apply for the purposes of article 24 and Part 6.

(4) Paragraph (4A) applies to a generating station in any month where—

- (a) the renewable output of the station is generated in two or more ways; and
- (b) no more than one type of generating capacity forms part of the total installed capacity of the station.

(4A) In any month where this paragraph applies to a generating station, the proportion of the station's renewable output in that month which is generated in each way—

(a) in the case of renewable output generated in the way described as “landfill gas heat recovery” in Schedule 2, is  $\frac{M}{N}$ ;

(b) in the case of renewable output generated using mixed gas in the way described as “AD” in Schedule 2, is  $\frac{H}{I} \times \frac{J}{L}$ ;

(c) in the case of renewable output generated using mixed gas in the way described as “electricity generated from sewage gas” in Schedule 2, is  $\frac{H}{I} \times \frac{K}{L}$ ;

(d) in all other cases, is  $\frac{F}{G}$ .

(4B) Paragraph (4C) applies to a generating station in any month where—

- (a) the renewable output of the station is generated in two or more ways; and
- (b) two or more types of generating capacity form part of the total installed capacity of the station.

(4C) In any month where this paragraph applies to a generating station, the proportion of the station's renewable output in that month which is generated in each way by each type of generating capacity—

(a) in the case of renewable output generated in the way described as “landfill gas heat recovery” in Schedule 2, is  $\frac{M}{N} \times \frac{P}{N}$ ;

(b) in the case of renewable output generated using mixed gas in the way described as “AD” in Schedule 2, is  $\frac{H}{I} \times \frac{J}{L} \times \frac{P}{N}$ ;

(c) in the case of renewable output generated using mixed gas in the way described as “electricity generated from sewage gas” in Schedule 2, is  $\frac{H}{I} \times \frac{K}{L} \times \frac{P}{N}$ ;

(d) in all other cases, is  $\frac{F}{G} \times \frac{P}{N}$ .

(4D) Paragraph (4E) applies to a generating station in any month where—

- (a) the renewable output of the station is generated in a single way, and
- (b) two or more types of generating capacity form part of the total installed capacity of the station.

(4E) In any month where this paragraph applies to a generating station, the proportion of the station’s renewable output in that month which is generated by each type of generating capacity is  $\frac{P}{N}$ .

(5) In paragraphs (4A) to (4E)—

- (a) F is the energy content of the renewable sources used when generating electricity in that way during that month less the energy content of—
  - (i) any fossil fuel from which those renewable sources are in part composed (other than fossil fuel from which a fuel the energy content of which is deducted by virtue of paragraphs (ii) or (iii) is in part composed);
  - (ii) any of those renewable sources which is Solid Recovered Fuel (other than Solid Recovered Fuel which constitutes biomass);
  - (iii) except in the case of an excepted generating station, any of those renewable sources which is a gaseous fuel produced by means of gasification or pyrolysis and which has a gross calorific value when measured at 25 degrees Celsius and 0.1 megapascals at the inlet to the station of less than 2 megajoules per metre cubed;
- (b) G is the energy content of all of the renewable sources used in generating the station’s gross output during that month less the energy content of—
  - (i) any fossil fuel from which those renewable sources are in part composed (other than fossil fuel from which a fuel the energy content of which is deducted by virtue of paragraphs (ii) or (iii) is in part composed);
  - (ii) any of those renewable sources which is a Solid Recovered Fuel (other than Solid Recovered Fuel which constitutes biomass);
  - (iii) except in the case of an excepted generating station, any of those renewable sources which is a gaseous fuel produced by means of gasification or pyrolysis and which has a gross calorific value when measured at 25 degrees Celsius and 0.1 megapascals at the inlet to the station of less than 2 megajoules per metre cubed;
- (c) H is the energy content of the mixed gas used when generating the station’s renewable output during that month;
- (d) I is the energy content of all of the renewable sources used in generating the station’s renewable output during that month;
- (e) J is the dry mass of—
  - (i) any waste which constitutes a renewable source (other than sewage), and
  - (ii) any biomass (other than sewage),

from which the mixed gas used in generating the station's renewable output during that month is formed, less the dry mass of any digestible fossil fuel from which that waste or biomass is in part composed;

- (f) K is the dry mass of the sewage from which the mixed gas used in generating the station's renewable output during that month is formed;
  - (g) L is the dry mass of all of the material from which the mixed gas used in generating the station's renewable output during that month is formed, less the dry mass of any digestible fossil fuel from which that material is in part composed;
  - (h) M is the maximum capacity in that month at which the station could generate electricity in that way for a sustained period without causing damage to the station (assuming the heat used by the station to generate electricity was available to it without interruption);
  - (i) N is the total installed capacity of the station in that month; and
  - (j) P is the total installed capacity of that type of generating capacity in that month.”.
- (4) After paragraph (6) insert—

“(7) Any reference in this article to a way of generating renewable output is a reference to—

- (a) one of the ways of generating electricity described in Schedule 2,
- (b) generating electricity in the way described in article 28D(1)(c),
- (c) generating electricity in the way described in article 28E(1)(c),
- (d) generating electricity from renewable sources in a way not falling within sub-paragraphs (a), (b) or (c).”.

#### **Amendments to article 26 (renewable output of a qualifying combined heat and power generating station)**

8.—(1) Article 26 of the 2009 Order is amended as follows.

(2) In paragraph (1)—

- (a) after “permitted ancillary purposes” insert “or is an advanced fuel”; and
- (b) omit “gasification, pyrolysis or”.

(3) In paragraph (2), in the paragraph (ii) that is to be substituted for article 25(2)(a)(ii) of the 2009 Order—

- (a) in sub-paragraph (aa), for “by virtue of sub-paragraph (bb) or (cc)” substitute “by virtue of sub-paragraph (cc)”; and
- (b) omit sub-paragraph (bb).

