This version of the Renewables Obligation Order 2009 (the ROO) is produced for information purposes only. It reflects the amendments made to it by the Renewables Obligation (Amendment) Order 2010 (S.I. 2010/1107), the Renewables Obligation (Amendment) Order 2011 (S.I. 2011/984), paragraph 29 of Schedule 4 to S.I. 2011/988, the Renewables Obligation (Amendment) Order 2013 (S.I. 2013/768) and the Renewables Obligation (Amendment) Order 2014 (S.I. 2014/893).

STATUTORY INSTRUMENTS

2009 No. 785

ELECTRICITY, ENGLAND AND WALES

The Renewables Obligation Order 2009

Made - - - - 24th March 2009

Coming into force - - 1st April 2009

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This Order is made by the Secretary of State in exercise of the powers conferred by sections 32 to 32M of the Electricity Act 1989(**a**).

The Secretary of State has had regard to those matters stated in section 32D(4) of that Act.

The Secretary of State has consulted the Gas and Electricity Markets Authority, the Gas and Electricity Consumer Council, electricity suppliers to whom this Order applies, and such generators of electricity from renewable sources and other persons as considered appropriate in accordance with section 32L(1) of that Act.

In accordance with section 32L(2) of that Act a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

Accordingly the Secretary of State makes the following Order:

PART 1

Introductory provisions

Citation, commencement and extent

1.—(1) This Order may be cited as the Renewables Obligation Order 2009 and comes into force on 1st April 2009.

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

Interpretation

2.—(1) In this Order—

(**a**) 1989 c.29, as substituted by section 37 of the Energy Act 2008 (c.32).

"the Act" means the Electricity Act 1989;

"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;

"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;

"accreditation", in relation to a generating station, means accreditation of the station as one which is capable of generating electricity from renewable sources by the Authority or the Northern Ireland authority (and includes an accreditation granted before 1st April 2009);

"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;

"anaerobic digestion" means the bacterial fermentation of organic material in the absence of free oxygen;

"biomass" is to be construed in accordance with article 4;

"biomaterial" means the biodegradable part of—

(a) products, waste and residues of biological origin resulting from agriculture (including vegetal and animal substances), forestry and related industries (including fisheries and aquaculture); and

(b) industrial, commercial and municipal waste;

"CEN/TS 15359:2006" means the document identified by Standard Number DD CEN/TS 15359 and entitled "Solid recovered fuels. Specifications and classes" published by the European Committee for Standardisation on 30th June 2006(**a**);

"CEN/TS 15402:2006" means the document identified by Standard Number DD CEN/TS 15402 and entitled "Solid recovered fuels. Methods for the determination of the content of volatile matter" published by the European Committee for Standardisation on 30th November 2006(**b**);

"CEN/TS 15415:2006" means the document identified by Standard Number DD CEN/TS 15415 and entitled "Solid recovered fuels. Determination of particle size and particle size distribution by screen method" published by the European Committee for Standardisation on 30th November 2006(**c**);

"CEN/TS 15590:2007" means the document identified by Standard Number DD CEN/TS 15590 and entitled "Solid recovered fuels. Determination of potential rate of microbial self heating using the real dynamic respiration" published by the European Committee for Standardisation on 29th June 2007(**d**);

"CFD" has the meaning given in section 6(2) of the Energy Act 2013;

"CHPQA" means the Combined Heat and Power Quality Assurance Standard, Issue 5, published by the Department of Energy and Climate Change in November 2013 and Guidance Note 44 (Use of CHPQA to obtain support for electrical output from renewable CHP under the renewables obligation), Issue 4, published by the Department of Energy and Climate Change in December 2013;

"civil works", in relation to a hydro generating station, are to be regarded as all man-made structures, and man-made works for holding water which are located on the inlet side of a turbine (turbine A), excluding any such structures or works which supply another turbine before water is supplied to the structures and works which supply turbine A;

"combined heat and power generating station" means a station which generates electricity and is (or may be) operated for purposes including the supply to any premises of—

(a) heat produced in association with electricity; or

(b) steam produced from, or air or water heated by, such heat;

"combustion unit" means a boiler, turbine or engine;

"commissioned", in relation to a generating station, means the completion of such procedures and tests in relation to that station as constitute, at the time they are undertaken, the usual industry standards and practices for commissioning that type of generating station in order to demonstrate that that generating station is capable of commercial operation;

(**a**) ISBN 0580485350. Copies can be obtained from the British Standards Institution: www.bsi-global.com/en/.
(**b**) ISBN 0580495485. Copies can be obtained from the British Standards Institution: www.bsi-global.com/en/.
(**c**) ISBN 058049554X. Copies can be obtained from the British Standards Institution: www.bsi-global.com/en/.
(**d**) ISBN 9780580576546. Copies can be obtained from the British Standards Institution: www.bsi-global.com/en/.

"connected person", in relation to the owner or operator of a generating station, or any party to a NFFO arrangement, means any person connected to the owner, operator or party within the meaning of section 839 of the Income and Corporation Taxes Act 1988(**a**);

"declared net capacity", in relation to a generating station, means the maximum capacity at which the station 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) less the amount of electricity that is consumed by the plant;

"designated electricity supplier" is to be construed in accordance with article 5(1);

"electricity interconnector" means so much of an electric line or other electric plant as subsists wholly or primarily for the purposes of the conveyance of electricity between a transmission or distribution system in Great Britain and an equivalent system in another country (including Northern Ireland);

"energy content", in relation to any substance, means the energy contained within that substance (whether measured by a calorimeter or determined in some other way) expressed in terms of the substance's gross calorific value within the meaning of British Standard BS 7420:1991 (Guide for determination of calorific values of solid, liquid and gaseous fuels (including definitions) published by the British Standard Institute on 28th June 1991(**b**));

"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;

"excluded capacity" means—

(a) generating capacity which in the Authority's view—

  (i) formed part of a generating station from a date no earlier than 1st April 2014,

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(**a**) 1988 c.1. Section 839 was amended by section 74 of and Schedule 17, paragraph 20 to the Finance Act 1995 (c.4), by sections 89 and 178 of and Schedule 13, Part 2, paragraphs 7, 25 and 27(1) and Schedule 26, Part 3 to the Finance Act 2006 (c.25), by section 1027 of and Schedule 1, Part 1, paragraphs 1 and 223 to the Income Tax Act 2007 (c.3), and by regulations 47 and 100 of S.I. 2005/3229.

(**b**) ISBN 0580194825. Copies can be obtained from the British Standards Institution: www.bsi-global.com/en/.

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

(iii) is not registered under article 58B, and

(iv) is not a wind turbine forming part of a generating station which is offshore,

(b) a wind turbine which in the Authority's view—

(i) is not registered under article 58A,

(ii) forms part of a generating station which is offshore, and

(iii) where the generating station was accredited as at 31st March 2011, is a registrable additional turbine, or

(c) a combustion unit in relation to which a CFD transfer notice has come into force, and for the purposes of this definition—

(i) "CFD transfer notice" has the meaning given in article 21B(4), and

(ii) the date on which a CFD transfer notice comes into force is to be determined in accordance with article 21B(8);

"fossil derived bioliquid" means bioliquid produced directly or indirectly from—

(a) coal,

(b) lignite,

(c) natural gas (within the meaning of the Energy Act 1976(**a**)),

(d) crude liquid petroleum, or

(e) petroleum products (within the meaning of the Energy Act 1976);

"gasification" means the substoichiometric oxidation or steam reformation of a substance to produce a gaseous mixture containing two or all of the following: oxides of carbon, methane and hydrogen;

"greenhouse gas emission criteria" means the criteria set out in Schedule A1;

"hazardous waste" means any waste which is hazardous waste as defined by Article 3(2) of Directive 2008/98/EC of the European Parliament and of the Council on waste;

"hydro generating station" means a generating station driven by water (other than a generating station driven by tidal flows, waves, ocean currents or geothermal sources) and includes all turbines supplied with water by or from the same civil works, except any turbine driven by a compensation flow supplied by or from those civil works in a natural water course where there is a statutory obligation to maintain that compensation flow in that water course (in which case that turbine and associated infrastructure is to be regarded as a separate hydro generating station);

"investment contract" has the meaning given in paragraph 1 of Schedule 2 to the Energy Act 2013;

"ISAE 3000" means the International Standard on Assurance Engagements 3000 published by the International Federation of Accountants;

"land criteria" means the criteria set out in Schedule A2;

"landfill" has the meaning given in Article 2(g) of Council Directive 1999/31/EC(**b**);

"landfill gas" means gas formed by the digestion of material in a landfill;

"large hydro generating station" means a hydro generating station which has, or has had at any time since 1st April 2002, a declared net capacity of more than 20 megawatts;

"linked person", in relation to a person who is a party to a NFFO arrangement ("the first person"), means another person who has given or who has arranged to give to the first person or has ensured or arranged to ensure that the first person is given, a financial or other

(**a**) 1976 c.76.
(**b**) OJ L 182, 16.7.1999, p. 1.

inducement relating to any right or interest in, or in respect of, the construction or operation of a generating station at the location;

"microgenerator" means a generating station which has a declared net capacity of 50 kilowatts or less;

"micro hydro generating station" means a hydro generating station which—

(a) has a declared net capacity of 1.25 megawatts or less; and

(b) has never generated electricity under an arrangement which has ever been a qualifying arrangement as defined in section 33 of the Act (as that section was originally enacted);

"municipal waste" means—

(c) waste from households, and

(d) other waste that, because of its nature or composition, is similar to waste from households;

"national system operator" has the meaning given in section 8(3) of the Energy Act 2013;

"NFFO arrangement" means an arrangement which was originally made pursuant to a Non-Fossil Fuel Order (and includes any replacement of such an arrangement where that replacement was made pursuant to an order made under section 67 of the Utilities Act 2000(**a**));

"NIRO Order" means any order made under Articles 52 to 55F of the Northern Ireland Energy Order;

"nominated person" has the same meaning as it has in the Electricity from Non-Fossil Fuel Sources Saving Arrangements Order 2000(**b**) or in the Electricity from Non-Fossil Fuels Sources (Scotland) Saving Arrangements Order 2005(**c**) (as the case may be);

"Non-Fossil Fuel Order" means any of the following Orders: the Electricity (Non-Fossil Fuel Sources) (England and Wales) Order 1994(**d**); the Electricity (Non-Fossil Fuel Sources) (Scotland) Order 1994(**e**); the Electricity (Non-Fossil Fuel Sources) (England and Wales) Order 1997(**f**); the Electricity (Non-Fossil Fuel Sources) (Scotland) Order 1997(**g**); the Electricity (Non-Fossil Fuel Sources) (England and Wales) Order 1998(**h**); and the Electricity (Non-Fossil Fuel Sources) (Scotland) Order 1999(**i**);

"Northern Ireland certificate" means a renewables obligation certificate issued by the Northern Ireland authority under the Northern Ireland Energy Order and pursuant to a NIRO Order;

"Northern Ireland Energy Order" means the Energy (Northern Ireland) Order 2003(**j**);

"obligation period" means any of the periods referred to in the first column of Schedule 1;

"offshore", in relation to a generating station which generates electricity from wind, means a generating station which—

(a) has its wind turbines situated wholly in offshore waters; and

(b) is not connected to dry land by means of a permanent structure which provides access to land above the mean low water mark;

"offshore waters" means—

(a) waters in or adjacent to the United Kingdom which are between the mean low water mark and the seaward limits of the territorial sea, and

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(**a**) 2000 c.27; section 67(1)(c) was amended by the Energy Act 2008 (c.32), section 39.
(**b**) S.I. 2000/2727.
(**c**) S.S.I. 2005/549.
(**d**) S.I. 1994/3259.
(**e**) S.I. 1994/3275 (S. 190).
(**f**) S.I. 1997/248.
(**g**) S.I. 1997/799 (S. 76).
(**h**) S.I. 1998/2353.
(**i**) S.I. 1999/439 (S. 24).
(**j**) S.I. 2003/419 (N.I. 6); Articles 52 to 55F were substituted by the Energy (Amendment) Order (Northern Ireland) 2009 (S.R. (NI) 2009 No 35).

(b) waters within an area designated under section 1(7) of the Continental Shelf Act 1964(**a**);

"on land", in relation to the location of a generating station, means wholly or partly on land above mean high water level;

"permitted ancillary purposes" is to be construed in accordance with article 22(3) (fossil fuel or waste used for permitted ancillary purposes);

"plant", with reference to crops or plant matter, includes shrubs and trees;

"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;

"preliminary accreditation", in relation to a generating station, means accreditation of the station as one which (when commissioned) will be capable of generating electricity from renewable sources by the Authority or the Northern Ireland authority (and includes a preliminary accreditation granted before 1st April 2009);

"pyrolysis" means the thermal degradation of a substance in the absence of any oxidising agent (other than that which forms part of the substance itself) to produce char and one or both of gas and liquid;

"qualifying combined heat and power generating station" means a combined heat and power generating station which has been accredited under the CHPQA;

"qualifying power output", in relation to a qualifying combined heat and power generating station, has the meaning given to it in the CHPQA;

"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;

"Register" has the meaning given to it in article 58(1);

"registered holder" has the meaning given to it in paragraph 3 of Schedule 4;

"registrable additional turbine" means a wind turbine which—

(a) forms part of the capacity of a generating station which is offshore;

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

(c) was not used to generate electricity before 1st April 2011;

"regular biomass" means biomass other than—

(a) sewage gas,

(**a**) 1964 c.29.

(b) landfill gas,

(c) energy crops,

(d) fuel produced by means of anaerobic digestion,

(e) advanced fuel;

"Renewables Directive" means Directive 2009/28/EC of the European Parliament and of the Council on the promotion of the use of energy from renewable sources, and in article 54A of and Schedule A1 to this Order references to Annex 5 to the Renewables Directive are to Annex 5 as amended from time to time;

"renewables obligation" has the meaning given to it in article 5(1);

"renewables obligation certificate" means—

(a) a renewables obligation certificate issued by the Authority under this Order;

(b) a renewables obligation certificate issued by the Authority under a renewables obligation order made by Scottish Ministers; and

(c) a Northern Ireland certificate;

"Respiratory Index" means the rate of oxygen uptake expressed in milligrams of oxygen per kilogram of volatile solids per hour;

"retail prices index" means—

(a) the general index of retail prices (for all items) published by the Office of National Statistics; or

(b) where the index is not published for a year, any substituted index or figures published by that Office;

"ROC" means a renewables obligation certificate issued by the Authority under this Order;

"RO capacity", in relation to a generating station, means the generating capacity of the station other than excluded capacity;

"ROC identifier" has the meaning given by paragraph 3 of Schedule 4;

"RO eligible renewable output" is to be construed in accordance with articles 25 and 26;

"sewage gas" means gas formed by the anaerobic digestion of sewage (including sewage which has been treated or processed);

"specified day", in relation to an obligation period, means the 1st September immediately following it;

"Solid Recovered Fuel" means solid fuel which—

(a) complies with the classification and specification requirements in CEN/TS 15359:2006,

(b) is prepared from a waste which is not a hazardous waste,

(c) has a maximum Respiratory Index value of no more than 1500 milligrams of oxygen per kilogram of volatile solids per hour when measured using the real dynamic respiration test specified in CEN/TS 15590:2007, and

(d) when subject to a methodology for the determination of particle size in accordance with CEN/TS 15415:2006, is able to pass through an opening measuring no more than 150 millimetres in all dimensions;

"sustainability information" means information submitted to the Authority by the operator of a generating station for the purpose of demonstrating that a bioliquid meets the greenhouse gas emission criteria and the land criteria;

"total input electricity", in relation to a generating station, means—

(a) the total amount of electricity used by the station for purposes directly related to its operation (including for fuel handling, fuel preparation, maintenance and the pumping of water) whether or not that electricity is generated by the station or used while the station is generating electricity, and

(b) where the station generates electricity wholly or partly from hydrogen (other than hydrogen that constitutes fossil fuel), any electricity—

(i) in respect of which ROCs are or have been issued,

(ii) in respect of which ROCs cannot be issued by virtue of any provision of Part 4 (cases and circumstances when a ROC must not be issued), or

(iii) which was not generated from renewable sources,

and which is used in the production of that hydrogen (regardless of where or by whom the hydrogen is produced);

"total installed capacity", in relation to references to a generating station or to generating capacity of any description, means the maximum capacity at which that generating station or 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);

"total output electricity", in relation to a generating station, means the total amount of electricity generated by that station;

"total power output", in relation to a qualifying combined heat and power generating station, has the meaning given to it in the CHPQA;

"transmission or distribution system" means a transmission or distribution system within the meaning of Part 1 of the Act(**a**) or an equivalent system in Northern Ireland;

"volatile solids" means any mass loss, corrected for moisture, when a solid is heated out of contact with air under the specified conditions and using the methods in CEN/TS 15402:2006; and

"waste" has the meaning given to it in section 75(2) of the Environmental Protection Act 1990(**b**) but does not include gas derived from landfill sites or gas produced from the treatment of sewage.

(2) Where waste, fossil derived bioliquid or biomass is used in a generating station (whether alone or together or in combination with another fuel) and—

(a) a proportion of that waste, fossil derived bioliquid or biomass is, or is derived from, fossil fuel, and

(b) in any month during which that waste, fossil derived bioliquid or biomass is used that proportion varies,

references in this Order to the energy content of that waste, fossil derived bioliquid or biomass and fossil fuel are references to the overall energy content of that waste, fossil derived bioliquid or biomass and fossil fuel used to fuel the generating station during that month.

(3) Where two or more of the fuels listed in paragraph (4) are mixed together to form one substance which is then used in a generating station to generate electricity, the provisions of this Order apply in relation to the electricity so generated in the same way as they would apply if the electricity had been generated using those fuels without mixing them together.

(4) The fuels referred to in paragraph (3) are—

(a) fossil derived bioliquid;

(b) bioliquid (not being fossil derived bioliquid);

(c) biomass (not being bioliquid);

(d) waste which constitutes a renewable source (not being bioliquid or biomass);

(e) fossil fuel including waste (other than waste falling within sub-paragraphs (a) to (d)).

(**a**) See section 4(4), the definition of "distribute" (which contains the definition of distribution system) and "transmission system". The definition of "distribute" was inserted by the Utilities Act 2000 (c.27), section 28(1) and (3)(a); the definition of "transmission system" was substituted by the Energy Act 2004 (c.20), section 135(1) and (4).

(**b**) 1990 c.43, as amended by section 120(1) of and paragraph 88(1) and (2) of Schedule 22 to the Environment Act 1995 (c.25).

(5) Any reference in this Order to the provision of information "in writing" includes the provision of such information by electronic mail, facsimile or similar means which are capable of producing a document containing the text of any communication.

(6) Any reference in this Order to the supply of electricity made to customers in Northern Ireland is to be construed in accordance with the definition of "supply" in Article 3 of the Electricity (Northern Ireland) Order 1992(**a**).

(7) Any reference in this Order to a "type of generating capacity" is to be construed in accordance with article 25(9)

Waste as a renewable source

3.—(1) For the purposes of sections 32 to 32M of the Act and this Order, the term "renewable sources" includes waste of which not more than 90 per cent is waste which is, or is derived from, fossil fuel.

(2) The proportion of waste which is, or is derived from, fossil fuel—

(a) is to be determined by the Authority, and

(b) is—

(i) for any waste that is a fossil derived bioliquid, the energy content of the fossil fuel from which the fossil derived bioliquid is directly or indirectly produced expressed as a percentage of the energy content of that fossil derived bioliquid as a whole,

(ii) for all other waste, the energy content of the fossil fuel from which the waste is in part composed or derived expressed as a percentage of the energy content of that waste as a whole.