(4) For paragraph (3) substitute—

“(3) For paragraphs (5)(a) and (5)(b) of that article, substitute—

“(a) F is the energy content of the renewable sources used when generating electricity in that way during that month less the energy content of—

- (i) any fossil fuel from which those renewable sources are in part composed (other than fossil fuel from which a fuel the energy content of which is deducted by virtue of paragraph (ii) is in part composed);
- (ii) except in the case of an excepted generating station, any of those renewable sources which is a gaseous fuel produced by means of gasification or pyrolysis and which has a gross calorific value when measured at 25 degrees Celsius and 0.1 megapascals at the inlet to the station of less than 2 megajoules per metre cubed;

(b) G is the energy content of all of the renewable sources used in generating the station's gross output during that month less the energy content of—

- (i) any fossil fuel from which those renewable sources are in part composed (other than fossil fuel from which a fuel the energy content of which is deducted by virtue of paragraph (ii) is in part composed);
- (ii) except in the case of an excepted generating station, any of those renewable sources which is a gaseous fuel produced by means of gasification or pyrolysis and which has a gross calorific value when measured at 25 degrees Celsius and 0.1 megapascals at the inlet to the station of less than 2 megajoules per metre cubed;”.

(5) Omit paragraph (4).

**Amendment to article 27 (the amount of electricity to be stated in each ROC)**

9. In article 27 of the 2009 Order, for paragraphs (2) to (5) substitute—

“(2) The amount of electricity to be stated in each ROC 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 ROC is to be issued.

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

(4) Each ROC 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 ROC 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 ROC 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 ROC 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 ROC 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 ROC 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 1 megawatt hour.
- (10) The amount of electricity to be stated in each ROC 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 1 megawatt hour.”.

**Substitution of article 28 (qualifying combined heat and power generating stations)**

10. For article 28 of the 2009 Order substitute—

**“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 ROC 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 ROC 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 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 ROC 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 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 ROC 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 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 ROC 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 ROCs 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(a).

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

## **Co-firing**

11. After article 28 of the 2009 Order insert—

### **“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 ROC 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 ROC 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.

### **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 ROC 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—

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(a) 2008 c.32.

- (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 ROC 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.

#### **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 ROC 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 ROC 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 articles 28D, 28E and 32.

#### **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% 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 ROC issued in respect of electricity to which this article applies is—

(a) 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, 1 megawatt hour.

(3) Paragraphs 1(2)(a), (b) and (d) of Part 1 of Schedule 2 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(a).

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

#### **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% 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 ROC 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 ROC 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, 1 megawatt hour.

(6) Paragraphs 1(2)(a), (b) and (d) of Part 1 of Schedule 2 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.”.

#### **Amendment to article 29 (microgenerators)**

**12.** For article 29(2) of the 2009 Order substitute—

“(2) The amount of electricity to be stated in each ROC 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 ROC 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 ROC 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.”.

#### **Amendments to article 30 (generating stations which were accredited as at 11th July 2006)**

**13.**—(1) Article 30 of the 2009 Order is amended as follows.

(2) For paragraph (1) substitute—

“(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.”.
- (3) Omit paragraph (2).
- (4) For paragraph (3) substitute—
- “(3) The amount of electricity to be stated in each ROC 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.”.
- (5) In paragraph (4)(a), after “the electricity” insert “to which this article applies”.
- (6) For paragraph (4)(b) substitute—
- “(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).”.
- (7) In paragraph (5)—
- (a) for “generated by the generating station” substitute “to which this article applies”; and
  - (b) omit “and (5)”.
- (8) In paragraph (6), for “generated by the generating station” substitute “to which this article applies”.
- (9) In paragraph (7)(b)—
- (a) for “generated by the generating station” substitute “to which this article applies”; and
  - (b) for “total installed capacity of the station” substitute “total installed capacity of the pre-2013 capacity”.

#### **Amendments to article 30A (offshore wind generating stations using relevant wind turbines)**

**14.**—(1) Article 30A of the 2009 Order(a) is amended as follows.

- (2) For paragraph (1) substitute—
- “(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.”.
- (3) Omit paragraphs (2) and (3).
- (4) For paragraph (4) substitute—
- “(4) The amount of electricity to be stated in each ROC issued in respect of electricity to which this article applies is  $\frac{2}{3}$  of a megawatt hour.”.
- (5) In paragraph (5)—
- (a) omit “generated by a generating station”; and
  - (b) for “relevant wind turbines” substitute “2006/10 wind turbines”.
- (6) For paragraph (7) substitute—

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(a) Article 30A was inserted by article 9 of S.I. 2010/1107 and amended by article 11 of S.I. 2011/984.

“(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.”.

### **Wave and tidal stream generating stations**

15. After article 30A of the 2009 Order insert—

#### **“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 ROC 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 ROC—

- (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 (10).

(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 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 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 ROCs 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;

“total installed capacity”, in relation to 2012/17 marine capacity, means the maximum capacity at which the 2012/17 marine capacity could be operated for a sustained period without causing damage to it (assuming the source of power used by it to generate electricity was available to it without interruption).

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

**Amendments to article 31 (generating stations which were accredited, or held preliminary accreditation, as at 31st March 2009)**

16.—(1) Article 31 of the 2009 Order is amended as follows.

(2) For paragraphs (1) to (4) substitute—

“(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 ROC 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.”.

(3) In paragraph (5)(a), after “the electricity” insert “to which this article applies”.

(4) For paragraph (5)(b) substitute—

“(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).”.

(5) In paragraph (6)—

(a) for “generated by the generating station” substitute “to which this article applies”; and

(b) omit “and (5)”.