(3) Where waste is used (whether on its own or not) to fuel a generating station, it is for the operator of the generating station to demonstrate to the Authority's satisfaction what proportion of the waste is, or is derived from, fossil fuel.

(4) Without prejudice to paragraph (3), when determining that proportion the Authority is entitled to have regard to any material (whether or not produced to it by the operator of the generating station) if, in its opinion, that material indicates what proportion of the waste is, or is derived from, fossil fuel.

(5) But where the operator of a generating station in which municipal waste is used satisfies the Authority—

(a) by reference to data published by an allocating authority, a waste disposal authority or a waste collection authority, that the proportion of the municipal waste so used which is, or is derived from, fossil fuel, is unlikely to exceed 50 per cent, and

(b) that the municipal waste so used has not been subject to any process before being so used that is likely to have materially increased that proportion,

that constitutes sufficient evidence of the fact that the proportion of the municipal waste so used which is, or is derived from, fossil fuel is 50 per cent.

(6) Where—

(a) municipal waste is used in a generating station and—

(i) the Authority is not satisfied as to the matters identified in paragraph (5), or

(ii) the operator of the station is claiming that the proportion of that waste which is, or is derived from, fossil fuel is less than 50 per cent; or

(b) waste (not being municipal waste) is used in a generating station and the Authority is not satisfied as to what proportion of the waste is, or is derived from, fossil fuel,

the Authority may require the operator of the generating station to arrange for samples of any fuel used (or to be used) in the station, or of any gas or other substance produced as a result of the use

(**a**) S.I. 1992/231 (N.I. 1).

of such fuel, to be taken by a person, and analysed in a manner approved by the Authority, and for the results of that analysis to be made available to the Authority.

(7) In this article—

"allocating authority" and "waste disposal authority" have the same meaning as in Chapter 1 of Part 1 of the Waste and Emissions Trading Act 2003(**a**);

"waste collection authority" has the same meaning as in Part 2 of the Environmental Protection Act 1990.

Biomass and fuels which are to be treated as biomass

4.—(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.

(2) For the purposes of this Order except for article 54 (information to be provided to the Authority where electricity is generated from biomass), a fuel which is used in a generating station with biomass but which is not biomass (including, where two or more of the fuels listed in article 2(4) are mixed together before being so used, each of those fuels which is not biomass) is to be treated as biomass if—

(a) the energy content of the fuel is derived in part from relevant material (within the meaning of the definition of biomass) and in part from fossil fuel;

(b) either—

(i) the fossil fuel is present in it following a process—

(aa) to which its relevant material has been subject, and

(bb) 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; or

(ii) it is waste and the fossil fuel forming part of it was not added to it with a view to its being used as a fuel; and

(c) at least 90 per cent of the total energy content of the fuel and the biomass with which the fuel is used is derived from relevant material.

(**a**) 2003 c.33. See sections 21 and 24 of that Act.

(3) Accordingly, any reference in this Order to biomass, other than in article 54, is to be construed as a reference to biomass or fuel which (by virtue of paragraph (2)) is to be treated as biomass.

(4) Where biomass (not being waste or fossil derived bioliquid) is used, whether on its own or not, to fuel a generating station and a proportion of it is composed of fossil fuel, the proportion of it which is composed of fossil fuel—

(a) is to be determined by the Authority, and

(b) is the energy content of the fossil fuel from which it is in part composed expressed as a percentage of its energy content as a whole.

(5) It is for the operator of the generating station to demonstrate to the Authority's satisfaction what proportion of the biomass is fossil fuel.

(6) When determining that proportion the Authority is entitled to have regard to any material (whether or not produced to it by the operator of the generating station) if, in its opinion, that material indicates what proportion of the biomass is fossil fuel.

(7) For the purposes of this article, fossil fuel is not to be regarded as being derived directly or indirectly from plant matter, animal matter, fungi or algae.

Fossil derived bioliquid

4A.—(1) For the purposes of this Order, fossil derived bioliquid is to be treated as being in part composed of (or in part derived from) fossil fuel.

(2) Where fossil derived bioliquid (not being waste) is used, whether on its own or not, to fuel a generating station, the proportion of the fossil derived bioliquid which is to be treated as being composed of (or derived from) fossil fuel—

(a) is to be determined by the Authority, and

(b) is the energy content of the fossil fuel from which the fossil derived bioliquid is directly or indirectly produced expressed as a percentage of the energy content of the fossil derived bioliquid as a whole.

(3) It is for the operator of the generating station to demonstrate to the Authority's satisfaction what proportion of the fossil derived bioliquid is to be treated as being composed of (or derived from) fossil fuel.

(4) When determining that proportion the Authority is entitled to have regard to any material (whether or not produced to it by the operator of the generating station) if, in its opinion, that material indicates what proportion of the fossil derived bioliquid is to be treated as being composed of (or derived from) fossil fuel.

PART 2

The renewables obligation

The renewables obligation

5.—(1) The renewables obligation is imposed on each electricity supplier supplying electricity in England and Wales (a "designated electricity supplier").

(2) The renewables obligation is that, subject to articles 43 and 44, each designated electricity supplier must, by the specified day, produce to the Authority, in respect of each megawatt hour of electricity that it supplies to customers in England and Wales during an obligation period—

(a) subject to sub-paragraph (b), the number of renewables obligation certificates determined in accordance with article 12;

(b) where the obligation period commences on 1st April 2009, 0.097 renewables obligation certificates for each megawatt hour so supplied.

(3) To enable the number referred to in paragraph (2)(a) to be determined, the Secretary of State must first determine, for the obligation period in question, calculations A and B and the total number of renewables obligation certificates required to be produced by designated electricity suppliers in accordance with articles 6 to 11.

(4) Where the number of renewables obligation certificates that a designated electricity supplier is required to produce by virtue of paragraph (2) is not a whole number, it is to be rounded to the nearest whole number (one-half being rounded upwards).

Part of calculation A referable to Great Britain

6.—(1) Before the start of each obligation period identified in the first column of Schedule 1 (except the first such period), the Secretary of State is to estimate, in megawatt hours, the total amount of electricity likely to be supplied to customers in Great Britain during that period by designated electricity suppliers and electricity suppliers designated under an order made under sections 32 to 32M of the Act by the Scottish Ministers.

(2) The figure representing the number of megawatt hours so estimated for an obligation period is to be multiplied by the figure which corresponds to that period in the second column of Schedule 1.

Part of calculation A referable to Northern Ireland

7.—(1) Before the start of each obligation period identified in the first column of Schedule 1 (except the first such period), the Secretary of State is to estimate, in megawatt hours, the total amount of electricity likely to be supplied to customers in Northern Ireland during that period by electricity suppliers designated under an order made under Articles 52 to 55F of the Northern Ireland Energy Order.

(2) The figure representing the number of megawatt hours so estimated for an obligation period is to be multiplied by the figure which corresponds to that period in the third column of Schedule 1.

Calculation A

8.—(1) The product of the calculation in article 6(2), added to the product of the calculation in article 7(2), is (for the obligation period to which those calculations relate) calculation A.

(2) Where calculation A is not a whole number, it is to be rounded to the nearest whole number (one-half being rounded upwards).

(3) References to calculation A in articles 11 and 12 are to be construed accordingly.

Calculation B

9.—(1) Before the start of each obligation period identified in the first column of Schedule 1 (except the first such period), the Secretary of State is to estimate, in megawatt hours, the total amount of renewable electricity likely to be supplied to customers in the United Kingdom during that period by designated electricity suppliers and electricity suppliers designated under an order made under sections 32 to 32M of the Act by Scottish Ministers or Articles 52 to 55F of the Northern Ireland Energy Order.

(2) Having regard to this estimate, the Secretary of State is to calculate how many renewables obligation certificates are likely to be issued in respect of that renewable electricity during that obligation period.

(3) The figure representing the number of renewables obligation certificates likely to be so issued, increased by—

(a) in relation to the obligation period ending on 31st March 2011, 8 per cent, and

(b) in relation to any other obligation period, 10 per cent,

is calculation B for that obligation period.

(4) Where calculation B is not a whole number, it is to be rounded to the nearest whole number (one-half being rounded upwards).

(5) References to calculation B in articles 11 and 12 are to be construed accordingly.

(6) In this article "renewable electricity" means electricity which is generated from renewable sources and in respect of which renewables obligation certificates may be issued.

10.—Deleted.

Determining the total number of renewables obligation certificates to be produced in an obligation period

11.—(1) Having completed calculations A and B for an obligation period, the Secretary of State is to determine the total number of renewables obligation certificates required to be produced by designated electricity suppliers ("the total obligation") for that period in accordance with paragraphs (2) to (5).

(2) Where calculation A is equal to or greater than calculation B for an obligation period, the total obligation for that period is calculation A.

(3) Where calculation B is greater than calculation A for an obligation period, the total obligation for that period is calculation B.

(4) Deleted.

(5) References to the total obligation in article 12 are to be construed accordingly.

Determining the number of renewables obligation certificates to be produced by a designated electricity supplier in order to discharge its renewables obligation

12.—(1) Where the total obligation for an obligation period is calculation A, the number of renewables obligation certificates that a designated electricity supplier is required to produce in order to discharge its renewables obligation in respect of electricity that it supplies to customers in England and Wales during that period is, for each megawatt hour so supplied, the figure set out in the second column of Schedule 1 that corresponds to that period.

(2) Where the total obligation for an obligation period is calculation B, the number of renewables obligation certificates that a designated electricity supplier is required to produce in order to discharge its renewables obligation in respect of electricity that it supplies to customers in England and Wales during that period is, for each megawatt hour so supplied, equal to—

$$\frac{\text{figure set out in second column of Schedule 1 for that period} \times \text{calculation B for that period}}{\text{calculation A for that period}}$$

(3) Deleted.

(4) The Secretary of State must publish, by the 1st October preceding an obligation period, the number of renewables obligation certificates that a designated electricity supplier is required to produce in respect of each megawatt hour of electricity that it supplies to customers in England and Wales during that period in order to discharge its renewables obligation for that period.

Further provision in relation to the production of renewables obligation certificates

13.—(1) A designated electricity supplier may discharge its renewables obligation by the production to the Authority of a Northern Ireland certificate.

(2) A designated electricity supplier may discharge up to 25 per cent of its renewables obligation in respect of an obligation period by producing to the Authority renewables obligation certificates relating to electricity supplied in the immediately preceding obligation period.

(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.

(5) Deleted.

(6) Deleted.

(7) A designated electricity supplier must not produce to the Authority a renewables obligation certificate which has previously been or is produced to the Northern Ireland authority under a NIRO Order.

(8) Deleted.

PART 3

Matters to be certified by and content of ROCs

Matters to be certified by ROCs

14. Where a ROC does not certify the matters within subsection (3) or (4) of section 32B of the Act, it must certify the matters within subsection (5), (6), (7) or (8) of that section.

When electricity is to be regarded as supplied to customers in Great Britain or Northern Ireland

15.—(1) For the purposes of sections 32 to 32L of the Act (in particular, for the purposes of a ROC certifying the matters within section 32B(3) or (5)), electricity generated by a generating station which cannot be shown to have been supplied to customers in Great Britain is to be regarded as having been so supplied if and to the extent that the conditions in paragraph (2) or (3) are met.

(2) The conditions in this paragraph are met if—

(a) the generating station is located in Northern Ireland;

(b) the operator of the generating station or an intermediary acting on the operator's behalf sells the electricity generated by the station through the SEM Pool;

(c) an electricity supplier purchases (directly or indirectly) from the SEM Pool an amount of electricity (the "relevant amount") which is conveyed from a transmission or distribution system located wholly or partly in Northern Ireland to Great Britain through an electricity interconnector;

(d) the supplier—

(i) has previously agreed with the operator to purchase from the SEM Pool the relevant amount, and

(ii) supplies the electricity so purchased to customers in Great Britain; and

(e) the relevant amount in any month, when taken together with the electricity which other electricity suppliers have agreed with the operator to purchase from the SEM Pool in that month, does not exceed the total amount of electricity which the operator sells through the SEM Pool in that month.

(3) The conditions in this paragraph are met if—

(a) the generating station is located in Northern Ireland and has a declared net capacity of less than 10 megawatts;

(b) the operator of the generating station sells electricity to an electricity supplier under a contract to which the operator and supplier are parties; and

(c) the electricity conveyed to the supplier under the contract—

(i) is conveyed from a transmission or distribution system located wholly or partly in Northern Ireland to Great Britain through an electricity interconnector, and

(ii) is supplied to customers in Great Britain.

(4) For the purposes of sections 32 to 32L of the Act (in particular, for the purposes of a ROC certifying the matters within section 32B(4) or (6)), electricity which cannot be shown to have been supplied to customers in Northern Ireland is to be regarded as having been so supplied if it has been sold through the SEM Pool or under a contract in circumstances where, had the electricity been generated by a generating station mentioned in Article 54(1) of the Northern Ireland Energy Order, the Northern Ireland authority would have been entitled to issue a Northern Ireland certificate in respect of it.

(5) For the purposes of paragraphs (2) and (3), a generating station is to be treated as if it is located in Northern Ireland if it is neither in Northern Ireland nor on land but 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).

(6) In this article—

"intermediary", in relation to the operator of a generating station, and "SEM Pool" have the same meaning as they have in Article 16 of the Renewables Obligation Order (Northern Ireland) 2007(**a**) or, where that order has been revoked, as they have in any NIRO Order for the time being in force; and

"Northern Ireland" has the same meaning as in Article 54(1) of the Northern Ireland Energy Order.

When electricity used in a permitted way for ROCs certifying matters within section 32B(7) or (8) of the Act

16.—(1) For the purposes of section 32B(7) and (8) of the Act (in particular, for the purposes of a ROC certifying the matters within section 32B(7) or (8)), electricity generated by a generating station of any description is used in a permitted way if, subject to paragraph (2), it is used in any of the ways mentioned in section 32B(10) of the Act.

(2) Electricity is not used in a permitted way if it is supplied to customers in Great Britain through a private wire network and—

(a) the generating station from which the electricity is conveyed has a declared net capacity in excess of 10 megawatts, and

(b) at some point before the electricity is supplied to customers through the private wire network it is conveyed through a transmission or distribution system operated under a licence granted under section 6 of the Act.

(**a**) S.R. (NI) 2007 No 104. Articles 2(1) and 16 were amended by the Renewables Obligation (Amendment) Order (N.I.) 2007 (S.R. (NI) 2007 No 440).

PART 4

Cases and circumstances when a ROC must not be issued

Excluded generating stations

17.—(1) ROCs are not to be issued in respect of any electricity generated by a generating station located in Scotland.

(2) ROCs are not to be issued in respect of any electricity generated by a generating station mentioned in Article 54(1) of the Northern Ireland Energy Order where the electricity has been supplied to customers in Northern Ireland.

(3) ROCs are not to be issued in respect of any electricity generated by a generating station located beyond the seaward limits of the territorial sea adjacent to the United Kingdom unless—

(a) it is connected directly to a transmission or distribution system (or the part of such a system) located in Northern Ireland (and to no other system or part thereof); or

(b) it is an area designated under section 1(7) of the Continental Shelf Act 1964(**a**) or in a Renewable Energy Zone.

(4) ROCs are not to be issued in respect of any electricity generated by a large hydro generating station (wherever that station is located) if the station was first commissioned on or before 1st April 2002.

(5) In this article—

"Northern Ireland" has the same meaning as in Article 54(1) of the Northern Ireland Energy Order;

"Scotland" includes—

(a) so much of the internal waters and territorial sea of the United Kingdom as are adjacent to Scotland;

(b) a Renewable Energy Zone, or any part of such a Zone, which is designated by order under section 84(5) of the Energy Act 2004 (areas in relation to which Scottish Ministers have functions)(**b**).

Generating stations accredited for longer than 20 years

17A.—(1) Subject to paragraphs (2) and (3) and article 17AA, ROCs are not to be issued in respect of any electricity generated—

(a) by an existing generating station, after 31st March 2027;

(b) by a new generating station, on or after the 20th anniversary of the date on which it was accredited or 31st March 2037 (whichever is the earlier).

(2) Where, at the time it generates electricity, a generating station's total installed capacity is greater than its original capacity, paragraph (1) applies only in relation to ROCs which are to be issued in respect of electricity generated using the station's original capacity.

(3) In relation to the remainder of the electricity generated by the generating station, ROCs are not to be issued on or after the 20th anniversary of the date on which, in the Authority's view, the additional capacity first formed part of the station or 31st March 2037 (whichever is the earlier).

(4) Where electricity generated by a generating station using additional capacity added at a particular time ("relevant additional capacity") is not measured separately from—

(a) electricity generated by it using additional capacity (if any) which was added to it at a different time, or

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(**a**) 1964 c.29. This provision was amended by the Oil and Gas (Enterprise) Act 1982 (c.23), section 37 and Schedule 3, paragraph 1.
(**b**) 2004 c.20.

(b) electricity generated by it using its original capacity,

the electricity generated by it which is to be treated (for the purposes of paragraph (3)) as having been generated using the relevant additional capacity is the relevant percentage (the relevant percentage for these purposes being the relevant additional capacity at the date of generation of the electricity expressed as a percentage of the station's total installed capacity at that date).

(5) In this article—

"existing generating station" means a generating station which was accredited as at 25th June 2008;

"new generating station" means a generating station which was accredited after 25th June 2008;

"original capacity", in relation to a generating station, means—

(a) in the case of an existing generating station, the capacity of the station as accredited and any additional capacity which (in the Authority's view) formed part of the station on 25th June 2008;

(b) in the case of a new generating station, the capacity of the station as accredited.

Offshore wind turbines registered for longer than 20 years

17AA.—(1) This article applies in relation to the issue of ROCs in respect of the generation of electricity using a registered offshore wind turbine.

(2) ROCs are not to be issued in respect of any electricity generated using a registered offshore wind turbine, on or after the 20th anniversary of the date on which it was registered under article 58A (registration of offshore wind turbines) or 31st March 2037 (whichever is the earlier).

(3) Where the electricity generated by a generating station is generated in part using registered offshore wind turbines, but the amount of electricity so generated is not measured separately from electricity generated otherwise than by using those turbines, the electricity generated by it which is to be treated (for the purposes of paragraph (2)) as having been generated using those turbines is the relevant percentage (the relevant percentage for these purposes being the total installed capacity of those turbines at the date of generation of the electricity expressed as a percentage of the station's total installed capacity at that date).

(4) Article 17A does not apply in relation to the issue of ROCs in respect of the generation of electricity using a registered offshore wind turbine.

(5) In this article, "registered offshore wind turbine" means a wind turbine which is registered under article 58A.

Generating stations using excluded capacity to generate electricity

17AB.—(1) This article applies to a generating station where excluded capacity forms all or part of the total installed capacity of the station.

(2) No ROCs are to be issued in respect of any electricity generated in any month by a generating station to which this article applies unless during that month—

(a) all of the electricity generated by the station using the excluded capacity is measured separately from any electricity generated by the station using RO capacity, or

(b) all of the electricity generated by the station using RO capacity is measured separately from any electricity generated by the station using the excluded capacity.

(3) ROCs are not to be issued in respect of any electricity generated using excluded capacity.

Microgenerators in respect of which feed-in tariffs may be available

17B. ROCs are not to be issued in respect of any electricity generated on or after 1st April 2010 by a microgenerator—

(a) if that microgenerator is a hydro generating station, or

(b) if that electricity is generated from—

(i) gas formed by the anaerobic digestion of material which is neither sewage nor material in a landfill;

(ii) the direct conversion of sunlight into electricity; or

(iii) wind.

Generating stations (other than microgenerators) accredited before feed-in tariffs become available

17C.—(1) This article applies to a generating station (other than a microgenerator or a generating station whose electricity is sold pursuant to a NFFO arrangement) which is accredited on or after 15th July 2009 and at a time when no relevant financial scheme is in force.

(2) Where a relevant financial scheme ("the scheme") comes into force in relation to a generating station to which this article applies ("the station"), the operator of the station ("A") (or, where A is not entitled to receive financial incentives in respect of the station under the scheme, the person who is so entitled ("B")), must (if they have not done so beforehand) notify the Authority in writing within 5 months of the date on which the scheme comes into force whether support for electricity generated by the station should be given in the form of ROCs or in the form of financial incentives under the scheme.

(3) Where A or (as the case may be) B—

(a) notifies the Authority in writing that support should be given in the form of financial incentives under the scheme, and

(b) that notification is received by the Authority before or within 5 months of the date on which the scheme comes into force,

the notification (once it has been accepted by the Authority in writing) cannot be withdrawn and paragraph (4) or (as the case may be) (5) applies.

(4) Where the notification was received by the Authority before 1st April 2010 and the scheme comes into force on that date, ROCs are not to be issued in respect of any electricity generated by the station to which the notification relates on or after that date.

(5) In any other case ROCs are not to be issued in respect of any electricity generated by the station to which the notification relates on or after 1st April in the obligation period immediately following the obligation period in which the notification was received by the Authority.

(6) Where written notification in relation to the station is not received by the Authority before or within 5 months of the date on which the scheme comes into force, support (if any) for electricity generated by the station will be given in the form of ROCs.

(7) In this article, "relevant financial scheme", in relation to a generating station, means a scheme of financial incentives—

(a) which the Secretary of State establishes, or for the administration of which the Secretary of State makes arrangements, in exercise of the power in section 41(1) of the Energy Act 2008, and

(b) under which support may be given to encourage the generation of electricity by the station.

Generating stations (other than microgenerators) accredited after feed-in tariffs become available

17D.—(1) This article applies to a generating station (other than a microgenerator or a generating station whose electricity is sold pursuant to a NFFO arrangement) in respect of which an application for accreditation is determined at a time when a relevant financial scheme ("the scheme") is in force.

(2) The operator of a generating station to which this article applies ("A") (or, where A is not entitled to receive financial incentives in respect of that station under the scheme, the person who

is so entitled ("B")), must notify the Authority in writing, before the application for accreditation is determined, whether support for electricity generated by that station should be given in the form of ROCs or in the form of financial incentives under the scheme.

(3) Where, before the application for accreditation is determined, A or (as the case may be) B notifies the Authority in writing that support for electricity generated by the generating station should be given in the form of financial incentives under the scheme, that notification (if the application for accreditation has been approved) cannot be withdrawn and ROCs must not be issued in respect of any electricity generated by that station.

(4) In this article, "relevant financial scheme" has the same meaning as in article 17C.

Articles 17C and 17D: supplemental

17E.—(1) This article applies to a generating station—

(a) to which article 17C applies; or

(b) to which article 17D has applied.

(2) Nothing in article 17C or 17D prevents the issue of ROCs in respect of electricity generated by a generating station to which this article applies if support which was formerly available under a financial scheme to encourage the generation of electricity by that station is no longer available by virtue of the size of that station's total installed capacity.

(3) In this article, "financial scheme" means a scheme of financial incentives which the Secretary of State establishes, or for the administration of which the Secretary of State makes arrangements, in exercise of the power in section 41(1) of the Energy Act 2008.

Generating stations first commissioned before 1st January 1990

18.—(1) This article applies to a generating station—

(a) which was first commissioned before 1st January 1990,

(b) the main components of which have not been renewed since 31st December 1989, and

(c) which is not a micro hydro generating station.

(2) No ROCs are to be issued in respect of any electricity generated in any month by a generating station to which this article applies unless all of the electricity generated by that station during that month—

(a) is generated—

(i) partly from fossil fuel, and

(ii) partly from renewable sources which consist wholly of—

(aa) biomass,

(bb) biomass and Solid Recovered Fuel, or

(cc) a liquid or gaseous fuel produced by means of gasification, pyrolysis or anaerobic digestion;

(b) is generated from biomass and the following conditions are met—

(i) where that station generated electricity in any month prior to April 2003, no less than 75 per cent of the energy content of the fuel used to generate that electricity was derived from fossil fuel,

(ii) the first month in which all of the electricity generated by that station was generated from biomass occurred after March 2004, and

(iii) in relation to electricity generated in any month after that first month by that station, no more than 75 per cent of the energy content of the fuel used to generate that electricity was derived from fossil fuel.

(3) For the purposes of paragraph (1)(b), the main components of a generating station are only to be regarded as having been renewed since 31st December 1989—

(a) in the case of a hydro generating station, where the following parts have been installed in the generating station after 31st December 1989 and were not used for the purpose of electricity generation prior to their installation—

(i) all the turbine runners or all the turbine blades or the propeller; and

(ii) all the inlet guide vanes or all the inlet guide nozzles;

(b) in the case of any other generating station, where all the boilers and turbines (driven by any means including wind, water, steam or gas) have been installed in the generating station after 31st December 1989 and were not used for the purpose of electricity generation prior to their installation.

(4) For the purposes of paragraph (2)—

(a) in sub-paragraph (a)(i), fossil fuel does not include waste which is a renewable source, and

(b) in determining whether or not the requirements of sub-paragraph (a) or (b) are met, no account is to be taken of any fossil fuel or waste which the generating station uses for permitted ancillary purposes.

Generating stations generating under arrangements referred to in the Electricity (Northern Ireland) Order 1992(a)

19. No ROCs are to be issued in respect of any electricity generated by a generating station which generates electricity under the arrangements or additional arrangements referred to in Article 35(1) of the Electricity (Northern Ireland) Order 1992.

Generating stations in respect of which a NFFO arrangement applied but was terminated

20.—(1) This article applies where—

(a) a NFFO arrangement ("the applicable NFFO arrangement") provided for the building of a generating station at a specified location ("the location");

(b) the applicable NFFO arrangement was terminated due to the operator of the generating station to which it applied having committed an unremedied breach of it; and

(c) the last period in the tables contained in Schedule 1 to the Non-Fossil Fuel Order which relates to the applicable NFFO arrangement has not expired.

(2) Subject to paragraph (3), where this article applies no ROCs are to be issued in respect of any electricity generated by a generating station—

(a) which is situated wholly or partly at the location;

(b) to which the applicable NFFO arrangement applied at the time it was commissioned; and

(c) which is owned or operated by a person—

(i) who was a party to the applicable NFFO arrangement; or

(ii) who is a connected person or a linked person in relation to any such party.

(3) Paragraph (2) does not apply in relation to electricity generated by a generating station in a month in which all of the electricity generated by that station is sold pursuant to another NFFO arrangement.

Non-commissioned generating stations in respect of which a NFFO arrangement applies

21.—(1) This article applies where a NFFO arrangement ("the applicable NFFO arrangement") provides for the building of a generating station ("the specified station") at a specified location ("the location") and the specified station has not been commissioned.

(**a**) S.I. 1992/231 (N.I. 1), Article 35 is prospectively repealed by S.I. 2003/419 (N.I. 6), but the relevant provision has not yet been commenced.

(2) Subject to paragraph (3), where this article applies no ROCs are to be issued in respect of any electricity generated by a generating station which—

(a) is situated wholly or partly at the location; and

(b) is owned or operated by a person who is a party to the applicable NFFO arrangement or who is a connected person or a linked person in relation to any such party.

(3) Paragraph (2) does not apply in relation to electricity generated by a generating station in a month in which all of the electricity generated by that station is sold pursuant to another NFFO arrangement.

Electricity in respect of which a CFD or investment contract applies

21A. ROCs are not to be issued in respect of any electricity in respect of which a CFD or investment contract applies.

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

21B.—(1) This article applies to a combustion unit in relation to which a CFD or investment contract has been entered into.

(2) Subject to paragraph (3), ROCs are not to be issued in respect of any electricity generated by a combustion unit to which this article applies.

(3) Paragraph (2) does not apply if a CFD transfer notice has been given to the Authority by the operator of the generating station in respect of the combustion unit.

(4) A CFD transfer notice is a notice which—

(a) is in writing,

(b) identifies the combustion unit to which it relates,

(c) states the date from which the operator of the generating station intends to start using that combustion unit to generate electricity only from biomass ("the conversion date"), and

(d) states the date on which a CFD or investment contract was entered into in relation to that combustion unit.

(5) Once a CFD transfer notice has been received by the Authority it cannot be withdrawn.

(6) Subject to paragraph (7), the operator of a generating station may change the conversion date stated in a CFD transfer notice in respect of a combustion unit at the generating station by giving notice to the Authority in writing.

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

(a) after 31st March 2027,

(b) after the CFD transfer notice has come into force, or

(c) if a CFD made in relation to the combustion unit to which the CFD transfer notice relates has been terminated or otherwise ceased to have effect.

(8) For the purposes of this article, a CFD transfer notice comes into force—

(a) on the conversion date stated in the CFD transfer notice, or

(b) if earlier, as from the start of the first month—

(i) which is after March 2014, and

(ii) during which the combustion unit to which the CFD transfer notice relates burns only biomass.

(9) For the purpose of paragraph (8)(b)(ii), no account is to be taken of any fossil fuel or waste which is used—

(a) in the combustion unit for a purpose listed in article 22(3)(a), and

(b) 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.

Circumstances in which no ROCs are to be issued in respect of electricity generated from renewable sources

22.—(1) No ROCs are to be issued in respect of any electricity generated by a generating station in a month during all or part of which it generates electricity—

(a) wholly from renewable sources which consist of or include waste unless—

(i) the waste is biomass,

(ii) the waste is a liquid consisting wholly or mainly of hydrocarbon compounds,

(iii) the waste is in the form of a liquid or gaseous fuel produced by means of gasification, pyrolysis or anaerobic digestion, or

(iv) the generating station is a qualifying combined heat and power generating station;

(b) partly from renewable sources and partly from fossil fuel unless the renewable sources consist of—

(i) biomass,

(ii) biomass and Solid Recovered Fuel, or

(iii) a liquid or gaseous fuel produced by means of gasification, pyrolysis or anaerobic digestion;

(c) partly from renewable sources and partly from fossil fuel where the fossil fuel consists of or includes waste unless that waste is—

(i) liquid consisting wholly or mainly of hydrocarbon compounds,

(ii) in the form of a liquid or gaseous fuel produced by means of gasification, pyrolysis or anaerobic digestion, or

(iii) Solid Recovered Fuel;

(d) wholly or partly from peat.

(2) In this article—

(a) in paragraph (1)(a) and (c) and in sub-paragraph (c), waste includes anything derived directly or indirectly from waste;

(b) in paragraph (1)(b) and (c), fossil fuel does not include waste which is a renewable source; and

(c) in determining how electricity has been generated for the purposes of paragraph (1)(a), (b) or (c), no account is to be taken of any fossil fuel or waste which the generating station uses for permitted ancillary purposes.

(3) For the purposes of paragraph (2)(c), fossil fuel or waste (which includes anything derived directly or indirectly from waste) is used for permitted ancillary purposes if—

(a) it is used in a generating station for—

(i) cleansing other fuels from the generating station's combustion system prior to using fossil fuel or waste to heat the combustion system to its normal temperature;

(ii) the heating of the station's combustion system to its normal operating temperature or the maintenance of that temperature;

(iii) the ignition of fuels of low or variable calorific value;

(iv) emission control;

(v) standby generation or the testing of standby generation capacity,

(vi) corrosion control; or

(vii) fouling reduction, and

(b) the energy content of the fossil fuel or waste so used during a month (or, where both are so used during a month, their combined energy content) does not exceed 10 per cent of the energy content of all the energy sources used by that generating station to generate electricity during that month.

(4) In this article, "standby generation" means the generation of electricity by equipment which is not used frequently or regularly to generate electricity and where all the electricity generated by that equipment is used by the generating station.

Circumstances in which no ROCs are to be issued in respect of electricity generated from bioliquid

22A.—(1) No ROCs are to be issued in respect of any electricity generated by a generating station from bioliquid unless the bioliquid meets the greenhouse gas emission criteria and the land criteria.

(2) It is for the operator of the generating station to demonstrate to the Authority's satisfaction that the bioliquid meets the greenhouse gas emission criteria and the land criteria.

(3) Where paragraph (4) applies to a consignment of bioliquid, a mass balance system must be used for the purpose of demonstrating that the bioliquid meets the greenhouse gas emission criteria and the land criteria.

(4) This paragraph applies to a consignment of bioliquid where—

(a) the consignment of bioliquid was withdrawn from a mixture containing consignments of bioliquid with differing sustainability profiles; or

(b) consignments of the biomaterial from which the consignment of bioliquid was made were withdrawn from a mixture containing consignments of biomaterial with differing sustainability profiles.

(5) For the purposes of paragraph (3), a mass balance system is a system which—

(a) provides for the sustainability profiles of the consignments of biomaterial or bioliquid added to a mixture to be attributed to the consignments withdrawn from that mixture; and

(b) requires the sustainability profile attributed to the sum of all the consignments withdrawn from a mixture to be the same, and in the same quantities, as the sustainability profile of the sum of all the consignments added to that mixture.

(6) For the purposes of paragraphs (4) and (5)—

(a) the sustainability profile of a consignment of biomaterial is—

(i) information identifying the material of which the biomaterial is composed; and

(ii) information relating to the biomaterial to be used for the purpose of determining whether bioliquid made from the biomaterial meets the greenhouse gas emission criteria and the land criteria;

(b) the sustainability profile of a consignment of bioliquid is information identifying—

(i) the material of which the bioliquid is composed; and

(ii) the proportion that meets the greenhouse gas emission criteria and the land criteria.

Common agricultural policy requirements

22B. No ROCs are to be issued in respect of any electricity generated by a generating station from bioliquid if—

(a) the bioliquid is derived from biomaterial which—

(i) is of agricultural origin;

(ii) was cultivated in the EU; and

(iii) is not waste; and

(b) the Authority is satisfied that the biomaterial referred to in sub-paragraph (a) was—

(i) cultivated in a manner that breached a statutory management requirement identified in entries 1 to 5 and 9 of the list in Annex 2 to Council Regulation (EC) No 73/2009(**a**) ("the 2009 Regulation"); or

(ii) obtained from land which does not meet the minimum requirements for good agricultural and environmental condition defined pursuant to Article 6(1) of the 2009 Regulation(**b**).

Circumstances in which no ROCs are to be issued by virtue of section 32C(8)(a) of the Act

23. No ROCs certifying the matters within section 32B(4) or (6) of the Act are to be issued where the Northern Ireland authority has notified the Authority that it is not satisfied that the electricity in respect of which the ROCs are to be issued has been supplied to customers in Northern Ireland.

PART 5

ROCs to be issued by Authority in respect of RO eligible renewable output

RO input electricity, RO output electricity and ineligible renewable sources

23A.—(1) This article applies for the purposes of this Part.

(2) In any month where the total installed capacity of a generating station does not include any excluded capacity, "RO input electricity", in relation to that station, means the total input electricity of the station during that month.

(3) Subject to paragraphs (4) and (5), in any month where the total installed capacity of a generating station includes excluded capacity, the "RO input electricity" of the station is equal to $A-\left(A\times\frac{B}{C}\right)$ where—

(a) A is the total input electricity of the station during that month,

(b) B is the total installed capacity of the excluded capacity, and

(c) C is the total installed capacity of the station.

(4) Subject to paragraph (5), in any month where the total installed capacity of a generating station includes excluded capacity and electricity which is used by the station solely for purposes directly related to the operation of the excluded capacity is measured separately from the remainder of the electricity used by the station, the "RO input electricity" of the station is equal to $A-D$ where—

(a) A is the total input electricity of the station during that month, and

(b) D is the total amount of electricity measured as being used by the station solely for purposes directly related to the operation of the excluded capacity during that month.

(5) In any month where—

(a) the total installed capacity of a generating station includes excluded capacity,

(b) all of the electricity which is used by the station for purposes directly related to the operation of the RO capacity is measured separately from the remainder of the electricity used by the station, and

(c) the station does not generate electricity wholly or partly from hydrogen (other than hydrogen that constitutes fossil fuel),

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(**a**) OJ L 30, 31.1.2009, p.16. Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers.

(**b**) Article 6(1) requires Member States to define, at national or regional level, minimum requirements for good agricultural and environmental condition on the basis of the framework established in Annex 3 to the 2009 Regulation.

"RO input electricity", in relation to that station, means the total amount of electricity measured as being used by the station for purposes directly related to the operation of the RO capacity during that month.

(6) In any month where the total installed capacity of a generating station does not include any excluded capacity, "RO output electricity", in relation to that station, means the total output electricity of the station during that month.

(7) Subject to paragraph (8), in any month where the total installed capacity of a generating station includes excluded capacity and all of the electricity generated by the excluded capacity is measured separately from any electricity generated by the station using RO capacity, the "RO output electricity" of the station is equal to $E - F$ where—

(a) E is the total output electricity of the station during that month, and

(b) F is the total amount of electricity measured as being generated by the excluded capacity during that month.

(8) In any month where the total installed capacity of a generating station includes excluded capacity and all of the electricity generated by the station using RO capacity is measured separately from any electricity generated by the station using excluded capacity, "RO output electricity", in relation to that station, means the total amount of electricity measured as being generated by the RO capacity during that month.

(9) Electricity is generated from an ineligible renewable source if it is generated using the RO capacity of a generating station and—

(a) it is generated from landfill gas (other than electricity generated by a generating station to which article 29 applies, generated using pre-2013 capacity, generated in the way described in Schedule 2 as "closed landfill gas", or generated using the heat from a turbine or engine),

(b) where one or more of the criteria set out in articles 36 to 40 have to be satisfied before ROCs can be issued in respect of the station's RO eligible renewable output, it is electricity in respect of which any of those criteria are not satisfied, or

(c) it is electricity in respect of which ROCs are not to be issued by virtue of Part 4.

(10) In this article, references to "operation" include fuel handling, fuel preparation, maintenance and the pumping of water.

ROCs to be issued by Authority in respect of a generating station's RO eligible renewable output

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

(2) Subject to paragraph (3) and article 59 (modifications of this Order in relation to microgenerators in certain circumstances), ROCs—

(a) are to be issued in respect of a generating station's RO eligible renewable output in a month, and

(b) must not be issued before the end of the second month following that month.

(3) When issuing ROCs in respect of electricity generated in a month by a generating station or, in the case of ROCs certifying the matters within section 32B(5), (6) or (8) of the Act, two or more generating stations, the Authority must—

(a) determine the RO eligible renewable output of that generating station or, as the case may be, those generating stations in that month in accordance with article 25 or 26 (whichever is applicable); and

(aa) Deleted.

(b) Deleted.

(c) issue ROCs in respect of that station's or those stations' RO eligible renewable output, the amount of electricity to be stated in each ROC being determined in accordance with articles 27 to 32 (banding and grandfathering).