**Amendment to article 32 (generating stations in respect of which a statutory grant has been awarded)**

17. In paragraph (3) of article 32 of the 2009 Order, for “article 27 or 28” substitute “articles 27 to 28E”.

**Amendments to article 33 (review of banding provisions)**

18.—(1) Article 33 of the 2009 Order is amended as follows.

(2) In paragraph (3)(c)(ii), for “Part 2” substitute “Part 2 or Part 2A”.

(3) In paragraph (3)(e), for “Part 2” substitute “Part 2 or Part 2A”.

(4) For paragraph (3)(f) substitute—

“(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 ROCs referred to in article 13(3);”.

**Amendment to article 36 (general criteria for the issue of ROCs)**

19. After paragraph (5) of article 36 of the 2009 Order, insert—

“(6) The operator of a generating station which generates electricity by burning fuel in a combustion unit may notify the Authority in writing that, until such time as the notification is withdrawn, the energy content of any biomass burned in that combustion unit will be less than 50% of the energy content of all of the energy sources burned in that combustion unit.

(7) A notification under paragraph (6) constitutes sufficient evidence of the fact that the energy content of the biomass burned in the combustion unit referred to in the notification is less than 50% of the energy content of all the energy sources burned in that combustion unit.

(8) A notification under paragraph (6) may be withdrawn by a notice—

(a) in writing from the operator of the generating station to the Authority, and

(b) which specifies a date from which the withdrawal of the notification is to take effect.”.

**Amendments to article 54 (information to be provided to the Authority where electricity is generated from biomass or fossil derived bioliquid)**

20.—(1) Article 54 of the 2009 Order<sup>(a)</sup> is amended as follows.

(2) In the heading, omit “or fossil derived bioliquid”.

(3) At the beginning of paragraph (3)(j), insert “where the biomass was not a bioliquid.”.

(4) Omit paragraph (7).

**Amendments to article 54A (bioliquid sustainability audit report)**

21.—(1) Article 54A of the 2009 Order<sup>(b)</sup> is amended as follows.

(2) At the end of paragraph (3)(d) omit “and”.

(3) After paragraph (3)(e) insert—

“(f) identify whether the bioliquid was certified under an environmental quality assurance scheme, and if so—

(i) state the name of the scheme, and

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<sup>(a)</sup> Article 54 was amended by article 13 of S.I. 2010/1107 and by article 12 of S.I. 2011/984.

<sup>(b)</sup> Article 54A was inserted by article 13 of S.I. 2011/984.

- (ii) identify whether the European Commission has adopted a decision under article 18(4) of the Renewables Directive in respect of the scheme; and
  - (g) where the bioliquid was not derived from waste or residue and the actual value method or the mixed value method was used for the purpose of calculating the greenhouse gas emissions from the use of the bioliquid, identify—
    - (i) whether a restored degraded land bonus was included in the calculation of the greenhouse gas emissions from the use of the bioliquid, and
    - (ii) whether an emission saving from soil carbon accumulation via improved agricultural management was included in the calculation of the greenhouse gas emissions from the use of the bioliquid.”.
- (4) For paragraph (8) substitute—

“(8) In this article—

“actual value method” has the same meaning as in Schedule A1;

“emission saving from soil carbon accumulation via improved agricultural management” has the same meaning as in Part C of Annex 5 to the Renewables Directive;

“environmental quality assurance scheme” has the same meaning as in article 54;

“mixed value method” has the same meaning as in Schedule A1;

“relevant sustainability information”, in relation to a consignment of bioliquid, means the sustainability information submitted by the operator of the generating station in respect of the consignment;

“restored degraded land bonus” means the bonus referred to in paragraphs 7 and 8 of Part C of Annex 5 to the Renewables Directive.”.

## **Registration as a grace period generating station**

22. After article 58 of the 2009 Order insert—

### **“Registration as a grace period generating station**

**58ZA.**—(1) This article applies to a generating station—

- (a) which is first commissioned on or after 1st April 2013, and
- (b) in respect of which an application for accreditation is made under article 58(4) on or before 30th September 2013.

(2) The operator of a generating station to which this article applies may submit a request to the Authority for the generating station to be registered under this article as a grace period generating station.

(3) A request for a generating station to be registered as a grace period generating station must be accompanied by—

- (a) the documents specified in paragraph (4)(a), (b) and (c),
- (b) the documents specified in paragraph (4)(d), (e) and (f), or
- (c) the documents specified in paragraph (4)(a), (b), (d), (e) and (g).

(4) The documents specified in this paragraph are—

- (a) a copy of a grid connection agreement specifying a grid connection date which is no later than 31st March 2013;
- (b) a letter from a network operator who is a party to the grid connection agreement confirming (whether or not such confirmation is subject to any conditions or other terms) that—
  - (i) the grid connection was made after the grid connection date, and