(4) This means that, where a generating station generates electricity—

(a) wholly from renewable sources a proportion of which is composed of fossil fuel,

(b) wholly from renewable sources and the RO input electricity used by the generating station in generating that electricity exceeds 0.5% of the RO output electricity,

(ba) partly using excluded capacity,

(bb) partly from an ineligible renewable source, or

(c) partly from renewable sources and partly from fossil fuel,

ROCs are to be issued in respect of a proportion only of the electricity generated by the station.

(5) Where the number of megawatt hours of RO eligible renewable output in respect of which ROCs are to be issued does not equate to a whole number of ROCs, the number of megawatt hours is to be rounded to the nearest figure which does so equate (and where there are two such figures, the number of megawatt hours is to be rounded upwards).

Calculating a generating station's RO eligible renewable output

25.—(1) Subject to article 26, the RO eligible renewable output of a generating station in any month is equal to—

(a) where the RO input electricity used by the generating station during that month does not exceed 0.5% of the RO output electricity of that station during that month, A - F;

(b) in any other case, $\left(A \times \frac{B}{C} \right) - F$.

(2) In paragraph (1)—

(a) A is equal to $\mathrm{C} \times \frac{\mathrm{D}}{\mathrm{E}}$ where—

(i) C is the RO output electricity of the generating station during the month in question;

(ii) D is the energy content of all of the renewable sources used in generating that station's RO output electricity during that month, less the energy content of—

(aa) 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 sub-paragraph (bb) or (cc) is in part composed);

(bb) any of those renewable sources which is Solid Recovered Fuel (other than Solid Recovered Fuel which constitutes biomass);

(cc) 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;

(iii) E is the energy content of all of the fuels used in generating that station's RO output electricity during that month;

(b) B is the RO output electricity of that station during that month less the RO input electricity it uses during that month;

(c) C has same meaning as in sub-paragraph (a)(i); and

(d) F is the total amount of electricity generated by that station from an ineligible renewable source during that month.

(3) Paragraphs (4) and (7) apply for the purposes of this Part and Part 6.

(4) Where during any month the RO eligible renewable output of a generating station is generated in two or more ways, the proportion of the station's RO eligible renewable output which is generated in each of those ways is—

(a) in the case of electricity generated in the way described as "landfill gas heat recovery" in Schedule 2, $G \div H$;

(b) in the case of electricity generated using mixed gas in the way described as "AD" in Schedule 2, $\frac{I}{J} \times \frac{K}{L}$;

(c) in the case of electricity generated using mixed gas in the way described as "electricity generated from sewage gas" in Schedule 2, $\frac{I}{J} \times \frac{M}{L}$;

(d) in the case of electricity generated in a way not falling within sub-paragraph (a), (b) or (c), $N \div P$ where—

(i) N is the energy content of the renewable sources used in generating the station's RO output electricity in the way in question during that month less the energy content of—

(aa) 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 sub-paragraph (bb) or (cc) is in part composed);

(bb) any of those renewable sources which is Solid Recovered Fuel (other than Solid Recovered Fuel which constitutes biomass);

(cc) 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; and

(ii) P is the energy content of all of the renewable sources used in generating the station's RO output electricity during that month less the energy content of—

(aa) 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 sub-paragraph (bb) or (cc) is in part composed);

(bb) any of those renewable sources which is Solid Recovered Fuel (other than Solid Recovered Fuel which constitutes biomass);

(cc) 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) In paragraph (4)—

(a) G is the maximum capacity in that month at which the station could generate electricity—

(i) in the way described as "landfill gas heat recovery" in Schedule 2,

(ii) using RO capacity, and

(iii) 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);

(b) H is the total installed capacity of the RO capacity of the station in that month;

(c) I is the energy content of the mixed gas used in generating the station's RO output electricity during that month;

(d) J is the energy content of all of the renewable sources used in generating the station's RO output electricity during that month;

(e) K 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 RO output electricity 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) L is the dry mass of all of the material from which the mixed gas used in generating the station's RO output electricity during that month is formed, less the dry mass of any digestible fossil fuel from which that material is in part composed; and

(g) M is the dry mass of the sewage from which the mixed gas used in generating the station's RO output electricity during that month is formed.

(6) References in paragraph (4) to a way of generating RO eligible renewable output are references 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-paragraph (a), (b) or (c).

(7) Where during any month two or more types of generating capacity form part of the RO capacity of a generating station, the proportion of the station's RO eligible renewable output which is generated using each of those types of generating capacity is $Q \div R$.

(8) In paragraph (7)—

(a) Q is the total installed capacity of that type of generating capacity of the station in that month (other than any of that type of generating capacity which forms part of the excluded capacity of the station), and

(b) R is the total installed capacity of the RO capacity of the station in that month.

(9) References in paragraph (7) to a type of generating capacity are references 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.

(10) In this article—

"dry mass", in relation to a fuel, means the mass of the fuel when any water present in it has been removed;

"excepted generating station" means a generating station—

(a) which was accredited on or before 31st March 2011;

(b) which, since being accredited, has not ceased to be accredited at any time; and

(c) in respect of which, if it was not accredited as at 31st March 2009, preliminary accreditation was held on and from that date until the date on which it was accredited;

"mixed gas" means gas formed by the anaerobic digestion of sewage together with—

(a) waste which constitutes a renewable source (other than sewage), or

(b) biomass (other than sewage).

RO eligible renewable output of a qualifying combined heat and power generating station

26.—(1) For the purposes of determining the RO eligible renewable output of a qualifying combined heat and power generating station in any month during which it generates electricity from waste (other than waste which constitutes biomass or is used for permitted ancillary purposes

or is an advanced fuel or is in the form of a liquid or gaseous fuel produced by means of anaerobic digestion), article 25 applies subject to the following modifications.

(2) For paragraph (2)(a)(ii) of article 25, substitute—

"(ii) D is the energy content of all of the renewable sources used in generating that station's RO output electricity during that month, less the energy content of—

(aa) 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 sub-paragraph (cc) is in part composed);

(cc) 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,

multiplied by the proportion which the qualifying power output of that station bears to its total power output;".

(3) For paragraph (4)(d)(i) and (ii) of that article, substitute—

"(i) N is the energy content of the renewable sources used in generating the station's RO output electricity in the way in question during that month less the energy content of—

(aa) 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 sub-paragraph (bb) is in part composed);

(bb) 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; and

(ii) P is the energy content of all of the renewable sources used in generating the station's RO output electricity during that month less the energy content of—

(aa) 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 sub-paragraph (bb) is in part composed);

(bb) 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."

PART 6

Banding and grandfathering

The amount of electricity to be stated in each ROC

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

(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.

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 applies, 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.

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.

(**a**) 2008 c.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—

(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 (a), (b) and (d) of paragraph 1(2) 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

(**a**) 2010 c.4.

(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 (a), (b) and (d) of paragraph 1(2) 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.

Microgenerators

29.—(1) This article applies to a generating station which—

(a) is a microgenerator, and

(b) has not had a declared net capacity in excess of 50 kilowatts at any time after 31st March 2009.

(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.

Generating stations which were accredited as at 11th July 2006

30.—(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.

(2) Deleted.

(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.

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

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

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

(5) In relation to the remainder of the electricity to which this article applies, the amount of electricity to be stated in each ROC is to be determined in accordance with article 27(4)except to the extent that the electricity—

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

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

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

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

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

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

(8) This article is subject to article 32.

Offshore wind generating stations using relevant wind turbines

30A.—(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.

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

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

(8) This article is subject to article 32.

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 (8).

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

(5) In paragraph (4)—

(a) A is the total installed capacity of the 2012/17 marine capacity in the month in question; and

(b) B is the total installed capacity of the 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;

(7) This article is subject to article 32.

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

31.—(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.

(5) Where, at any time it generates electricity after 31st March 2011, the generating station's total installed capacity is greater than it was on 31st March 2011, paragraph (4) applies only in relation to ROCs which are to be issued in respect of—

(a) where electricity generated using the total installed capacity of the station as at 31st March 2011 ("the original capacity") is measured separately from electricity generated using capacity which has been added to the station since that date, the electricity to which this article applies which is generated using the station's original capacity;

(b) in any other case, the appropriate percentage of the electricity to which this article applies (the appropriate percentage for these purposes being the total installed capacity of the station as at 31st March 2011 expressed as a percentage of the total installed capacity of the pre-2013 capacity of the station as at the date of generation of the electricity).

(6) In relation to the remainder of the electricity to which this article applies, the amount of electricity to be stated in each ROC is to be determined in accordance with article 27(4).

(7) This article is subject to article 32.

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

32.—(1) This article applies to a generating station—

(a) in respect of which a statutory grant was awarded on or before 11th July 2006, and

(b) which either—

(i) was granted accreditation which took effect after 11th July 2006, or

(ii) generates electricity from biomass or waste (including fuels produced from biomass or waste by means of gasification, pyrolysis or anaerobic digestion).

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

(a) if the grant or any part of it has been paid, to repay to the Secretary of State on or before 31st March 2011 so much of the grant as has been paid,

(b) to pay to the Secretary of State interest on an amount repayable under sub-paragraph (a) for such period, and at such rate, as may be determined by the Secretary of State, and

(c) if the grant or any part of it has not yet been paid, to consent to the cancellation of the award of the grant or part.

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

(a) has not so agreed, or

(b) having so agreed, has not produced to the Authority evidence of—

(i) the repayment of all amounts due under paragraph (2)(a) or the payment of all amounts of interest due under paragraph (2)(b), and

(ii) where a grant or any part has been cancelled under paragraph (2)(c), the cancellation of that grant or part,

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

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

Review of banding provisions

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

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

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

(a) the charges imposed by network operators on persons, or a class of persons, making a request for connection to and use of a transmission or distribution system have changed significantly since the Secretary of State made the banding provisions;

(b) the charges imposed by network operators on persons, or a class of persons, who generate electricity have changed significantly since the Secretary of State made the banding provisions;

(c) a way of generating electricity is being or has been developed that—

(i) is likely to be used to generate from renewable sources electricity which is supplied to customers in Great Britain, and

(ii) is not listed in the first column of Part 2 or Part 2A of Schedule 2;

(d) there has been a change, since the Secretary of State made the banding provisions, in any support, whether financial or otherwise, provided under any enactment other than sections 32 to 32M of the Act to persons generating electricity from renewable sources and that change is likely to have a significant impact on the generation of electricity from renewable sources;

(e) the costs of generating electricity in any of the ways listed in the first column of Part 2 or Part 2A of Schedule 2 are significantly different from the costs of generating electricity in that way to which the Secretary of State had regard when making the banding provisions;

(f) there is evidence over a significant period that the provisions of article 13(3) and (4) are having a material effect on trade in ROCs referred to in article 13(3);

(g) in an obligation period the number of ROCs issued by, produced to or likely to be produced to the Authority exceeds or is likely to exceed the total number of ROCs required to be produced to the Authority in respect of that obligation period by designated electricity suppliers;

(h) an event has occurred which—

(i) is relevant to the matters set out in section 32D(4) of the Act,

(ii) was not foreseen by the Secretary of State when making the banding provisions, and

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

(4) In this article, "network operators" are persons authorised by a licence under section 6(1)(b) or (c) of the Act to participate in the transmission of electricity or to distribute electricity.

PART 7

Issue and revocation of ROCs

Issue of ROCs to generators and suppliers

34.—(1) Subject to paragraphs (2) to (4) and article 35 (issue of ROCs to agents), 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.

(2) 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 (3) and (4).

(3) 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).

(4) 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.

Issue of ROCs to agents

35.—(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 the agent's appointment, name and address.

(4) That notification may be provided to the Authority by the operators (or any of them) or the agent.

(5) The Authority must also be notified in writing if the agent's appointment is terminated.

(6) That notification may also be provided to the Authority by the operators (or any of them) or the agent.

(7) Where notice is given under paragraph (5) and received by the Authority, the termination will take effect (subject to paragraph (8)) 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.

(8) Notwithstanding paragraph (7), 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.

(9) Paragraphs (7) and (8) 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.

(10) Where an agent's appointment has been terminated the agent is required to return to the operators any relevant information relating to the generation of electricity by their stations.

(11) 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.

General criteria for the issue of ROCs

36.—(1) Subject to article 37, 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 a designated 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) The electricity in respect of which a ROC is to be issued—

(a) must be generated during a month in which the generating station generating it is accredited and any conditions to which the accreditation is subject are met;

(b) subject to paragraph (3), must be measured using a meter which, if used for ascertaining the quantity of electricity supplied by an authorised supplier to a customer, would be approved for the purposes of paragraph 2(1)(a) of Schedule 7 to the Act; and

(c) must not include electricity in respect of which a ROC—

(i) has already been issued under this Order and has not been revoked; or

(ii) has already been issued under an Order made under sections 32 to 32M of the Act by the Scottish Ministers (whether or not it has been revoked).

(3) Paragraph (2)(b) does not apply in relation to electricity generated by a generating station the operator of which has agreed with the Authority that estimates may be provided instead of measurements using a meter.

(4) Any information which—

(a) is relevant to the question whether a ROC is to be issued, and

(b) is requested by or required to be provided to the Authority under article 53 (provision of information to the Authority),

must be provided in the form and time requested and must be (in the Authority's opinion) accurate and reliable.

(5) Where such information relates to the fuel used in the generation of that electricity and the fuel did not originate at the generating station, in determining whether that information is accurate and reliable the Authority must have regard to—

(a) the distance over which the fuel was transported; and

(b) the conditions under which the fuel was prepared and transported.

(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.

Criteria applicable to ROCs where article 36(1)(a) or (b) cannot be complied with

37.—(1) Where a ROC certifying the matters within section 32B(3) or (5) of the Act is to be issued and article 3636(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 15(2) or (3); and

(a) 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).

(2) Where a ROC certifying the matters within section 32B(4) or (6) of the Act is to be issued and article 36(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 15(4).

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

Further criterion applicable to ROCs certifying matters within section 32B(3) and (5) of the Act where electricity generated otherwise than on land

38. Where a ROC certifying the matters within section 32B(3) or (5) of the Act is to be issued in relation to a generating station which is not located on land and the confirmation required by article 36(1)(a) has been or is to be given in relation to the electricity generated or to be generated by that station, the person to whom the ROC is to be issued must confirm to the Authority in writing that the generating station to which the ROC relates is connected directly to a transmission or distribution system in Great Britain and the electricity in respect of which it is to be issued cannot be or have been conveyed to Great Britain through an electricity interconnector.

Further criteria applicable to ROCs certifying matters within section 32B(3) to (6) of the Act

39.—(1) Once during each obligation period the person to whom a ROC certifying the matters within section 32B(3), (4), (5) or (6) 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—

(a) that they are not a person who has been a party to an applicable NFFO arrangement (within the meaning of article 20);

(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 21); 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 whom the ROC is to be issued is an electricity supplier.

Further criteria applicable to ROCs certifying matters within section 32B(5), (6) and (8) of the Act

40.—(1) Once during each obligation period the person to whom a ROC certifying the matters within section 32B(5), (6) or (8) 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, the matters set out in paragraph (2).

(2) The matters set out in this paragraph 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 35 (issue of ROCs to agents), 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 59(2) (modifications of this Order in relation to microgenerators in certain circumstances)).

Refusing to issue and revoking ROCs

41.—(1) The Authority may refuse to issue a ROC—

(a) where any criterion in articles 36 to 40 which relates to that ROC is not (in its opinion) met;

(b) where any information referred to in article 36(4) or any confirmation provided to it under this Part is not (in its opinion) accurate and reliable.

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

(a) any information referred to in article 36(4) is false;

(b) any confirmation provided to it under this Part 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 35, 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 (within the meaning of article 23A), RO output electricity (within the meaning of article 23A), 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 41A(2) to (4).

Where ROCs cannot be revoked

41A.—(1) A ROC cannot be revoked where it has been produced to the Authority under article 5 (the renewables obligation).

(2) Nor can a ROC be revoked by the Authority under article 41(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 41(2) or (4) but for the fact that it has already been produced to it under article 5, 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 shall 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 34(2) to (4).

PART 8

Payments to discharge the renewables obligation, dealing with the buy-out and late payment funds, and mutualisation

Interpretation

42.—(1) In this Part—

"buy-out fund" means the fund held by the Authority on the 1st September of the settlement period, being the aggregate of—

(a) amounts received by the Authority under article 43 (those amounts relating to the renewables obligation in the relevant period);

(b) amounts held by the Authority by virtue of articles 46(4)(b), 47(4), 51(5) and 52(6)(b); and

(c) any interest earnt on those amounts;

"compliant United Kingdom supplier" means a United Kingdom supplier which, at the end of the late payment period, has discharged or is treated as if it had discharged in full every UK renewables obligation imposed on it in respect of the relevant period;

"GBRO costs" means the costs which have been or are expected to be incurred by the Authority in connection with the performance of any of its functions conferred by or under sections 32 to 32M of the Act during the settlement period;

"instalment payment" is to be construed in accordance with article 49(5);

"late payment fund" is the fund held by the Authority on the 1st November of the settlement period, being the aggregate of—

(a) amounts received by the Authority during that period under article 44 (those amounts relating to the renewables obligation in the relevant period); and

(b) any interest earnt on those amounts;

"late payment period" means the period beginning on the 1st September and concluding on the 31st October in the settlement period;

"mutualisation fund" means the aggregate at any given time of the amounts (excluding any amounts repaid under article 51(2)) received by the Authority under articles 49 and 51 (together with any interest earnt on those amounts) in relation to the relevant period;

"mutualisation period" means the obligation period immediately following the settlement period;

"NIRO costs" means the costs which have been or are expected to be incurred by the Northern Ireland authority in connection with the performance of any of its functions conferred by or under Articles 52 to 55F of the Northern Ireland Energy Order during a period which, in any order made under those Articles, corresponds to the settlement period;

"non-compliant United Kingdom supplier" means a United Kingdom supplier which, at the end of the late payment period, has not discharged or is not treated as if it had discharged in full every UK renewables obligation imposed on it in respect of the relevant period;

"recalculated supplier payment" is to be construed in accordance with article 50(5);

"the relevant period" is to be construed in accordance with article 43(1);

"relevant shortfall" is to be construed in accordance with article 48(3);

"relevant supplier" means an electricity supplier which was a designated electricity supplier in the relevant period and which at the end of the late payment period had discharged or is treated as if it had discharged the whole or part of its renewables obligation for the relevant period;

"renewables obligation order" is to be construed in accordance with section 32(4) of the Act;

"the settlement period" is to be construed in accordance with article 43(1);

"shortfall" is to be construed in accordance with article 48(2);

"supplier payment" is to be construed in accordance with article 49(3);

"total mutualisation sum" is to be construed in accordance with article 48;

"total UK buy-out fund" means the fund existing on the 1st September of the settlement period, being the aggregate of—

(a) the buy-out fund held on that date;

(b) any fund provided for in a renewables obligation order made by the Scottish Ministers which corresponds to the buy-out fund held on that date; and

(c) any fund provided for in an order made under Articles 52 to 55F of the Northern Ireland Energy Order which corresponds to the buy-out fund held on that date;

"UK renewables obligation" means—

(a) the renewables obligation imposed by article 5 of this Order;

(b) a renewables obligation imposed by a renewables obligation order made by the Scottish Ministers; or

(c) a renewables obligation imposed on Northern Ireland suppliers in an order made under Articles 52 to 55F of the Northern Ireland Energy Order;

"United Kingdom supplier" means—

(a) a designated electricity supplier;

(b) any electricity supplier on which a UK renewables obligation is imposed under a renewables obligation order made by the Scottish Ministers; and

(c) any designated electricity supplier within the meaning of Article 52(2) of the Northern Ireland Energy Order.