- (ii) in the network operator's opinion, the failure to make the grid connection on or before the grid connection date was not due to any breach of the grid connection agreement by a relevant person;
  - (c) a declaration made in writing by the operator of the generating station that, to the best of their knowledge and belief, the station would have been commissioned on or before 31st March 2013 if the grid connection had been made on or before the grid connection date;
  - (d) a copy of a radar works agreement specifying a radar works completion date which is no later than 31st March 2013;
  - (e) a letter from a party to the radar works agreement who is not a relevant person confirming (whether or not such confirmation is subject to any conditions or other terms) that—
    - (i) the radar works were completed after the radar works completion date, and
    - (ii) in that person's opinion, the failure to complete the radar works on or before the radar works completion date was not due to any breach of the radar works agreement by a relevant person;
  - (f) a declaration made in writing by the operator of the generating station that, to the best of their knowledge and belief, the station would have been commissioned on or before 31st March 2013 if the radar works had been completed on or before the radar works completion date;
  - (g) a declaration made in writing by the operator of the generating station that, to the best of their knowledge and belief, the station would have been commissioned on or before 31st March 2013 if—
    - (i) the grid connection had been made on or before the grid connection date, and
    - (ii) the radar works had been completed on or before the radar works completion date.
- (5) Where the operator of a generating station to which this article applies submits a request for registration of the generating station as a grace period generating station, the Authority must not register the generating station under this article as a grace period generating station unless—
- (a) the request to register the generating station as a grace period generating station was received by the Authority before the Authority had made its decision on the application for accreditation of the generating station,
  - (b) the Authority is satisfied that the request complies with the requirements of paragraph (3),
  - (c) the Authority is satisfied that the generating station was commissioned before 1st October 2013, and
  - (d) the Authority decides to grant the application for accreditation of the generating station.
- (6) In circumstances where the Authority has reason to believe that the information on which a decision to register a generating station as a grace period generating station was based was incorrect in a material particular, and having regard to those circumstances the Authority considers it appropriate to do so, the Authority may withdraw the registration in question.
- (7) The Authority must notify the operator of the generating station in writing of—
- (a) its decision on a request to register the station as a grace period generating station;
  - (b) any withdrawal of registration of the station as a grace period generating station.
- (8) The written notification under paragraph (7)(a) must be provided by the Authority at the same time as the written notification under article 58(9) of its decision on the application for accreditation of the generating station.
- (9) In this article—

“grid connection” means a connection between a generating station and a transmission system or distribution system for the purpose of enabling electricity to be conveyed from the generating station to that system;

“grid connection agreement” means an agreement between a relevant person and a network operator for the making of a grid connection;

“grid connection date”, in relation to a grid connection agreement, means the earliest of any date specified in the grid connection agreement by which—

- (a) the grid connection is required to be made, or
- (b) it is estimated that the grid connection would be made;

“network operator” means a—

- (a) distribution exemption holder,
- (b) distribution licence holder, or
- (c) transmission licence holder;

“radar works” means—

- (a) the construction of a radar station,
- (b) the installation of radar equipment,
- (c) the carrying out of modifications to a radar station or to radar equipment; or
- (d) the testing of a radar station or radar equipment;

“radar works agreement” means an agreement between a relevant person and a person who is not a relevant person for the carrying out of radar works;

“radar works completion date”, in relation to a radar works agreement, means the earliest of any date specified in the radar works agreement by which—

- (a) the radar works are required to be completed, or
- (b) it is estimated that the radar works would be completed;

“relevant person”, in relation to a request for a generating station to be registered as a grace period generating station, means—

- (a) the operator of the generating station, or
- (b) a person who arranged for the construction of the generating station.”.

### **Amendment to article 60 (modification of this Order in relation to microgenerators in certain circumstances)**

23. In paragraph (4) of article 60 of the 2009 Order, omit “13,”.

### **Amendments to Part 1 of Schedule 2 (interpretation)**

24.—(1) Paragraph 1 of Part 1 of Schedule 2 to the 2009 Order(a) is amended as follows.

(2) Before the definition of “AD” insert—

““2009/11 dedicated biomass generating station” means a generating station which has, in any month after March 2009 and before November 2011, generated electricity—

- (a) only from biomass, and
- (b) in respect of which ROCs were issued for all or part of the electricity so generated during that month;”

(3) For the definition of “advanced gasification” substitute—

““advanced gasification/pyrolysis” means electricity generated from an advanced fuel which—

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(a) Part 1 of Schedule 2 was amended by article 16 of S.I. 2010/1107.

- (a) in the case of a gaseous fuel, has a gross calorific value when measured at 25 degrees Celsius and 0.1 megapascals at the inlet to the generating station which is at least 4 megajoules per metre cubed, and
  - (b) in the case of a liquid fuel, has a gross calorific value when measured at 25 degrees Celsius and 0.1 megapascals at the inlet to the generating station which is at least 10 megajoules per kilogram;”.
- (4) Omit the definition of “advanced pyrolysis”.
- (5) At the appropriate places insert—
- ““building mounted solar PV” means electricity generated from the direct conversion of sunlight into electricity by equipment not installed on the ground either—
- (a) directly, or
  - (b) on a frame, plinth or other structure installed—
    - (i) on the ground, and
    - (ii) wholly or mainly for the purpose of supporting that equipment;”
- ““closed landfill gas” means electricity generated—
- (a) from landfill gas (other than electricity generated using the heat from a turbine or engine), and
  - (b) in a month in which the generating station generates electricity only from gas formed by the digestion of material in a landfill which has finally ceased to accept waste for disposal;”
- ““co-firing of regular bioliquid” means electricity generated from regular bioliquid burned in a combustion unit in a month in which—
- (a) the energy content of the biomass burned in that combustion unit is less than 100% of the energy content of all of the energy sources burned in that combustion unit during that month, and
  - (b) the generating station generates electricity partly from fossil fuel and partly from renewable sources;”
- ““co-firing of regular bioliquid with CHP” means electricity generated from regular bioliquid burned by a qualifying combined heat and power generating station in a combustion unit in a month in which—
- (a) the energy content of the biomass burned in that combustion unit is less than 100% of the energy content of all of the energy sources burned in that combustion unit during that month,
  - (b) the generating station generates electricity partly from fossil fuel and partly from renewable sources, and
  - (c) the fossil fuel and regular bioliquid have been burned in separate combustion units;”
- ““ground mounted solar PV” means electricity generated from the direct conversion of sunlight into electricity by equipment installed on the ground either—
- (a) directly, or
  - (b) on a frame, plinth or other structure installed—
    - (i) on the ground, and
    - (ii) wholly or mainly for the purpose of supporting that equipment;”
- ““high-range co-firing” means electricity generated from energy crops or regular solid or gaseous biomass burned in a combustion unit in a month in which—
- (a) the energy content of the biomass burned in that combustion unit is at least 85% but is less than 100% of the energy content of all of the energy sources burned in that combustion unit during that month, and