(2) In this Part, references to the late payment period, the mutualisation period, the relevant period and the settlement period, when used in the context of a United Kingdom supplier subject to a UK renewables obligation, are to be construed (where the United Kingdom supplier is not a designated electricity supplier)—

(a) in the case of an electricity supplier on which a UK renewables obligation is imposed under a renewables obligation order made by the Scottish Ministers, as references to the period which corresponds to the late payment, mutualisation, relevant or (as the case may be) settlement period in that order;

(b) in the case of an electricity supplier on which a UK renewables obligation is imposed under an order made under Articles 52 to 55F of the Northern Ireland Energy Order, as references to the period which corresponds to the late payment, mutualisation, relevant or (as the case may be) settlement period in the order under which that UK renewables obligation is imposed.

(3) Any sum payable by suppliers under articles 43(1), 44(6), 49 or 51(1) is to be rounded to the nearest penny, with any half of a penny being rounded upwards.

Payments to discharge the renewables obligation

43.—(1) A designated electricity supplier may (in whole or in part) discharge its renewables obligation for an obligation period ("the relevant period") by making a payment to the Authority before the 1st September in the following obligation period ("the settlement period").

(2) The payment referred to in paragraph (1) is an amount equal to £X × (Y − Z) where—

(a) X is the sum which corresponds to a renewables obligation certificate by virtue of paragraph (4);

(b) Y is the number of renewables obligation certificates that the designated electricity supplier, if it makes no payment under paragraph (1), would have to produce to the Authority in order for it to discharge its renewables obligation for the relevant period in full; and

(c) Z is the number of renewables obligation certificates that it has actually produced to the Authority for that period (or, where it has not produced any at all, zero).

(3) Where a designated electricity supplier makes a payment to the Authority which is less than the amount calculated under paragraph (2), its renewables obligation for the relevant period will be discharged by that payment to the extent of the appropriate number of renewables obligation certificates, which is the quotient obtained by dividing the payment made by the sum which corresponds to a renewables obligation certificate by virtue of paragraph (4).

(4) The sum which corresponds to a renewables obligation certificate ("the buy-out price") is—

(a) for the relevant period commencing on 1st April 2009, £37.19; and

(b) for each obligation period thereafter, the buy-out price for the previous obligation period increased or, as the case may be, decreased by the percentage increase or decrease in the retail prices index over the 12 month period ending on the 31st December in the previous obligation period (the resulting figure being rounded to the nearest penny, with any half of a penny being rounded upwards).

Late payments to discharge the renewables obligation

44.—(1) Where a designated electricity supplier fails (in whole or in part) to discharge its renewables obligation for the relevant period before the 1st September in the settlement period, the Authority must notify it of the extent of its default as soon as is reasonably practicable on or after that date.

(2) The extent of the designated electricity supplier's default is an amount equal to the amount calculated under article 43(2) less any amount that the designated electricity supplier has actually paid to the Authority under article 43.

(3) Interest is payable on that amount (or, where all or part of it is paid to the Authority before the end of the late payment period, such part of that amount as remains unpaid) during the late payment period.

(4) That interest is to be calculated on a daily basis at 5 percentage points above the base rate charged by the Bank of England on the first day of the late payment period.

(5) Any payment made by a designated electricity supplier towards discharging its default under paragraph (2) will be applied first to any interest that is payable under paragraph (3).

(6) If, by the end of the late payment period, the designated electricity supplier has paid to the Authority under this article the amount referred to in paragraph (2) and all interest required to be paid on that amount under paragraph (3), it will be treated as having discharged its renewables obligation for the relevant period.

(6A) If, by the end of the late payment period, the designated electricity supplier has not paid to the Authority the amount referred to in paragraph (2) and all interest required to be paid on that amount under paragraph (3), the supplier will not have discharged its renewables obligation for the relevant period.

(7) The Authority must not, during the late payment period, impose a penalty under section 27A(1) of the Act(**a**) on any supplier in respect of that supplier's failure to discharge its renewables obligation in full before the 1st September in the settlement period.

Dealing with the buy-out fund: payments into the Consolidated Fund and to the Northern Ireland authority

45.—(1) Subject to paragraph (2), before the 1st November in the settlement period the Authority must pay—

(a) into the Consolidated Fund the proportion of the buy-out fund which is equal to the proportion which the GBRO costs bear to the total UK buy-out fund; and

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(**a**) Section 27A of the Act was inserted by section 59(1) of the Utilities Act 2000 (c.27).

(b) to the Northern Ireland authority the proportion of the buy-out fund which is equal to the proportion which the NIRO costs bear to the total UK buy-out fund.

(2) Where the aggregate of the amounts to be paid by the Authority under paragraph (1) would exceed the buy-out fund, before the 1st November of the settlement period the Authority must pay the buy-out fund into the Consolidated Fund and to the Northern Ireland authority in the same ratio as the GBRO costs bear to the NIRO costs.

(3) Where any amount to be paid under paragraph (1) or (2) is not a whole number when expressed in terms of pounds sterling, it is to be rounded down to the nearest pound sterling.

(4) Where the buy-out fund exceeds the aggregate of the amounts to be paid by the Authority under paragraph (1), the Authority must pay the balance of the buy-out fund to United Kingdom suppliers under and in accordance with article 47 by the 1st November in the settlement period.

Dealing with the late payment fund: payments into the Consolidated Fund and to the Northern Ireland authority

46.—(1) Subject to paragraph (2), where the buy-out fund has been paid into the Consolidated Fund and to the Northern Ireland authority under article 45(2), before the 1st January in the settlement period the Authority must pay from the late payment fund—

(a) into the Consolidated Fund an amount which is equal to the difference between the amount that was paid into the Consolidated Fund under article 45(2) and the amount that would have been paid into it under article 45(1) had the aggregate of the amounts to be paid by the Authority under article 45(1) not exceeded the buy-out fund; and

(b) to the Northern Ireland authority an amount which is equal to the difference between the amount that was paid to it under article 45(2) and the amount that would have been paid to it under article 45(1) had the aggregate of the amounts to be paid by the Authority under article 45(1) not exceeded the buy-out fund.

(2) Where the aggregate of the amounts to be paid by the Authority under paragraph (1) would exceed the late payment fund, before the 1st January of the settlement period the Authority must pay the late payment fund into the Consolidated Fund and to the Northern Ireland authority in the same ratio as the GBRO costs bear to the NIRO costs.

(3) Where any amount to be paid under paragraph (1) or (2) is not a whole number when expressed in terms of pounds sterling, it is to be rounded down to the nearest pound sterling.

(4) Where, after any payments required to be made during the settlement period under paragraph (1) or (2) have been made, the Authority—

(a) holds more than £50,000 in the late payment fund, the Authority must pay the late payment fund to United Kingdom suppliers under and in accordance with article 47 by the 1st January in the settlement period;

(b) holds £50,000 or less in the late payment fund, the Authority must retain that money, which is to constitute part of the buy-out fund held in the obligation period immediately following the settlement period.

Dealing with the buy-out and late payment funds: payments to United Kingdom suppliers

47.—(1) Each United Kingdom supplier must be paid a proportion of the amount (if any) that the Authority is required to pay to United Kingdom suppliers by virtue of article 45(4) or 46(4)(a) by the dates in the settlement period specified in those articles.

(2) The proportion referred to in paragraph (1) is A ÷ B where—

(a) A is the number of renewables obligation certificates presented by the United Kingdom supplier to the Authority or Northern Ireland authority in order to discharge (in whole or in part) any UK renewables obligation to which it was subject in the relevant period; and

(b) B is the total number of renewables obligation certificates presented by United Kingdom suppliers to the Authority and the Northern Ireland authority in order to discharge (in

whole or in part) any UK renewables obligations to which they were subject in that period.

(3) Where any amount to be paid under this article is not a whole number when expressed in terms of pounds sterling, it is to be rounded down to the nearest pound sterling.

(4) Where by virtue of the operation of paragraph (3) the Authority continues to hold any sum which otherwise would have been paid out under this article that sum is to be retained by the Authority and is to constitute part of the buy-out fund held in the obligation period immediately following the settlement period.

Shortfall in the buy-out and late payment funds: the total mutualisation sum

48.—(1) As soon as reasonably practicable after the 31st October in the settlement period, the Authority must—

(a) determine whether a shortfall (within the meaning of paragraph (2)) has occurred; and

(b) where such a shortfall has occurred and is a relevant shortfall (within the meaning of paragraph (3)), calculate the total sum to be recovered from relevant suppliers ("the total mutualisation sum").

(2) A shortfall occurs in relation to the relevant period where the amount referred to in sub-paragraph (a) is less than the amount referred to in sub-paragraph (b) and is the difference between the two—

(a) the amount referred to in this sub-paragraph is the sum of—

(i) the amount held in the buy-out fund on 1st September in the settlement period, and

(ii) the amount held in the late payment fund on 31st October in that period (excluding from that amount any interest paid pursuant to article 44(3));

(b) the amount referred to in this sub-paragraph is what the amount referred to in sub-paragraph (a) would have been if, on 31st October in the settlement period, each designated electricity supplier which, at the end of the late payment period, has not (and is not treated as having) discharged its renewables obligation in full were to pay to the Authority the amount notified to it by the Authority under article 44(1).

(3) A shortfall is a relevant shortfall if—

(a) the relevant period in relation to which it has occurred is identified in the first column of Schedule 3, and

(b) it is equal to, or in excess of, the amount which corresponds to that period in the second column of that Schedule.

(4) Subject to paragraphs (5) to (7), where a relevant shortfall has occurred in relation to the relevant period, the total mutualisation sum for that period is the amount of that shortfall.

(5) Where any non-compliant United Kingdom supplier has produced renewables obligation certificates to the Authority or the Northern Ireland authority in order to discharge, in part, any UK renewables obligation to which it was subject in the relevant period, the total mutualisation sum for that period is equal to $R - \left(R \times \frac{E}{F} \right)$ where—

(a) R, subject to paragraphs (6) and (7), is the amount of the shortfall;

(b) E is the number of renewables obligation certificates produced by non-compliant United Kingdom suppliers to the Authority or the Northern Ireland authority in order to discharge, in part, any UK renewables obligation to which they were subject in the relevant period; and

(c) F is the total number of renewables obligation certificates produced by United Kingdom suppliers to the Authority or to the Northern Ireland authority in order to discharge, in whole or in part, any UK renewables obligation to which they were subject in the relevant period.

(6) If the total mutualisation sum for the relevant period has to be recalculated by virtue of article 50(5), for the purposes of that recalculation (whether under paragraph (4) or (5)) the amount of the shortfall is to be reduced by the sum of all payments mentioned in article 50(1)(b) received by United Kingdom suppliers.

(7) For the purposes of calculating or recalculating the total mutualisation sum for the relevant period, the amount (if any) by which the shortfall in relation to that period exceeds the mutualisation cap for that period is to be disregarded.

(8) The mutualisation cap for the relevant period depends on which obligation period constitutes the relevant period and is—

(a) for the relevant period commencing on 1st April 2009, £224,000,000; and

(b) for each obligation period thereafter, the mutualisation cap for the previous obligation period increased or, as the case may be, decreased by the percentage increase or decrease in the retail prices index over the 12 month period ending on the 31st December in the previous obligation period (the resulting figure being rounded to the nearest penny, with any half of a penny being rounded upwards).

Payments to be made by suppliers towards the total mutualisation sum

49.—(1) Where a relevant shortfall has occurred in relation to the relevant period, as soon as reasonably practicable after the 31st October in the settlement period the Authority must notify each relevant supplier of—

(a) the amount of the shortfall;

(b) the total mutualisation sum; and

(c) the payment which that supplier is required to make under paragraph (3).

(2) Where the Authority notifies relevant suppliers under paragraph (1) it must publish a notice stating the amount of the shortfall in relation to the relevant period and the total mutualisation sum.

(3) Where a relevant shortfall has occurred in relation to the relevant period, each relevant supplier must make a payment to the Authority (a "supplier payment").

(4) The supplier payment for each relevant supplier is equal to $T \times \frac{C}{D}$ where—

(a) T is the total mutualisation sum;

(b) C is the number of renewables obligation certificates that the supplier, if it had made no payments under article 43 or 44, would have had to produce to the Authority in order for it to have discharged its renewables obligation for the relevant period in full;

(c) D is the total number of renewables obligation certificates that all relevant suppliers, if none of them had made payments under articles 43 or 44 would have had to produce in order for each of them to discharge their renewables obligation for the relevant period in full.

(5) Subject to article 50 each relevant supplier must make its supplier payment in the following instalments ("instalment payments")—

(a) 25 per cent of the supplier payment required must be paid to the Authority before 1st September in the mutualisation period;

(b) 25 per cent of the supplier payment must be paid to the Authority before 1st December in that period;

(c) 25 per cent of the supplier payment must be paid to the Authority before 1st March in that period; and

(d) 25 per cent of the supplier payment must be paid to the Authority before 1st June immediately following that period.

(6) Where a person required to make a supplier payment—

(a) fails to make payment in full, and

(b) at any time during or after the end of the relevant period ceases to hold a licence to supply electricity under section 6(1) of the Act(**a**),

sections 25 to 28 of the Act(**b**) are to apply in respect of that person in respect of the obligations imposed by this article, as if that person still held a licence to supply electricity.

Circumstances in which payments towards the total mutualisation sum are to be re-calculated

50.—(1) This article and article 51 apply where—

(a) a relevant shortfall has occurred in relation to the relevant period; and

(b) a designated electricity supplier which failed to discharge its renewables obligation for the relevant period makes a payment to other United Kingdom suppliers which, if it had been made to the Authority under article 43 or 44, would have increased the amounts that those suppliers would have received under article 47 from the buy-out and late payment funds, that payment being designed to compensate those suppliers for that loss.

(2) A designated electricity supplier which makes a payment mentioned in paragraph (1)(b) must, immediately after making the payment, notify the Authority—

(a) of the United Kingdom suppliers to which the payment was made;

(b) how much each United Kingdom supplier received; and

(c) to which obligation period the payment relates.

(3) Any designated electricity supplier which receives a payment mentioned in paragraph (1)(b) must notify the Authority, immediately after receiving the payment, of the amount it received.

(4) Where a designated electricity supplier receives a payment from an electricity supplier supplying electricity in Scotland in relation to the electricity supplier's failure to discharge in full any UK renewables obligation imposed on it by a renewables obligation order made by the Scottish Ministers, the designated electricity supplier must notify the Authority, immediately after receiving the payment, of the amount it received.

(5) Where, before 1st August in the obligation period immediately following the mutualisation period, the Authority receives a notification under paragraph (2) or (3), relevant suppliers shall cease to be required to make instalment payments in respect of dates specified in article 49(5) which have not yet passed and the Authority must, as soon as is reasonably practicable—

(a) recalculate the total mutualisation sum (in relation to the relevant period);

(b) recalculate the supplier payment (in relation to the relevant period) which each relevant supplier is required to make (to take account of the recalculated total mutualisation sum);

(c) calculate, in accordance with article 51, the payments (if any) suppliers are required to make under that article; and

(d) notify each relevant supplier of—

(i) the recalculated total mutualisation sum;

(ii) its recalculated supplier payment; and

(iii) the payments (if any) the supplier is required to make under article 51.

(**a**) Section 6 of the Act was substituted by section 30 of the Utilities Act 2000 (c.27).

(**b**) Section 25 of the Act was amended by section 54(3) of, and paragraph 12 of Part IV of Schedule 10 to, the Competition Act 1998 (c.41), sections 3(2), 60 and 108 of, and paragraphs 24, 27 and 28 of Part II of Schedule 6 to, the Utilities Act 2000 (c.27), sections 25(8), 45(4), 52(2) and 63(1) of, and paragraph 2 of Schedule 2, paragraph 2 of Schedule 5 and paragraphs 7 and 9 of Schedule 7 to, the Consumers, Estate Agents and Redress Act 2007 (c.17), section 107(1) of, and paragraph 3 of Schedule 5 to, the Energy Act 2008 (c.32). Section 26 of the Act was amended by sections 3(2), 60(1) and 60(6) of the Utilities Act 2000. Section 27 of the Act was amended by section 3(2) of the Utilities Act 2000. Sections 27A to 27F of the Act were inserted by section 59(1) of the Utilities Act 2000. Section 28 of the Act was amended by sections 3(2), 59(2) and 108 of, and paragraphs 24 and 29 of Part II of Schedule 6 to, the Utilities Act 2000.

Re-calculated payments to be made by suppliers towards the total mutualisation sum and repayments by the Authority

51.—(1) Where the sum of instalment payments already made by a relevant supplier is less than its recalculated supplier payment, the supplier must pay the difference between the two ("the outstanding amount")—

(a) where the only date mentioned in article 49(5) which has not yet passed is the final one, on that date;

(b) where two or more of the dates mentioned in article 49(5) have not yet passed, in instalments on those dates (each instalment being equal to the outstanding amount divided by the number of dates which have not yet passed).

(2) Where the sum of instalment payments already made by a relevant supplier is more than the supplier's recalculated supplier payment and the Authority has received instalment payments, but has not yet paid out the mutualisation fund under article 52, the Authority must repay to the supplier from the mutualisation fund the difference between the amount that the supplier has paid (together with any interest earnt on that amount) and the supplier's recalculated supplier payment.

(3) Where the Authority is required to repay sums to relevant suppliers in accordance with paragraph (2) and the mutualisation fund is insufficient to enable the Authority to repay each relevant supplier in full, the Authority must pay each relevant supplier an amount equal to $G - \left(G \times \frac{(J - H)}{J} \right)$ where—

(a) G is the amount which the supplier would have received under paragraph (2) had the amount in the mutualisation fund been sufficient to enable the Authority to repay each relevant supplier in full;

(b) H is the amount in the mutualisation fund; and

(c) J is the sum of all payments that relevant suppliers would have received under paragraph (2) had the amount in the mutualisation fund been sufficient to enable the Authority to repay each relevant supplier in full.

(4) Where any amount to be paid under paragraph (2) or (3) is not a whole number when expressed in terms of pounds sterling, it is to be rounded down to the nearest pound sterling.

(5) Where by virtue of the operation of paragraph (4) the Authority continues to hold any sum which otherwise would have been paid out under this article that sum is to be retained by the Authority and is to constitute part of the buy-out fund held in the obligation period immediately following the mutualisation period.

Payments to be made to suppliers out of the mutualisation fund

52.—(1) The Authority must pay out the mutualisation fund to compliant United Kingdom suppliers in accordance with paragraphs (2) to (6).

(2) When there is money in it, the mutualisation fund is to be paid out by—

(a) 1st November in the mutualisation period;

(b) 1st February in that period;

(c) 1st May immediately following that period; and

(d) 1st August immediately following that period.

(3) On each occasion the mutualisation fund is paid out, each compliant United Kingdom supplier must be paid a proportion of the mutualisation fund.

(4) The proportion referred to in paragraph (3) is A ÷ B where—

(a) A is the number of renewables obligation certificates presented by the compliant United Kingdom supplier to the Authority or Northern Ireland authority in order to discharge (in whole or in part) any UK renewables obligation to which it was subject in the relevant period; and

(b) B is the total number of renewables obligation certificates presented by all compliant United Kingdom suppliers to the Authority or Northern Ireland authority in order to discharge (in whole or in part) any UK renewables obligation to which they were subject in that period.

(5) Where any amount to be paid under this article is not a whole number when expressed in terms of pounds sterling, it is to be rounded down to the nearest pound sterling.