- (b) the generating station generates electricity partly from fossil fuel and partly from renewable sources;”

““high-range co-firing with CHP” means—

- (a) electricity generated from regular solid or gaseous biomass burned by a qualifying combined heat and power generating station in a combustion unit in a month in which—
  - (i) the energy content of the biomass burned in that combustion unit is at least 85% but is less than 100% 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 regular solid or gaseous biomass have been burned in separate combustion units;
- (b) electricity generated from energy crops burned by a qualifying combined heat and power generating station in a combustion unit in a month in which—
  - (i) the energy content of the biomass burned in that combustion unit is at least 85% but is less than 100% 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 energy crops have been burned in separate combustion units;”

““landfill gas heat recovery” means electricity generated using the heat from a turbine or engine, where that turbine or engine is generating electricity from landfill gas;”

““low-range co-firing” means electricity generated from energy crops or regular solid or gaseous biomass burned in a combustion unit in a month in which—

- (a) the energy content of the biomass burned in that combustion unit is less than 50% of the energy content of all of the energy sources burned in that combustion unit during that month, and
- (b) the generating station generates electricity partly from fossil fuel and partly from renewable sources;”

““low-range co-firing with CHP” means—

- (a) electricity generated from regular solid or gaseous biomass burned by a qualifying combined heat and power generating station 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% 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 regular solid or gaseous biomass have been burned in separate combustion units;
- (b) electricity generated from energy crops burned by a qualifying combined heat and power generating station 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% 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 energy crops have been burned in separate combustion units;”

““mid-range co-firing” means electricity generated from energy crops or regular solid or gaseous biomass burned in a combustion unit in a month in which—

- (a) the energy content of the biomass burned in that combustion unit is at least 50% but is less than 85% of the energy content of all of the energy sources burned in that combustion unit during that month, and
- (b) the generating station generates electricity partly from fossil fuel and partly from renewable sources;”

““mid-range co-firing with CHP” means—

- (a) electricity generated from regular solid or gaseous biomass burned by a qualifying combined heat and power generating station in a combustion unit in a month in which—
  - (i) the energy content of the biomass burned in that combustion unit is at least 50% but is less than 85% 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 regular solid or gaseous biomass have been burned in separate combustion units;
- (b) electricity generated from energy crops burned by a qualifying combined heat and power generating station in a combustion unit in a month in which—
  - (i) the energy content of the biomass burned in that combustion unit is at least 50% but is less than 85% 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 energy crops have been burned in separate combustion units;”

““regular bioliquid” means bioliquid other than—

- (a) advanced fuel,
- (b) fuel produced by means of anaerobic digestion,
- (c) energy crops;”

““regular solid or gaseous biomass” means regular biomass other than bioliquid;”

““relevant fossil fuel CHP generating station” means a relevant fossil fuel generating station which is a qualifying combined heat and power generating station;”

““relevant fossil fuel generating station” means—

- (a) a generating station—
  - (i) which is not a 2009/11 dedicated biomass generating station, and
  - (ii) which has, in any 6 month period since it was first commissioned, generated electricity from fossil fuel, where the energy content of the fossil fuel was more than 15% of the energy content of all of the energy sources used by the station to generate electricity during that 6 month period, or
- (b) a generating station—
  - (i) which is a 2009/11 dedicated biomass generating station, and
  - (ii) which has, in any 6 month period since 1st November 2011, generated electricity from fossil fuel, where the energy content of the fossil fuel was more than 15% of the energy content of all of the energy sources used by the station to generate electricity during that 6 month period;”

““station conversion” means electricity generated—

- (a) from regular biomass or from energy crops,
- (b) by a relevant fossil fuel generating station, and
- (c) in a month in which the station generates electricity only from biomass or only from energy crops;”

““station conversion with CHP” means electricity generated—

- (a) from regular biomass or from energy crops,
- (b) by a relevant fossil fuel CHP generating station, and
- (c) in a month in which the station generates electricity only from biomass or only from energy crops;”

““unit conversion” means electricity generated from regular biomass or energy crops burned in a combustion unit in a month in which—

- (a) that combustion unit burns only biomass or burns only energy crops, and
- (b) the generating station generates electricity partly from fossil fuel and partly from renewable sources;”

““unit conversion with CHP” means electricity generated from regular biomass or energy crops burned by a qualifying combined heat and power generating station in a combustion unit in a month in which—

- (a) that combustion unit burns only biomass or burns only energy crops, and
- (b) the generating station generates electricity partly from fossil fuel and partly from renewable sources;”.

(6) Omit the definitions of “co-firing of biomass”, “co-firing of biomass with CHP”, “co-firing of energy crops” and “co-firing of energy crops with CHP”.

(7) For the definition of “dedicated biomass” substitute—

““dedicated biomass” means electricity generated from regular biomass by a generating station—

- (a) which is not a relevant fossil fuel generating station, and
- (b) in a month in which it generates electricity only from biomass;”.

(8) For the definition of “dedicated biomass with CHP” substitute—

““dedicated biomass with CHP” means electricity generated from regular biomass by a qualifying combined heat and power generating station—

- (a) which is not a relevant fossil fuel generating station, and
- (b) in a month in which it generates electricity only from biomass;”.

(9) For the definition of “dedicated energy crops” substitute—

““dedicated energy crops” means electricity generated from energy crops by a generating station—

- (a) which is not a relevant fossil fuel generating station, and
- (b) in a month in which the generating station generates electricity only from energy crops or only from biomass;”.

(10) Omit the definition of “dedicated energy crops with CHP”.