(6) Where following the making of a payment to compliant United Kingdom suppliers the Authority continues, by virtue of the operation of paragraph (5), to hold any sum which otherwise would have been paid out under this article—

(a) the Authority must pay out that sum along with the next payment to be made under this article in respect of the relevant period; or

(b) where there are no further payments to be made under this article in respect of the relevant period that sum is to be retained by the Authority and is to constitute part of the buy-out fund held in the obligation period immediately following the mutualisation period.

PART 9

Provision of information, functions of the Authority and modification of this Order in relation to microgenerators in certain circumstances

Provision of information to the Authority

53.—(1) The Authority may, by the date (if any) specified by it, require—

(a) a designated electricity supplier to provide it with information which in its opinion is relevant to the question whether the supplier is discharging, or has discharged, its renewables obligation;

(b) a person to provide it with information which in its opinion is relevant to the question whether a ROC is, or was or will in future be, required to be issued to the person.

(2) Without prejudice to paragraph (1), the Authority may, by the date (if any) specified by it, require any person who—

(a) is the operator of a generating station generating electricity in respect of which a ROC has been or may be issued;

(b) supplies, distributes or transmits such electricity; or

(c) buys or sells (as a trader) such electricity or ROCs,

to provide it with such information as in its opinion it requires in order to carry out any of its functions under this Order.

(3) Without prejudice to paragraphs (1) and (2), for the purposes of determining the RO eligible renewable output of a generating station in a month ("the relevant month") the operator of the station must provide the Authority with figures showing—

(a) the total input electricity and the RO input electricity used by the station in the relevant month, and

(b) the total output electricity and the RO output electricity of the station in that month,

by the end of the second month following the relevant month (and those figures may be estimated if the Authority has agreed to estimates being provided and to the way in which those estimates are to be calculated).

(4) Nothing in paragraph (3) prevents the Authority from accepting figures, or further figures, provided after the end of the second month following the relevant month if the Authority considers it appropriate to do so.

(5) Without prejudice to paragraphs (1) and (2), each designated electricity supplier must provide the Authority with—

(a) estimates of the amount of electricity it has supplied to customers in England and Wales during each month of an obligation period by no later than 1st June following that period;

(b) figures showing the amount of electricity it has actually supplied to customers in England and Wales during each month of an obligation period by no later than 1st July following that period; and

(c) an estimate of the number of renewables obligation certificates it believes it would be required to produce to the Authority in order to discharge its renewables obligation for an obligation period if it did not discharge its renewables obligation for that period (in whole or in part) by some other means by no later than 1st July following that period.

(6) When giving the information referred to in paragraph (5)(a) and (b), a designated electricity supplier must have regard to any sales figures relating to the electricity in respect of which it is giving that information which it has provided (or intends to provide) to the Department of Energy and Climate Change for publication in "Energy Trends".

(7) Without prejudice to paragraphs (1) and (2), for the purposes of determining whether a ROC certifying the matters within section 32B(5), (6) or (8) of the Act should be issued the person to whom any such ROC would be issued must provide the Authority with—

(a) a figure representing the amount of electricity in respect of which ROCs should (in that person's opinion) be issued; and

(b) the data on which that person relied in arriving at that figure.

(8) Information requested under or required to be provided by this article must be given to the Authority in whatever form it requires.

(9) In this article "RO input electricity" and "RO output electricity", in relation to a generating station, have the same meaning as they have in article 23A.

Information to be provided to the Authority where electricity is generated from biomass

54.—(1) This article applies to a generating station—

(a) which generates electricity (wholly or partly) from biomass (other than municipal waste, landfill gas or sewage gas), and

(b) which is not a microgenerator.

(2) In relation to each consignment of biomass (other than landfill gas, sewage gas or municipal waste) used in a generating station to which this article applies, the operator of the station must, by the 30th June immediately following the obligation period during which the biomass is used ("the relevant date"), provide the Authority with—

(a) the information specified in paragraph (3),

(b) other than in the case of biomass which was gas formed by the anaerobic digestion of material which was—

(i) excreta produced by animals, or

(ii) waste,

the information specified in paragraph (3ZA), and

(c) other than in the case of biomass which was—

(i) bioliquid,

(ii) excreta produced by animals,

(iii) waste, or

(iv) wholly derived from waste,

the information specified in paragraph (3ZB).

(3) The information specified in this paragraph is information identifying, to the best of the operator's knowledge and belief—

(a) the material from which the biomass was composed;

(b) where the biomass was solid and can take different forms, the form of the biomass;

(c) whether the biomass was waste or wholly derived from waste;

(d) whether the biomass was excreta produced by animals;

(e) where the biomass was plant matter or derived from plant matter, the country where the plant matter was grown; and

(f) where the information specified in sub-paragraph (e) is not known or the biomass was not plant matter or derived from plant matter, the country from which the operator obtained the biomass.

(3ZA) The information specified in this paragraph is information identifying, to the best of the operator's knowledge and belief—

(a) where the biomass was solid, its mass (in tonnes);

(b) where the biomass was liquid, its volume (in litres) when measured at 25 degrees Celsius and 0.1 megapascals;

(c) where the biomass was gas, its volume (in cubic metres) when measured at 25 degrees Celsius and 0.1 megapascals;

(d) where the biomass was an energy crop and was not a bioliquid—

(i) the type of energy crop in question, and

(ii) the use of the land on which the biomass was grown in the year before the land was first used to grow energy crops; and

(e) where the biomass was wood or derived from wood and was not waste or bioliquid—

(i) the name of the forest or other location where that wood was grown;

(ii) a description of the forestry management practices or land management practices used in the forest or other location where that wood was grown;

(iii) the species of wood in question; and

(iv) the proportion of the biomass (if any) that was composed of, or derived from, saw logs.

(3ZB) The information specified in this paragraph is information identifying, to the best of the operator's knowledge and belief—

(a) the greenhouse gas emissions from the use of the biomass to generate one mega joule of electricity;

(b) where the biomass was wood or derived from wood—

(i) whether the biomass meets the timber standard or an equivalent standard, and

(ii) where the biomass does not meet the timber standard or an equivalent standard, the main reasons why biomass meeting the timber standard or an equivalent standard was not used;

(c) where the biomass was not wood or derived from wood—

(i) whether the biomass meets the land criteria; and

(ii) where the biomass does not meet the land criteria, the main reasons why biomass meeting the land criteria was not used;

(d) where—

(i) the biomass was used in a post-2013 dedicated biomass station, and

(ii) the greenhouse gas emissions from the use of the biomass to generate one mega joule of electricity are greater than 66.7 grams,

the main reasons why biomass with lower greenhouse gas emissions was not used;

(e) where—

(i) the biomass was used in a generating station other than a post-2013 dedicated biomass station, and

(ii) the greenhouse gas emissions from the use of the biomass to generate one mega joule of electricity are greater than 79.2 grams,

the main reasons why biomass with lower greenhouse gas emissions was not used; and

(f) where the biomass was wood or derived from wood and any of the information specified in sub-paragraphs (a) and (b)(i) is not known or where the biomass was not wood or derived from wood and any of the information specified in sub-paragraphs (a) and (c)(i) is not known—

(i) the main reasons why that information is not known, and

(ii) the main reasons why biomass for which that information is known was not used.

(3A) For the purposes of paragraph(3ZB)(a), the operator of the generating station must calculate the greenhouse gas emissions using one of the following methods—

(a) the actual value method; or

(b) the default value method.

(3B) The default value method must not be used to calculate the greenhouse gas emissions from the use of biomass unless—

(za) the biomass was used in a generating station with a total installed capacity of less than 1 megawatt;

(a) the biomass is described in the first column of Part 2 of Schedule 3B; and

(b) in relation to the biomass, the result of the calculation in paragraph 7 of Part C of Annex 5 to the Renewables Directive is equal to, or less than, zero.

(3C) For the purposes of paragraph (3B)(b), paragraph 7 of Part C of Annex 5 to the Renewables Directive is to be read as if—

(a) for each reference to "biofuel" there was substituted "biomass"; and

(b) the words "or bioliquid" were omitted in each place in which those words occur.

(4) Where, in relation to biomass used in a generating station to which this article applies, the operator of the station fails to provide the Authority with the information required by paragraph (2) by the relevant date, the Authority must, in relation to any ROCs to which the operator would otherwise be entitled, postpone the issue of those ROCs (up to the specified number) until such time as the information is provided.—

(5) For the purposes of paragraph (4), the specified number is the number of ROCs which the Authority has or estimates that it has or, but for this article, it would have issued in respect of the electricity generated by the biomass in relation to which the information required by paragraph (2) should have been provided.

(6) In this article—

"actual value method" means the calculation method provided for in Schedule 3A;

"default value method" means the calculation method provided for in Part 1 of Schedule 3B;

"post-2013 dedicated biomass station" means a generating station which—

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

(b) has, in any month after March 2013, generated electricity in the way described as "dedicated biomass" in Schedule 2;

"saw logs" means wood which formed part of the trunk of a tree which grew for at least 10 years;

"timber standard" means the Timber Standard for Heat & Electricity: woodfuel used under the Renewable Heat Incentive and Renewables Obligation published by the Department of Energy and Climate Change in February 2014**(a)**; and

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(**a**) Copies can be obtained from the Department of Energy and Climate Change, 3 Whitehall Place, London, SW1A 2AW and are available at https://www.gov.uk/government/publications.

"waste" does not include excreta produced by animals.

Bioliquid sustainability audit report

54A.—(1) This article applies to a generating station which generates electricity (wholly or partly) from bioliquid in respect of which the operator of the generating station has submitted sustainability information.

(2) In relation to each consignment of bioliquid used in a generating station to which this article applies, the operator of the station must, by the 31st May immediately following the obligation period during which the bioliquid referred to in paragraph (1) is used ("the relevant date"), provide the Authority with a sustainability audit report meeting the requirements specified in paragraph (3).

(3) The requirements specified in this paragraph are that the sustainability audit report must—

(a) be prepared by a person who is not—

(i) the owner or operator of the generating station; or

(ii) a connected person, in relation to the owner or operator of the generating station;

consider whether the systems used to produce the relevant sustainability information are likely to produce information which is reasonably accurate and reliable;

(ba) consider whether there are controls in place to help protect the relevant sustainability information against material misstatements due to fraud or error;

(b) consider the frequency and methodology of any sampling carried out for the purpose of obtaining or checking the data on which the operator relied in preparing the relevant sustainability information;

(c) consider the robustness of the data on which the operator relied in preparing the relevant sustainability information;

(da) state whether anything has come to the attention of the person preparing the report to indicate that the relevant sustainability information is not accurate;

(d) be prepared to an adequate standard;

~~(d)~~(e) identify whether the bioliquid was certified under an environmental quality assurance scheme, and if so—

(i) state the name of the scheme, and

(ii) identify whether the European Commission has adopted a decision under article 18(4) of the Renewables Directive in respect of the scheme; and

~~(e)~~(f) 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) Subject to paragraph (5), it is for the operator of the generating station to demonstrate to the Authority's satisfaction that the sustainability audit report was prepared to an adequate standard.

(5) A sustainability audit report shall be deemed to have been prepared to an adequate standard if it has been prepared in accordance with the requirements in respect of limited assurance engagements prescribed in ISAE 3000 or an equivalent standard.

(6) Where, in relation to bioliquid used in a generating station to which this article applies, the operator of the station fails to provide the Authority with a sustainability audit report meeting the requirements specified in paragraph (3) by the relevant date, the Authority must, in relation to any ROCs to which the operator would otherwise be entitled, postpone the issue of those ROCs (up to the specified number) until such time as the sustainability audit report is provided.

(7) For the purposes of paragraph (6), the specified number is the number of ROCs which the Authority has or estimates that it has or, but for this article, would have issued in respect of the electricity generated by the bioliquid in relation to which a sustainability audit report meeting the requirements specified in paragraph (3) should have been provided.

(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" means a voluntary scheme which establishes environmental or social standards in relation to the production of bioliquid or matter from which a bioliquid is derived;

"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.

Solid and gaseous biomass sustainability audit report

54B.—(1) This article applies to a generating station which—

(a) has a total installed capacity of at least 1 megawatt, and

(b) generates electricity (wholly or partly) from biomass.

(2) In relation to each consignment of biomass used in a generating station to which this article applies, and in respect of which the operator of the station has–

(a) in the case of biomass which is waste or wholly derived from waste, provided the information specified in article 54(3)(c);

(b) in the case of biomass which is not waste or wholly derived from waste, provided the information specified in article 54(3ZB)

the operator of the station must, by the 30th June immediately following the obligation period during which the biomass was used ("the relevant date"), provide the Authority with a sustainability audit report meeting the requirements specified in paragraph (3).

(3) The requirements specified in this paragraph are that the sustainability audit report must—

(a) be prepared by a person who is not—

(i) the owner or operator of the generating station, or

(ii) a connected person, in relation to the owner or operator of the generating station;

(b) consider whether the systems used to produce the relevant information are likely to produce information which is reasonably accurate and reliable;

(c) consider whether there are controls in place to help protect the relevant information against material misstatements due to fraud or error;

(d) consider the frequency and methodology of any sampling carried out for the purpose of obtaining or checking the data on which the operator relied in preparing the relevant information;

(e) consider the robustness of the data on which the operator relied in preparing the relevant information;

(f) state whether anything has come to the attention of the person preparing the report to indicate that the relevant information is not accurate; and

(g) be prepared in accordance with the requirements in respect of limited assurance engagements prescribed in ISAE 3000, or an equivalent standard.

(4) Where, in relation to biomass used in a generating station to which this article applies, the operator of the station fails to provide the Authority with a sustainability audit report meeting the requirements specified in paragraph (3) by the relevant date, the Authority must, in relation to any ROCs to which the operator would otherwise be entitled, postpone the issue of those ROCs (up to the specified number) until such time as the sustainability audit report is provided.

(5) For the purposes of paragraph (4), the specified number is the number of ROCs which the Authority has or estimates that it has or, but for this article, would have issued in respect of the electricity generated by the biomass in relation to which a sustainability audit report meeting the requirements specified in paragraph (3) should have been provided.

(6) In this article, "relevant information" means—

(a) in relation to a consignment of biomass which is waste or wholly derived from waste, the information specified in article 54(3)(c) that is provided to the Authority by the operator of the generating station in respect of the consignment;

(b) in relation to a consignment of biomass which is not waste or wholly derived from waste, the information specified in article 54(3ZB) that is provided to the Authority by the operator of the generating station in respect of the consignment.

(7) References in this article to biomass do not include bioliquid, landfill gas, sewage gas, municipal waste or excreta produced by animals.

Provision of information to the Secretary of State

55. Any information provided to the Authority under article 53(5) must be provided to the Secretary of State at the same time.

Exchange of information with the Northern Ireland authority

56.—(1) The Authority must, as soon as reasonably practicable after the specified day following an obligation period, notify the Northern Ireland authority of—

(a) the details of each Northern Ireland certificate produced to the Authority by a designated electricity supplier in discharge of that supplier's renewables obligation for that period and the name of the designated electricity supplier in question; and

(b) the total number of Northern Ireland certificates produced to the Authority in respect of that obligation period.

(2) The Authority must, as soon as reasonably practicable after receiving a notification from the Northern Ireland authority as to the ROC identifiers of ROCs produced to the Northern Ireland authority by Northern Ireland suppliers under any NIRO Order, inform the Northern Ireland authority of—

(a) the ROC identifier of any ROC so notified which the Authority has revoked under article 41 and whether it has issued a replacement ROC in respect of any such ROC (unless that replacement ROC has itself been revoked);

(b) the ROC identifier of any ROC so notified that has been produced to the Authority by a designated electricity supplier under article 5(2) and the date on which it was produced.

(3) The Authority must, as soon as reasonably practicable after the specified day following an obligation period, notify the Northern Ireland authority of the number of renewables obligation certificates produced to the Authority in respect of that period.

Functions of the Authority

57.—(1) In addition to the functions assigned to it elsewhere in this Order, the Authority shall have the following specific functions—

(a) keeping, maintaining and making available to the public a list of generating stations granted preliminary accreditation in accordance with article 58 and accreditation in

accordance with article 58ZZA, together with any applicable conditions attached to the preliminary accreditation or accreditation;

(b) keeping and maintaining a list of ROCs which have been revoked and making such list available to the public;

(c) calculating and publishing before the start of each obligation period (with the exception of the first obligation period to which this Order relates) the sum which corresponds to a ROC for that period by virtue of article 43(4);

(d) calculating and publishing before the start of each obligation period (with the exception of the first obligation period to which this Order relates) the amount which is the mutualisation cap for that period by virtue of article 48(8);

(e) publishing from time to time during an obligation period the total ROC claim for that period;

(f) by the 1st April each year publishing a report in relation to the obligation period ending on the 31st March in the previous calendar year ("the relevant period"), such report to include details (or, in the case of paragraph (ix), a summary) of—

(i) the compliance of each designated electricity supplier with its renewables obligation, for the relevant period, including the extent to which that obligation was met by the production of renewables obligation certificates under article 5(2), payments made under article 43 or the production of Northern Ireland certificates under article 13(1), or was treated as met by payments made under article 44;

(ii) the sums received by each United Kingdom supplier under article 47 in relation to the relevant period;

(iii) the number of ROCs issued by the Authority, the number of ROCs accepted by it under article 5(2), and the number of ROCs issued by it but not yet deleted from the Register in relation to the relevant period;

(iv) the number of ROCs issued by the Authority in relation to the relevant period categorized by reference to the way in which the electricity in respect of which the ROCs were issued was generated;

(v) any notices published by the Authority under article 49(2) in relation to the relevant period;

(vi) any payments made to the Authority in accordance with article 49(5), during or in relation to the relevant period;

(vii) the sums received by each compliant United Kingdom supplier under article 52, during or in relation to the relevant period;

(viii) any recalculations carried out by the Authority in accordance with article 50(5), during or in relation to the relevant period;

(ix) the outcome of any enquiries or investigations conducted by the Authority pursuant to sub-paragraph (g) in relation to the relevant period; and

(x) any other matters which the Authority considers relevant in relation to the relevant period;

(g) monitoring compliance with this Order by designated electricity suppliers and operators of generating stations (including compliance by operators of generating stations with any conditions attached to their accreditation) and such monitoring may include conducting enquiries or investigations into—

(i) the amount of electricity generated from renewable sources by accredited generating stations;

(ii) the amount of such electricity supplied to customers in Great Britain;

(iii) the transfer and holding of ROCs (including the transfer and holding of ROCs issued to agents by virtue of article 35);

(iv) the effect of such matters on the making and allocation of payments under articles 43, 44, 47, 49, 51 and 52; and

(v) the effect of the renewables obligation on the activities and operations of designated electricity suppliers and operators of generating stations;

(h) publishing at its discretion reports of enquiries or investigations conducted by the Authority pursuant to sub-paragraph (g); and

(i) the provision of such information to the Northern Ireland authority as the Authority considers may be relevant to the exercise of the Northern Ireland authority's functions under any NIRO Order.

(1A) The Authority must, as soon as reasonably practicable after each obligation period, forward to the Secretary of State a summary of the sustainability information submitted to it during that period.

(2) In this article "total ROC claim" means the total number of ROCs which have been claimed in respect of an obligation period, less—

(a) the number of ROCs which have been issued in respect of that obligation period; and

(b) the number of ROCs which the Authority has, in respect of that obligation period, decided not to issue or refused to issue under article 41.