(11) In the definition of “energy from waste with CHP”—

- (a) after “other than” insert “an advanced fuel or”; and
- (b) omit “, gasification or pyrolysis”.

(12) For the definition of “standard gasification” substitute—

““standard gasification/pyrolysis” means electricity generated from an advanced fuel which—

- (a) in the case of a gaseous fuel, has a gross calorific value when measured at 25 degrees Celsius and 0.1 megapascals at the inlet to the generating station which is at least 2 megajoules per metre cubed but is less than 4 megajoules per metre cubed, and
  - (b) in the case of a liquid fuel, has a gross calorific value when measured at 25 degrees Celsius and 0.1 megapascals at the inlet to the generating station which is less than 10 megajoules per kilogram;”.
- (13) Omit the definition of “standard pyrolysis”.
- (14) In sub-paragraph (2)(a) omit “and”.
- (15) After sub-paragraph (2)(b) insert—
- “(c) in determining the energy content of the energy sources used by a generating station to generate electricity, no account is to be taken of any fossil fuel or waste which the station uses for permitted ancillary purposes; and
  - (d) in determining the energy content of the energy sources burned in a combustion unit, no account is to be taken of any fossil fuel or waste which is used—
    - (i) in that combustion unit for a purpose listed in article 22(3)(a), and
    - (ii) in a month in which the energy content of the fossil fuel or waste used in that combustion unit for a purpose listed in article 22(3)(a) (or, where both fossil fuel and waste are so used during a month, their combined energy content) does not exceed 10% of the energy content of all of the energy sources burned in that combustion unit during that month.”.

**Substitution of Part 2 of Schedule 2 (amount of electricity to be stated in ROCs generally)**

25. For Part 2 of Schedule 2 to the 2009 Order substitute—

**“PART 2**                      Articles 27(4) and (9) and 33(3)

**AMOUNT OF ELECTRICITY TO BE STATED IN ROCs ISSUED FOR  
ELECTRICITY GENERATED USING PRE-2013 CAPACITY**

<i>Generation type</i>	<i>Amount of electricity (in megawatt hours) to be stated in a ROC issued for electricity generated using pre-2013 capacity</i>
AD	$\frac{1}{2}$
Advanced gasification/pyrolysis	$\frac{1}{2}$
Co-firing of regular bioliquid	2
Dedicated biomass	$\frac{2}{3}$
Dedicated energy crops	$\frac{1}{2}$
Electricity generated from landfill gas	4

*Illustrative draft to accompany the Government Response to further consultations on the Renewables Obligation banding review which was published on 18th December 2012.*

Electricity generated from sewage gas	2
Energy from waste with CHP	1
Geopressure	1
Geothermal	$\frac{1}{2}$
High-range co-firing	$\frac{10}{9}$
Hydroelectric	1
Low-range co-firing	2
Mid-range co-firing	$\frac{5}{3}$
Offshore wind	$\frac{1}{2}$
Onshore wind	1
Solar photovoltaic	$\frac{1}{2}$
Standard gasification/pyrolysis	1
Station conversion	1
Tidal impoundment – tidal barrage	$\frac{1}{2}$
Tidal impoundment – tidal lagoon	$\frac{1}{2}$
Tidal stream	$\frac{1}{2}$
Unit conversion	1
Wave	$\frac{1}{2}$ „

**Amount of electricity to be stated in ROCs issued for electricity generated using 2013/15 capacity, 2015/16 capacity or post-2016 capacity**

26. After Part 2 of Schedule 2 to the 2009 Order insert—

“PART 2A Articles 27(5) to (8), (10) and 33(3)

AMOUNT OF ELECTRICITY TO BE STATED IN ROCs ISSUED FOR  
ELECTRICITY GENERATED USING 2013/14 CAPACITY, 2014/15  
CAPACITY, 2015/16 CAPACITY OR POST-2016 CAPACITY

<i>Generation type</i>	<i>Amount of electricity (in megawatt hours) to be stated in a ROC issued for electricity generated using—</i>			
	<i>2013/14 capacity</i>	<i>2014/15 capacity</i>	<i>2015/16 capacity</i>	<i>post-2016 capacity</i>
AD	$\frac{1}{2}$	$\frac{1}{2}$	$\frac{10}{19}$	$\frac{5}{9}$
Advanced gasification/ pyrolysis	$\frac{1}{2}$	$\frac{1}{2}$	$\frac{10}{19}$	$\frac{5}{9}$
Building mounted solar PV	$\frac{10}{17}$	$\frac{5}{8}$	$\frac{2}{3}$	$\frac{5}{7}$
Closed landfill gas	5	5	5	5
Co-firing of regular bioliquid	2	2	2	2
Dedicated biomass	$\frac{2}{3}$	$\frac{2}{3}$	$\frac{2}{3}$	$\frac{5}{7}$
Dedicated energy crops	$\frac{1}{2}$	$\frac{1}{2}$	$\frac{10}{19}$	$\frac{5}{9}$
Electricity generated from sewage gas	2	2	2	2
Energy from waste with CHP	1	1	1	1
Geopressure	1	1	1	1
Geothermal	$\frac{1}{2}$	$\frac{1}{2}$	$\frac{10}{19}$	$\frac{5}{9}$
Ground mounted solar PV	$\frac{5}{8}$	$\frac{5}{7}$	$\frac{10}{13}$	$\frac{5}{6}$
High-range co-firing	$\frac{10}{9}$	$\frac{10}{9}$	$\frac{10}{9}$	$\frac{10}{9}$
Hydroelectric	$\frac{10}{7}$	$\frac{10}{7}$	$\frac{10}{7}$	$\frac{10}{7}$

*Illustrative draft to accompany the Government Response to further consultations on the Renewables Obligation banding review which was published on 18th December 2012.*

Landfill gas heat recovery	10	10	10	10
Low-range co-firing	2	2	2	2
Mid-range co-firing	$\frac{5}{3}$	$\frac{5}{3}$	$\frac{5}{3}$	$\frac{5}{3}$
Offshore wind	$\frac{1}{2}$	$\frac{1}{2}$	$\frac{10}{19}$	$\frac{5}{9}$
Onshore wind	$\frac{10}{9}$	$\frac{10}{9}$	$\frac{10}{9}$	$\frac{10}{9}$
Standard gasification/pyrolysis	$\frac{1}{2}$	$\frac{1}{2}$	$\frac{10}{19}$	$\frac{5}{9}$
Station conversion	1	1	1	1
Tidal impoundment – tidal barrage	$\frac{1}{2}$	$\frac{1}{2}$	$\frac{10}{19}$	$\frac{5}{9}$
Tidal impoundment – tidal lagoon	$\frac{1}{2}$	$\frac{1}{2}$	$\frac{10}{19}$	$\frac{5}{9}$
Tidal stream	$\frac{1}{2}$	$\frac{1}{2}$	$\frac{1}{2}$	$\frac{1}{2}$
Unit conversion	1	1	1	1
Wave	$\frac{1}{2}$	$\frac{1}{2}$	$\frac{1}{2}$	$\frac{1}{2}$

## PART 2B

Article 28(3) and (4)

### AMOUNT OF ELECTRICITY TO BE STATED IN ROCs ISSUED FOR ELECTRICITY GENERATED USING PRE-2013 CAPACITY OR 2013/15 CAPACITY WHERE ARTICLE 28(3) OR (4) APPLIES

<i>Generation type</i>	<i>Amount of electricity (in megawatt hours) to be stated in a ROC issued in respect of the qualifying proportion of electricity generated using pre-2013 capacity or 2013/15 capacity</i>	<i>Amount of electricity (in megawatt hours) to be stated in a ROC issued in respect of the remainder of the electricity generated using pre-2013 capacity or 2013/15 capacity</i>
Co-firing of regular bioliquid with CHP	1	2

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Dedicated biomass with CHP	$\frac{1}{2}$	$\frac{2}{3}$
High-range co-firing with CHP	$\frac{5}{7}$	$\frac{10}{9}$
Low-range co-firing with CHP	1	2
Mid-range co-firing with CHP	$\frac{10}{11}$	$\frac{5}{3}$
Station conversion with CHP	$\frac{2}{3}$	1
Unit conversion with CHP	$\frac{2}{3}$	1

## PART 2C

Article 28(5)

### AMOUNT OF ELECTRICITY TO BE STATED IN ROCS ISSUED FOR ELECTRICITY GENERATED USING 2015/16 CAPACITY WHERE ARTICLE 28(5) APPLIES

<i>Generation type</i>	<i>Amount of electricity (in megawatt hours) to be stated in a ROC issued in respect of the qualifying proportion of electricity generated using 2015/16 capacity</i>	<i>Amount of electricity (in megawatt hours) to be stated in a ROC issued in respect of the remainder of the electricity generated using 2015/16 capacity</i>
Co-firing of regular bioliquid with CHP	1	2
Dedicated biomass with CHP	$\frac{10}{19}$	$\frac{2}{3}$
High-range co-firing with CHP	$\frac{5}{7}$	$\frac{10}{9}$
Low-range co-firing with CHP	1	2
Mid-range co-firing with CHP	$\frac{10}{11}$	$\frac{5}{3}$
Station conversion with CHP	$\frac{2}{3}$	1
Unit conversion with CHP	$\frac{2}{3}$	1

**PART 2D**

Article 28(6)

**AMOUNT OF ELECTRICITY TO BE STATED IN ROCS ISSUED FOR ELECTRICITY GENERATED USING POST-2016 CAPACITY WHERE ARTICLE 28(6) APPLIES**

<i>Generation type</i>	<i>Amount of electricity (in megawatt hours) to be stated in a ROC issued in respect of the qualifying proportion of electricity generated using post-2016 capacity</i>	<i>Amount of electricity (in megawatt hours) to be stated in a ROC issued in respect of the remainder of the electricity generated using post-2016 capacity</i>
Co-firing of regular bioliquid with CHP	1	2
Dedicated biomass with CHP	$\frac{5}{9}$	$\frac{5}{7}$
High-range co-firing with CHP	$\frac{5}{7}$	$\frac{10}{9}$
Low-range co-firing with CHP	1	2
Mid-range co-firing with CHP	$\frac{10}{11}$	$\frac{5}{3}$
Station conversion with CHP	$\frac{2}{3}$	1
Unit conversion with CHP	$\frac{2}{3}$	1''

**Transitionals**

**27.** Nothing in this Order is to affect—

- (a) the issue and revocation of a renewables obligation certificate in respect of electricity generated before 1st April 2013, and anything which falls to be done or determined (whether by the Authority or some other person) in relation to such issue or revocation, under the 2009 Order;
- (b) any obligations or requirements imposed on an operator of a generating station or some other person in respect of the obligation period ending on 31st March 2013, and anything which falls to be done or determined (whether by the operator of the generating station or some other person) in relation to any such obligations and requirements, under the 2009 Order;
- (c) any obligations and functions of the Authority in respect of that obligation period, and anything which falls to be done or determined (whether by the Authority or some other person) in relation to it, under the 2009 Order.

Date

*Name*  
Parliamentary Under Secretary of State  
Department of Energy and Climate Change

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends the Renewables Obligation Order 2009 (“the 2009 Order”) and makes transitional provision.