Preliminary accreditation of generating stations

58.—(1) Subject to paragraph (2), where a generating station in respect of which—

(c) consent under section 36 of the Act or Article 39 of the Electricity (Northern Ireland) Order 1992 has been obtained,

(d) planning permission under the Town and Country Planning Act 1990 has been granted, or

(e) development consent under the Planning Act 2008 has been granted,

is not yet commissioned, the Authority may, upon the application of a person who proposes to construct or operate the generating station, grant the station preliminary accreditation.

(2) The Authority must not grant preliminary accreditation to a generating station under this article—

(a) if, in the Authority's opinion, the station is unlikely to generate electricity in respect of which ROCs may be issued,

(b) if a CFD has been made at any time in relation to the generation of electricity by the station, or

(c) subject to paragraph (3), if an investment contract has been made at any time in relation to the generation of electricity by the station.

(3) Paragraph (2)(c) does not apply if the application for preliminary accreditation is accompanied by a declaration made in writing by the person who proposes to construct or operate the generating station that the investment contract has been terminated or has otherwise ceased to have effect by reason of a permitted termination event.

(4) In paragraph (3), "permitted termination event" means—

(a) a delay in the approval of the investment contract by the European Commission,

(b) a refusal by the European Commission to approve the investment contract,

(c) a condition attached by the European Commission to its approval of the investment contract, or

(d) an amendment to the investment contract that is made, or proposed, by the Secretary of State in the light of any standard terms issued under section 11 of the Energy Act 2013.

(5) In this article, references to a person who proposes to construct a generating station include a person who arranges for the construction of the generating station.

Accreditation of generating stations

58ZZA.—(1) This article applies to the granting of accreditation of generating stations by the Authority, and paragraphs (2) and (3) are subject to paragraph (4).

(2) Where a generating station has been commissioned, the Authority may, upon the application of its operator (or, where ROCs relating to electricity generated by that station are to be issued to an agent by virtue of article 35, that agent), grant the station accreditation.

(3) Where a generating station has been granted preliminary accreditation (and such preliminary accreditation has not been withdrawn) and an application for its accreditation is made under paragraph (2), the Authority must not grant that application if it is satisfied that—

(a) there has been a material change in circumstances since the preliminary accreditation was granted such that, had the application for preliminary accreditation been made after the change, it would have been refused,

(b) the information on which the decision to grant the preliminary accreditation was based was incorrect in a material particular such that, had the Authority known the true position when the application for preliminary accreditation was made, it would have refused it, or

(c) there has been a change in applicable legislation since the preliminary accreditation was granted such that, had the application for preliminary accreditation been made after the change, it would have been refused,

but otherwise the Authority must grant the application.

(4) The Authority must not grant accreditation to a generating station under this article—

(a) if, in the Authority's opinion, the station is unlikely to generate electricity in respect of which ROCs may be issued,

(b) subject to paragraph (5), if the application for accreditation is not accompanied by the documents specified in paragraph (8).

(c) subject to paragraph (6), if an application for a CFD has been made at any time in relation to the generation of electricity by the station, or

(d) subject to paragraph (7), if an investment contract has been made at any time in relation to the generation of electricity by the station.

(5) Paragraph (4)(b) does not apply if the application for accreditation is in respect of a generating station which—

(a) is a microgenerator, or

(b) has a total installed capacity of no more than 5 megawatts, and which—

(i) generates electricity from—

(aa) gas formed by the anaerobic digestion of material which is neither sewage nor material in a landfill,

(bb) the direct conversion of sunlight into electricity, or

(cc) wind, or

(ii) is a hydro generating station.

(6) Paragraph (4)(c) does not apply if the application for accreditation is accompanied by the document specified in paragraph (8)(a)(ii).

(7) Paragraph (4)(d) does not apply if the application for accreditation is accompanied by the document specified in paragraph (8)(b)(ii).

(8) The documents specified in this paragraph are—

(a) either—

(i) a declaration made in writing by the operator of the generating station that an application for a CFD has not been made at any time in relation to the generation of electricity by the station, or

(ii) a declaration made in writing by the operator of the generating station that every application made for a CFD in relation to the generation of electricity by the station has been rejected by the national system operator or by the Secretary of State,

(b) either—

(i) a declaration made in writing by the operator of the generating station that an investment contract has never been made in relation to the generation of electricity by the station, or

(ii) a declaration made in writing by the operator of the generating station that any investment contract made in relation to the generation of electricity by the station has been terminated or has otherwise ceased to have effect by reason of a permitted termination event, and

(c) a declaration made in writing by the operator of the generating station that the national system operator has been sent—

(i) a copy of the documents that accompany the application in accordance with sub-paragraphs (a) and (b), and

(ii) a description of the location of the generating station.

(9) In this article, "permitted termination event" has the same meaning as in article 58(4).

Preliminary accreditation and accreditation: common provisions

58ZZB.—(1) This article applies to the granting and withdrawing of preliminary accreditation and accreditation of generating stations by the Authority.

(2) The Authority may, in granting preliminary accreditation or accreditation, attach such conditions as appear to it to be appropriate.

(3) Where any of the circumstances mentioned in paragraph (4) apply in relation to a preliminary accreditation or an accreditation which the Authority has granted (whether or not under this Order), and having regard to those circumstances the Authority considers it appropriate to do so, the Authority may—

(a) withdraw the preliminary accreditation or accreditation in question;

(b) amend the conditions attached to the preliminary accreditation or accreditation;

(c) attach conditions to the preliminary accreditation or accreditation.

(4) The circumstances referred to in paragraph (3) are as follows—

(a) in the Authority's view there has been a material change in circumstances since the preliminary accreditation or accreditation was granted;

(b) any condition attached to the preliminary accreditation or accreditation has not been complied with;

(c) the Authority has reason to believe that the information on which the decision to grant the preliminary accreditation or accreditation was based was incorrect in a material particular;

(d) there has been a change in applicable legislation since the preliminary accreditation or accreditation was granted such that, had the application for preliminary accreditation or accreditation been made after the change, it would not have been granted.

(5) The Authority must notify the applicant in writing of—

(a) its decision on an application for preliminary accreditation or accreditation of a generating station;

(b) any conditions attached to the preliminary accreditation or accreditation; and

(c) any withdrawal of preliminary accreditation or accreditation.

(6) In providing written notification under paragraph (5), the Authority must specify where applicable—

(a) the date on which the grant or withdrawal of preliminary accreditation or accreditation is to take effect,

(b) the date on which any conditions attached to the preliminary accreditation or accreditation are to take effect, and

(c) the capacity of the generating station as accredited.

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 station as a grace period generating station, the Authority must not register the station under this article as a grace period generating station unless—

(a) the request to register the 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 station,

(b) the Authority is satisfied that the request complies with the requirements of paragraph (3),

(c) the Authority is satisfied that the station was commissioned before 1st October 2013, and

(d) the Authority decides to grant the application for accreditation of the 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 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 station, or

(b) a person who arranged for the construction of the station.

Registration of offshore wind turbines

58A.—(1) This article applies to a generating station which—

(a) is accredited,

(b) is offshore,

(c) generates electricity from wind, and

(d) in the case of a generating station accredited before 1st April 2011, has added registrable additional turbines on or after that date.

(2) The operator of a generating station to which this article applies may apply to the Authority in writing for one or more wind turbines to be registered under this article in relation to the generating station.

(3) For each wind turbine to which the application relates, the application must—

(a) identify the location, or the proposed location, of the wind turbine; and

(b) specify the total installed capacity of the wind turbine.

(3A) An application to register one or more wind turbines under this article must be accompanied by—

(a) one of the documents referred to in article 58B(5)(a),

(b) one of the documents referred to in article 58B(5)(b), and

(c) a declaration made in writing by the operator of the generating station that the national system operator has been sent a copy of the application.

(4) Following receipt of an application meeting the requirements of paragraphs (3) and (3A), the Authority must register the wind turbines to which the application relates if the Authority is satisfied that—

(a) where the station was accredited before 1st April 2011, the wind turbines are registrable additional turbines;

(b) where the wind turbines are registrable additional turbines—

(i) the date of receipt of the application was no later than 5 years from the date on which registrable additional turbines were first added to the station; and

(ii) the Authority has not registered other registrable additional turbines in relation to the station on more than 4 separate occasions;

(c) where the wind turbines form part of the accredited capacity of the station—

(i) the date of receipt of the application was no later than 5 years after the date on which the station was accredited; and

(ii) the Authority has not registered other wind turbines forming part of the accredited capacity of the station on more than 4 separate occasions; and

(d) where the wind turbines form part of the accredited capacity of the station and no other wind turbines have been registered under this article in relation to the station, the total installed capacity of the wind turbines to which the application relates is at least 20% of the accredited capacity of the station.

(5) The Authority must notify the applicant in writing of its decision on an application to register a wind turbine under this article.

(6) In providing written notification under paragraph (5), the Authority must specify the date on which the registration of the wind turbine is to take effect.

(7) For the purposes of this article, the date on which a registrable additional turbine is added to a generating station is the date on which the registrable additional turbine is first used to generate electricity.

(8) In this article, in relation to a generating station, "accredited capacity" means the capacity of the station as accredited.

Registration of additional capacity

58B.—(1) This article applies to generating capacity which—

(a) forms part of a generating station which is accredited,

(b) first forms part of the station from a date no earlier than 1st April 2014, and

(c) does not form part of the capacity of the station as accredited.

(2) Subject to paragraph (3), the Authority may, upon the application of an operator of a generating station using generating capacity to which this article applies, register that generating capacity under this article.

(3) The Authority must not register generating capacity under this article unless the Authority is satisfied that the application complies with the requirements of paragraphs (4) and (5).

(4) An application to register generating capacity under this article must—

(a) describe the generating capacity in sufficient detail to enable the Authority to exercise its functions under this Order in relation to the issue of ROCs in respect of electricity generated using that generating capacity, and

(b) state the total installed capacity of the generating capacity.

(5) An application to register generating capacity under this article must be accompanied by the following documents—

(a) either—

(i) a declaration made in writing by the operator of the generating station that an application for a CFD has not been made at any time in relation to the generation of electricity by the station, or

(ii) a declaration made in writing by the operator of the generating station that every application made for a CFD in relation to the generation of electricity by the station has been rejected by the national system operator or by the Secretary of State,

(b) either—

(i) a declaration made in writing by the operator of the generating station that an investment contract has never been made in relation to the generation of electricity by the station, or

(ii) a declaration made in writing by the operator of the generating station that any investment contract made in relation to the generation of electricity by the station has been terminated or has otherwise ceased to have effect by reason of a permitted termination event, and

(c) a declaration made in writing by the operator of the generating station that the national system operator has been sent—

(i) a copy of the documents that accompany the application in accordance with sub-paragraphs (a) and (b), and

(ii) a description of the location of the generating capacity.

(6) The Authority must notify the operator of the generating station in writing of its decision on an application to register generating capacity under this article.

(7) In this article, "permitted termination event" has the same meaning as in article 58(4).

ROC Register

58.—(1) The Authority must establish and maintain a register of ROCs ("the Register") in accordance with Schedule 4, which shall have effect.

(2) A ROC is issued for the purpose of this Order at the point at which its particulars (within the meaning of Schedule 4) are entered in the Register by the Authority.

(3) Without prejudice to the foregoing provisions of this article and Schedule 4, the Authority must ensure that the Register contains, by way of entries made in it—

(a) an accurate record of the particulars of each ROC which is issued by the Authority (including the person who is for the time being its registered holder) and which remains eligible to be produced to the Authority; and

(b) a list of the names of all persons who either are the registered holder of a ROC or, although not at that time the registered holder of a ROC, have notified the Authority that they wish an entry to be made and maintained in respect of them as prospective registered holders of ROCs.

(4) Only the registered holder of a ROC may produce that ROC to the Authority under article 5.

Modification of this Order in relation to microgenerators in certain circumstances

59.—(1) This article applies to generating stations which are microgenerators.

(2) The operator of a generating station to which this article applies or, where ROCs relating to generating stations to which this article applies are to be issued to an agent by virtue of article 35, that agent (and not the operators of the generating stations in question) may—

(a) where ROCs have not yet been issued in respect of any electricity generated during the course of an obligation period by the station or stations in question, during the course of that obligation period; or

(b) in any other case, not less than one month before the beginning of an obligation period ("the relevant obligation period"),

give notice in writing to the Authority that entitlement to ROCs in respect of electricity generated by the station or stations in question is to be determined on the basis set out in the remainder of this article.

(3) Paragraph (4) applies—

(a) where an operator or, as the case may be, agent has given notice as specified in paragraph (2)(a), for the remainder of the obligation period during which the notice was given and subsequent obligation periods; and

(b) where an operator or, as the case may be, agent has given notice as specified in paragraph (2)(b), for the relevant obligation period and subsequent obligation periods.

(4) Where this paragraph applies, the reference to "month" in each place where it occurs in articles 17AB, 22, 23A, 24, 25, 36, 39, 41, 53 and Schedule 4 is to be taken to be a reference to "obligation period", subject to the following exceptions—

(a) in articles 24(2)(b) and 53(3) the reference to "the second month" is to remain unchanged;

(b) in paragraph 3(b)(i) of Schedule 4 the words "the month and year" is to be replaced by "the obligation period".

(5) An operator or, as the case may be, agent who has given notice under paragraph (2) may—

(a) if notice was given under paragraph (2)(a), not less than one month before the beginning of any obligation period following the obligation period during which the notice was given; or

(b) if notice was given under paragraph (2)(b), not less than one month before the beginning of any obligation period following the relevant obligation period,

by notice in writing to the Authority, withdraw the notice given under paragraph (2).

(6) Where an operator or, as the case may be, agent withdraws a notice given under paragraph (2), that notice ceases to have effect from the beginning of the obligation period in relation to which the notice under paragraph (5) was given.

Revocation, transitional and savings

60.—(1) Subject to paragraphs (2) to (4), the following Orders are revoked—

(a) the Renewables Obligation Order 2006(**a**) ("the 2006 Order"); and

(b) the Renewables Obligation Order 2006 (Amendment) Order 2007(**b**).

(2) The 2006 Order is to continue to apply in relation to—

(a) the issue and revocation of ROCs under it in respect of electricity generated before 1st April 2009, and anything which falls to be done or determined (whether by the Authority or some other person) in relation to such issue or revocation;

(b) any obligations or requirements imposed by it on an electricity supplier, an operator of a generating station or some other person in respect of the obligation period ending on 31st March 2009, and anything which falls to be done or determined (whether by the supplier, the generator or some other person) in relation to any such obligations and requirements;

(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.

(3) Without prejudice to the generality of the foregoing—

(a) article 28 of the 2006 Order is to continue to apply so as to enable the Authority to request information in respect of electricity generated in the obligation period ending on 31st March 2009;

(b) Schedule 1 to the 2006 Order is to continue to apply in relation to that obligation period.

(4) For the purposes of article 13(2)—

(a) ROCs issued under the 2006 Order in respect of electricity supplied in the obligation period ending on 31st March 2009; and

(b) certificates issued under the Renewables Obligation Order (Northern Ireland) 2007(**c**) or the Renewables Obligation (Scotland) Order 2007(**d**) in respect of electricity supplied in the period corresponding to that obligation period,

may be produced to the Authority by a designated electricity supplier in discharge of up to 25 per cent of its renewables obligation in respect of the obligation period ending on 31st March 2010.

(5) In this article, "obligation period" (except the reference to the obligation period ending on 31st March 2010 in paragraph (4)) and "ROCs" have the same meaning as in the 2006 Order.

Mike O'Brien
Minister of State,
Department of Energy and Climate Change

24th March 2009

(**a**) S.I. 2006/1004 amended by the Renewables Obligation Order 2006 (Amendment) Order 2007 (S.I. 2007/1078).
(**b**) S.I. 2007/1078.
(**c**) S.R. (NI) 2007 No 104. Articles 2(1) and 16 were amended by the Renewables Obligation (Amendment) Order (N.I.) 2007 (S.R. (NI) 2007 No 440).
(**d**) S.S.I. 2007/267.

SCHEDULE A1

Articles 2(1) and 22A

GREENHOUSE GAS EMISSION CRITERIA FOR BIOLIQUID

Interpretation

1. In this Schedule—

"actual value method" means the calculation method for greenhouse gas emissions from the production and use of bioliquids provided for in paragraphs 1, 2 and 5 to 18 of Part C of Annex 5 to the Renewables Directive;

"default percentage" means—

(a) in relation to bioliquid described in the first column of Part A or Part B of Annex 5 to the Renewables Directive—

(i) the percentage (if any) which corresponds to that description in the third column of Part A or Part B of that Annex; or

(ii) where a percentage corresponding to that description is not set out in the third column of Part A or Part B of that Annex, the percentage which complies with the provision corresponding to that description in the second column of Part A or Part B of that Annex;

(b) in all other cases, 0%;

"disaggregated default value" means, in relation to a bioliquid described in the first column of a table in Part D or Part E of Annex 5 to the Renewables Directive, the value which corresponds to that description in the third column of that table in Part D or Part E of Annex 5 to the Renewables Directive;

"disaggregated default values for cultivation" means the figures in the third column of the table entitled "Disaggregated default values for cultivation: 'e_{ec}' as defined in part C of this Annex" in Part D of Annex 5 to the Renewables Directive;

"greenhouse gas emissions from the use of fossil fuel" means the value given in paragraph 19 of Part C of Annex 5 to the Renewables Directive as the fossil fuel comparator for bioliquids used for electricity production;

"mixed value method" means the calculation method for greenhouse gas emissions from the production and use of bioliquids provided for in paragraphs 1, 2 and 5 to 18 of Part C of Annex 5 to the Renewables Directive, but using one or more disaggregated default values for the bioliquid when carrying out the calculation set out in paragraph 1 of Part C of that Annex; and

"relevant percentage" means—

(a) in relation to bioliquid used to generate electricity before 1st January 2017, 35%;

(c) in relation to bioliquid used to generate electricity during 2017, 50%;

(d) in relation to bioliquid produced by an installation that started producing bioliquid before 1st January 2017 and used to generate electricity on or after 1st January 2018, 50%;

(e) in all other cases, 60%.

The greenhouse gas emission criteria

2. Where bioliquid is used to generate electricity, it meets the greenhouse gas emission criteria if—

(a) the greenhouse gas emissions from its use are lower, by at least the relevant percentage, than the greenhouse gas emissions from the use of fossil fuel; or

(b) the bioliquid was—

(i) produced by an installation that was producing bioliquid on 23rd January 2008; and

(ii) used to generate electricity before 1st April 2013.

Calculating the percentage difference

3. For the purposes of paragraph 2, the percentage difference between the greenhouse gas emissions from the use of the bioliquid and the greenhouse gas emissions from the use of fossil fuel is—

(a) to be calculated using one of the following methods—

(i) the actual value method; or

(ii) the mixed value method; or

(b) the default percentage.

4. The mixed value method must not be used for the purposes of paragraph 2 unless the bioliquid is described in the first column of a table in Part D or Part E of Annex 5 to the Renewables Directive.

5. Where the mixed value method is used for the purposes of paragraph 2, the disaggregated default values for cultivation must not be used in carrying out the calculation in paragraph 1 of Part C of Annex 5 to the Renewables Directive unless the biomaterial from which the bioliquid is made—

(a) was cultivated outside the EU;

(b) was cultivated in an area included in a list submitted under Article 19(2) of the Renewables Directive;

(c) is waste; or

(d) is residue (other than residue from agriculture, aquaculture or fisheries).