The 2009 Order imposes an obligation (“the renewables obligation”) on all electricity suppliers which supply electricity in England and Wales. Suppliers must produce, by a specified day, a certain number of renewables obligation certificates (“ROCs”) in respect of each megawatt hour of electricity that each supplies during a specified period known as an obligation period. The renewables obligation is administered by the Gas and Electricity Markets Authority (“the Authority”) who issue ROCs to renewable electricity generators in respect of their renewable output.

Article 2 amends article 2 of the 2009 Order to insert new definitions for different types of generating capacity, “advanced fuel”, “combustion unit” and “qualifying power output” and to amend the definitions of “energy crops”, “Renewables Directive” and “total installed capacity”. The definition of “regular biomass” is amended to exclude all “advanced fuels”.

Article 3 amends article 4 of the 2009 Order to expand the definition of biomass to include all fossil derived bioliquids. Articles 5(2) and 20(2) and (4) make consequential amendments to articles 22(1) and 54 of the 2009 Order.

Article 4 amends article 13 of the 2009 Order to remove a limit on the ROCs issued for co-firing that suppliers can submit in each obligation period. It also inserts limits on the ROCs issued for electricity generated using bioliquids that suppliers can submit in each obligation period. Consequential amendments are made by article 18(4) to article 33 of the 2009 Order and by article 23 to article 60 of the 2009 Order.

Article 5(5) amends article 22(3) of the 2009 Order to add corrosion control and fouling reduction to the uses of fossil fuel or waste which are permitted ancillary purposes.

Article 6 amends article 24 of the 2009 Order to prevent ROCs from being issued in respect of electricity generated from landfill gas unless the electricity meets certain conditions.

Article 7 amends article 25 of the 2009 Order to remove the minimum gross calorific value requirements applying to liquid fuels produced by means of pyrolysis. It also sets rules for how renewable output is to be apportioned between generating capacity accredited or installed during different obligation periods and where electricity is generated in different ways. Article 8(3) to (5) make consequential amendments to article 26(2) to (4) of the 2009 Order.

Article 8(2) amends article 26(1) of the 2009 Order to exclude all advanced fuels from the scope of that article.

Article 9 amends article 27 of the 2009 Order to change the provisions for determining the amount of electricity that must be generated by a generating station in order to be eligible for a ROC depending on the way in which it has been generated (“bands”). Article 24 amends Part 1 of Schedule 2 to the 2009 Order to insert some new bands, to remove some existing bands and to amend the definitions of some existing bands. Article 25 substitutes Part 2 of Schedule 2 to the 2009 Order to set out the levels of support for the bands applying to generating capacity accredited, and additional capacity added, before 1st April 2013. Article 26 inserts a new Part 2A of Schedule 2 to the 2009 Order to set out the levels of support for the bands applying to generating capacity accredited, and additional capacity added on or after 1st April 2013. Consequential amendments are made by article 13 to article 30 of the 2009 Order, by article 16 to article 31 of the 2009 Order and by article 18(2) and (3) to article 33 of the 2009 Order.

Article 10 substitutes article 28 of the 2009 Order to replace the provisions for determining the amount of electricity which is eligible for a higher level of support by virtue of being generated by a qualifying combined heat and power generating station, and for determining what that higher

*Illustrative draft to accompany the Government Response to further consultations on the Renewables Obligation banding review which was published on 18th December 2012.*

level of support should be. The new bands are set out in Parts 2B to 2D of Schedule 2 to the 2009 Order, as inserted by article 26.

Article 11 inserts new articles 28A to 28E into the 2009 Order. New article 28A sets the level of support for electricity generated from high-range co-firing in the 2013/14 obligation period. New articles 28B and 28C set the level of support for electricity generated from co-firing of regular bioliquid and from low-range co-firing in the 2013/14 and 2014/15 obligation periods. New articles 28D and 28E set the level of support for low-range co-firing of energy crops supplied under contracts made before 7th September 2012. Article 17 makes consequential amendments to article 32 of the 2009 Order.

Article 12 amends article 29 of the 2009 Order to set the level of support for microgenerators.

Article 14 amends article 30A of the 2009 Order to set out the circumstances in which certain offshore wind generating stations will be entitled to 1.5 ROCs per megawatt hour.

Article 15 inserts a new article 30B into the 2009 Order to set out the circumstances in which electricity generated by certain wave and tidal stream generating stations will be entitled to 5 ROCs per megawatt hour.

Article 19 amends article 36 of the 2009 Order to enable the Authority to treat a notification by the operator of a generating station as sufficient evidence that the energy content of the biomass burned in a combustion unit makes up less than 50% of the energy content of all of the energy sources burned in that unit.

Article 21 amends article 54A of the 2009 Order to implement, in relation to the renewables obligation, Commission Decision 2011/13/EU on certain types of information about biofuels and bioliquids to be submitted by economic operators to Member States<sup>(a)</sup>. Article 20(3) makes a consequential amendment to article 54 of the 2009 Order.

Article 22 inserts a new article 58ZA into the 2009 Order to enable generating stations to submit a request to the Authority to be registered as grace period generating stations, and so obtain the levels of support available to generating stations accredited on 31st March 2013. Requests may be submitted only in respect of stations first commissioned on or after 1st April 2013 and in respect of which an application for accreditation is made on or before 30th September 2013. The request must be accompanied by various documents, including a declaration that the station would have been commissioned on or before 31st March 2013 if the grid connection or certain radar works had been completed by the date specified in the agreement for the grid connection or the radar works.

Article 27 makes transitional provision in respect of the obligation period ending on 31st March 2013.

An explanatory memorandum is available alongside this Order on [www.legislation.gov.uk](http://www.legislation.gov.uk). Impact assessments of the effect that this Order will have on the costs of business and the voluntary sector are available alongside the Order on that website.

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(a) OJ L 9, 13.1.2011, p.11