6. The default percentage must not be used for the purposes of paragraph 2 unless—

(a) in relation to the bioliquid, the result of the calculation in paragraph 7 of Part C of Annex 5 to the Renewables Directive is equal to, or less than, zero; and

(b) in the case of a bioliquid described in the first column of Part A of Annex 5 to the Renewables Directive, the biomaterial from which the bioliquid is made—

(i) was cultivated outside the EU;

(ii) was cultivated in an area included in a list submitted under Article 19(2) of the Renewables Directive;

(iii) is waste; or

(iv) is residue (other than residue from agriculture, aquaculture or fisheries).

SCHEDULE A2

Articles 2(1), 22A and 54

LAND CRITERIA

Interpretation

1. In this Schedule—

"continuously forested area" means land of an area of more than one hectare which includes—

(a) trees more than five metres tall providing a tree canopy cover of more than 30%; or

(b) trees collectively having the capacity to provide a tree canopy cover of more than 30% which—

(i) are more than five metres tall; or

(ii) have the capacity to grow to a height of more than five metres;

"designated for nature protection purposes" means designated pursuant to the law of the United Kingdom or of any part of the United Kingdom or pursuant to the law of any country or territory outside the United Kingdom, for the purpose of protecting the natural environment;

"lightly forested area" means land of an area of more than one hectare which includes—

(a) trees more than five metres tall providing a tree canopy cover of between 10% and 30%, or

(b) trees collectively having the capacity to provide a tree canopy cover of between 10% and 30% which—

(i) are more than five metres tall; or

(ii) have the capacity to grow to a height of more than five metres;

"primary forest" means woodland of native species, where there is no clearly visible indication of human activity and ecological processes are not significantly disturbed; and

"wetland area" means land that is covered with or saturated by water—

(a) permanently; or

(b) for a significant part of the year.

2. For the purposes of this Schedule—

(a) biomaterial was obtained from a former continuously forested area if the land—

(i) was a continuously forested area at any time during January 2008; and

(ii) was not a continuously forested area when the biomaterial was obtained from it;

(b) biomaterial was obtained from a former lightly forested area if the land—

(i) was a lightly forested area at any time during January 2008; and

(ii) was not a lightly forested area or a continuously forested area when the biomaterial was obtained from it; and

(c) biomaterial was obtained from a former wetland area if the land—

(i) was a wetland area at any time during January 2008; and

(ii) was not a wetland area when the biomaterial was obtained from it.

Land criteria

3.—(1) Fuel meets the land criteria if ~~the biomaterial from which it was made—~~

(a) in the case of bioliquid, the biomaterial from which the fuel was made was—

(i) waste,

(ii) residue (other than residue from agriculture, aquaculture, fisheries or forestry), or

(iii) obtained from a permitted source;

(b) in all other cases, the biomaterial from which the fuel was made was—

(i) waste,

(ii) residue (other than residue from agriculture, aquaculture, fisheries or forestry),

(iii) obtained from a permitted source,

(iv) energy crops in respect of which financial assistance was paid under the Energy Crops Regulations 2000(**a**), or under an equivalent financial assistance scheme, or

(v) added to the fuel for an exempt purpose.

(2) Biomaterial is obtained from a permitted source unless it is obtained from—

(a) land which at any time during or after January 2008 was primary forest;

(b) except where sub-paragraph (3) applies to the biomaterial, land which at any time during or after January 2008 was designated for nature protection purposes;

(c) except where sub-paragraph (4) applies to the biomaterial, land which at any time during January 2008 was peatland;

(d) a former continuously forested area;

(e) except where sub-paragraph (5) or (7) applies to the biomaterial, a former lightly forested area; or

(f) a former wetland area.

(3) This sub-paragraph applies to biomaterial obtained from land which at any time during or after January 2008 was designated for nature protection purposes if the production of that biomaterial did not interfere with the nature protection purposes for which the land was designated.

(4) This sub-paragraph applies to biomaterial obtained from land which at any time during January 2008 was peatland if the cultivation and harvesting of that biomaterial did not involve the drainage of previously undrained soil.

(5) This sub-paragraph applies to biomaterial obtained from a former lightly forested area where—

(a) the fuel made from the biomaterial was not a bioliquid; and

(b) the greenhouse gas emissions from the use of the fuel to generate one mega joule of electricity did not exceed 79.2 grams.

(6) For the purposes of sub-paragraph (5)(b), the greenhouse gas emissions must be calculated using the method set out in Schedule 3A.

(7) This sub-paragraph applies to biomaterial obtained from a former lightly forested area where—

(a) the fuel made from the biomaterial was a bioliquid; and

(b) the greenhouse gas emissions from the use of the bioliquid to generate electricity were lower, by at least the relevant percentage, than the greenhouse gas emissions from the use of fossil fuel.

(8) For the purposes of sub-paragraph (7)(b), the percentage difference between the greenhouse gas emissions from the use of the bioliquid and the greenhouse gas emissions from the use of fossil fuel must be calculated using the actual value method.

(8A) For the purposes of sub-paragraph (1)(b)(v), biomaterial is added to a fuel for an exempt purpose if—

(a) it is added to the fuel—

(i) to act as a binding agent, or

(ii) to reduce the emissions of dust, carbon dioxide, methane or nitrous oxide from the use of the fuel, and

(b) it does not exceed 2% by weight of the fuel.

(9) In this paragraph, "actual value method", "greenhouse gas emissions from the use of fossil fuel" and "relevant percentage" have the same meaning as in Schedule A1.

(**a**) S.I. 2000/3042. Amendments have been made by article 6(2)(b) of S.I. 2011/1043 and s.73(2) of the Countryside and Rights of Way Act 2000 (c.37) and regulation 3 of S.I. 2001/3900.

SCHEDULE 1

Articles 6, 7, 9 and 12

CALCULATION OF THE ROC OBLIGATION

Obligation period	*Number of ROCs per megawatt hour of electricity supplied in Great Britain*	*Number of ROCs per megawatt hour of electricity supplied in Northern Ireland*
1st April 2009 to 31st March 2010	0.097	0.035
1st April 2010 to 31st March 2011	0.104	0.040
1st April 2011 to 31st March 2012	0.114	0.050
1st April 2012 to 31st March 2013	0.124	0.063
1st April 2013 to 31st March 2014	0.134	0.063
1st April 2014 to 31st March 2015	0.144	0.063
1st April 2015 to 31st March 2016	0.154	0.063
Each subsequent period of twelve months ending with the period of twelve months ending on 31st March 2037	0.154	0.063

SCHEDULE 2

Articles 27, 30, 31 and 33

ELECTRICITY TO BE STATED IN ROCs

PART 1

INTERPRETATION

1.—(1) In this Schedule—

"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;

"AD" means electricity generated from gas formed by the anaerobic digestion of material which is neither sewage nor material in a landfill;

"advanced 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 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;

"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;

"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;

"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;

"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;

"electricity generated from landfill gas" means electricity generated from gas formed by the digestion of material in a landfill;

"electricity generated from sewage gas" means electricity generated from gas formed by the anaerobic digestion of sewage (including sewage which has been treated or processed);

"energy from waste with CHP" means electricity generated from the combustion of waste (other than an advanced fuel or a fuel produced by means of anaerobic digestion) in a qualifying combined heat and power generating station in a month in which the station generates electricity only from renewable sources and those renewable sources include waste which is not biomass;

"geopressure" means electricity generated using naturally occurring subterranean pressure;

"geothermal" means electricity generated using naturally occurring subterranean heat;

"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;

"hydroelectric" means electricity generated by a hydro generating station;

"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;

"offshore wind" means electricity generated from wind by a generating station that is offshore;

"onshore wind" means electricity generated from wind by a generating station that is not offshore;

"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;

"solar photovoltaic" means electricity generated from the direct conversion of sunlight into electricity;

"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;

"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;

"tidal impoundment – tidal barrage" means electricity generated by a generating station driven by the release of water impounded behind a barrier using the difference in tidal levels where the barrier is connected to both banks of a river and the generating station has a declared net capacity of less than 1 gigawatt;

"tidal impoundment – tidal lagoon" means electricity generated by a generating station driven by the release of water impounded behind a barrier using the difference in tidal levels where the barrier is not a tidal barrage and the generating station has a declared net capacity of less than 1 gigawatt;

"tidal stream" means electricity generated from the capture of the energy created from the motion of naturally occurring tidal currents in water; and

"unit conversion" means electricity generated from energy crops or regular biomass 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 energy crops or regular biomass 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;

"wave" means electricity generated from the capture of the energy created from the motion of naturally occurring waves on water.

(2) For the purposes of this Schedule—

(a) fossil fuel does not include waste which is a renewable source;

(b) in determining how electricity has been generated, no account is to be taken of any fossil fuel or waste which a generating station uses for permitted ancillary purposes;

(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.

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

Generation type	*Amount of electricity (in megawatt hours) to be stated in a ROC issued for electricity generated using pre-2013 capacity*
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
Electricity generated from sewage gas	2
Energy from waste with CHP	1
Geopressure	1

Generation type	*Amount of electricity (in megawatt hours) to be stated in a ROC issued for electricity generated using pre-2013 capacity*
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	$\frac{1}{2}$

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

Generation type	*Amount of electricity (in megawatt hours) to be stated in a ROC issued for electricity generated using—*			
	2013/14 capacity	*2014/15 capacity*	*2015/16 capacity*	*post-2016 capacity*
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	$\frac{10}{7}$	$\frac{10}{7}$	$\frac{10}{7}$	$\frac{10}{7}$
Landfill gas heat recovery	10	10	10	10

Generation type	*Amount of electricity (in megawatt hours) to be stated in a ROC issued for electricity generated using—*			
	2013/14 capacity	*2014/15 capacity*	*2015/16 capacity*	*post-2016 capacity*
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

Generation type	*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*	*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*
Co-firing of regular bioliquid with CHP	1	2

Generation type	*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*	*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*
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

Generation type	*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*	*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*
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	$\frac{10}{11}$	$\frac{5}{3}$

Generation type	*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*	*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*
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

Generation type	*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*	*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*
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

PART 3

Article 30(3)

AMOUNT OF ELECTRICITY TO BE STATED IN RENEWABLES OBLIGATION CERTIFICATES WHERE ARTICLE 30(3) APPLIES

Generation type	*Amount of electricity to be stated in a renewables obligation certificate*
Electricity generated from landfill gas Electricity generated from sewage gas Offshore wind Wave Solar photovoltaic	1 megawatt hour

PART 4

Articles 30(5) and (6) and 31

AMOUNT OF ELECTRICITY TO BE STATED IN RENEWABLES OBLIGATION CERTIFICATES WHERE ARTICLE 30(5) OR ARTICLE 31(4) APPLIES

Generation type	*Amount of electricity to be stated in a renewables obligation certificate*
Electricity generated from landfill gas Electricity generated from sewage gas	1 megawatt hour

SCHEDULE 3

Article 48(3)

AMOUNT OF RELEVANT SHORTFALL FOR THE RELEVANT OBLIGATION PERIOD

Obligation period	*Amount*
1st April 2008 to 31st March 2009	£9,100,000
1st April 2009 to 31st March 2010	£9,700,000
1st April 2010 to 31st March 2011	£10,400,000
1st April 2011 to 31st March 2012	£11,400,000
1st April 2012 to 31st March 2013	£12,400,000
1st April 2013 to 31st March 2014	£13,400,000
1st April 2014 to 31st March 2015	£14,400,000
1st April 2015 to 31st March 2016	£15,400,000
Each subsequent period of twelve months ending with the period of twelve months ending on 31st March 2037	£15,400,000

SCHEDULE 3A

Article 54

ACTUAL VALUE METHOD FOR CALCULATING EMISSIONS FROM THE USE OF BIOMASS

1. The greenhouse gas emissions from the use of biomass are equal to—

(a) where the biomass is used by a combined heat and power generating station, $\frac{E}{\eta_{el}}\left(\frac{\eta_{el}}{\eta_{el}+C_h\times\eta_h}\right)$;

(b) in any other case, $\frac{E}{\eta_{el}}$.

2. In this Schedule—

(a) η_{el} is equal to $\frac{A}{F}$ where—

(i) A is the total amount of electricity generated by the generating station during the obligation period; and

(ii) F is the energy content of all of the fuels used in generating that electricity during the obligation period;

(b) η_h is equal to $\frac{H}{F}$ where—

(i) F has the same meaning as in sub-paragraph (a)(ii); and

(ii) H is the energy content of all of the heat supplied to any premises by the generating station during the obligation period;

(c) C_h is equal to—

(i) where T is less than 423 kelvin, 0.3546;

(ii) in any other case, $\frac{T-273}{T}$;

(d) E is the greenhouse gas emissions from the production of the biomass and is to be calculated in accordance with Part C of Annex 5 of the Renewables Directive but as if the following modifications were made to Part C of that Annex—

(i) in paragraph 1—

(aa) for "and use of transport fuels, biofuels and bioliquids" there was substituted "of biomass";

(bb) for "E = total emissions from the use of the fuel" there was substituted "E = greenhouse gas emissions from the production of the biomass";

(cc) for "e_u = emissions from the fuel in use" there was substituted "e_u = zero";

(ii) in paragraph 2, for the references to "fuels" and "fuel" there was substituted in each case "biomass";

(iii) paragraphs 3 and 4 were omitted;

(iv) in paragraph 7—

(aa) for each reference to "biofuel" there was substituted "biomass";

(bb) the words "or bioliquid" were omitted in each place in which those words occur;

(v) in paragraph 11, for "fuel" there was substituted "biomass";

(vi) paragraph 13 was omitted;

(vii) in paragraph 14, for "fuel" there was substituted "biomass";

(viii) for paragraph 16 there was substituted—

"**16.** Emission saving from excess electricity from cogeneration shall be taken to be zero. ";

(ix) in paragraph 17, for each reference to "fuel" there was substituted "biomass";

(x) in paragraph 18—

(aa) for "fuel" there was substituted "biomass";

(bb) the words "In the case of biofuels and bioliquids," were omitted;

(cc) before "and residues from processing" there was inserted "residues from forestry, arboriculture, aquaculture and fisheries";

(dd) for "fuels" there was substituted "biomass"; and

(xi) for paragraph 19 there was substituted—

"**19.** Where material is added to the biomass to act as a binding agent or to reduce the emissions of dust, carbon dioxide, methane or nitrous oxide from the use of the biomass, the material so added shall be considered to have zero life-cycle greenhouse gas emissions, provided that the material so added does not exceed 2% by weight of the biomass.";

(e) T is the maximum temperature in degrees kelvin of heat or steam which is (or may be) supplied by the generating station to any premises.

SCHEDULE 3B

Article 54

DEFAULT VALUE METHOD FOR CALCULATING EMISSIONS FROM THE USE OF BIOMASS

PART 1

METHOD FOR CALCULATING EMISSIONS

1. The greenhouse gas emissions from the use of biomass are equal to—

(a) where the biomass is used by a combined heat and power generating station, $\frac{E}{\eta_{el}}\left(\frac{\eta_{el}}{\eta_{el}+C_h\times\eta_h}\right)$;

(b) in any other case, $\frac{E}{\eta_{el}}$.

2. In this Schedule—

(a) η_{el}, η_h and C_h have the same meaning as in Schedule 3A; and

(b) E, in relation to a type of biomass described in the first column of the table in Part 2, is the number of grams which corresponds to that description in the second column of that table.

PART 2

DEFAULT GREENHOUSE GAS EMISSIONS FROM THE PRODUCTION OF BIOMASS

Biomass	*Default greenhouse gas emissions from the production of biomass (in grams)*
Wood chips made from residue from forestry carried out in European temperate continental forest.	1
Wood chips made from residue from forestry carried out in tropical or subtropical forest.	25
Wood chips from short rotation forestry carried out in European temperate continental forest.	4
Wood chips from short rotation forestry carried out in tropical or sub-tropical forest.	28
Wood briquettes or wood pellets— (a) which are made from residue from forestry carried out in European temperate continental forest; and (b) where the process to produce the wood briquettes or wood pellets was fuelled by wood.	2
Wood briquettes or wood pellets— (a) which are made from residue from forestry carried out in tropical or subtropical forest; and (b) where the process to produce the wood briquettes or wood pellets was fuelled by natural gas.	20
Wood briquettes or wood pellets— (a) which are made from residue from forestry carried out in tropical or subtropical forest; and (b) where the process to produce the wood briquettes or wood pellets was fuelled by wood.	17
Wood briquettes or wood pellets— (a) which are made from residue from forestry carried out in European temperate continental forest; and (b) where the process to produce the wood briquettes or wood pellets was fuelled by natural gas.	35
Wood briquettes or wood pellets— (a) which are made from short rotation forestry carried out in European temperate continental forest; and (b) where the process to produce the wood briquettes or wood pellets was fuelled by wood.	4
Wood briquettes or wood pellets— (a) which are made from short rotation forestry carried out in European temperate continental forest; and (b) where the process to produce the wood briquettes or wood pellets was fuelled by natural gas.	22
Wood briquettes or wood pellets— (a) which are made from short rotation forestry carried out in tropical or sub-tropical forest; and (b) where the process to produce the wood briquettes or wood pellets was fuelled by wood.	22
Wood briquettes or wood pellets— (a) which are made from short rotation forestry carried out in tropical or	40

Biomass	*Default greenhouse gas emissions from the production of biomass (in grams)*
sub-tropical forest; and (b) where the process to produce the wood briquettes or wood pellets was fuelled by natural gas.	
Charcoal made from residue from forestry carried out in European temperate continental forest.	41
Charcoal made from residue from forestry carried out in tropical or sub-tropical forest.	50
Charcoal made from short rotation forestry carried out in European temperate continental forest.	46
Charcoal made from short rotation forestry carried out in tropical or sub-tropical forest.	57
Wheat straw	2
Bagasse briquettes where the process to produce the bagasse briquettes was fuelled by wood.	17
Bagasse briquettes where the process to produce the bagasse briquettes was fuelled by natural gas.	35
Bagasse bales	20
Palm kernel	27
Rice husk briquettes	28
Miscanthus bales	7
Biogas produced from wet manure.	8
Biogas produced from dry manure.	7
Biogas produced from wheat, where the whole plant was used to produce the biogas.	21
Biogas produced from straw.	21
Biogas produced from maize, where— (a) the whole maize plant was used in the process to produce the biogas; and (b) the maize was not grown by organic farming methods.	34
Biogas produced from maize, where— (a) the whole maize plant was used in the process to produce the biogas; and (b) the maize was grown by organic farming methods.	19

SCHEDULE 4

Article 58

THE ROC REGISTER

1. The Authority must establish and maintain the Register referred to in article 58 (which may be in electronic form) at one or more of its premises.

2. The Register must identify whether or not a ROC subsists and details of its particulars.

3. Particulars of a ROC comprise—

(a) the name of the person to whom the Authority issues the ROC or, where the Authority has amended the Register in dealing with a request for substitution in accordance with paragraph 7, the name of the substitute ("the registered holder"); and

(b) an identifier unique to the ROC ("the ROC identifier") determined by the Authority and containing the following information (or reference to that information in coded format)—

(i) the month and year during which the electricity was generated;

(ii) the location of the generating station or, where the ROC certifies the matters within section 32B(5), (6) or (8) of the Act, the location of the agent to whom, by virtue of article 35, the ROC was issued;

(iii) a description of that generating station or, where the ROC certifies the matters within section 32B(5), (6) or (8) of the Act, the generating stations to which the ROC relates, including reference to the renewable source or sources used by it or them to generate electricity;

(iv) the date of issue of the ROC; and

(v) the number given to the ROC by the Authority.

4. A person may only be the registered holder of a ROC or have an entry made and maintained in respect of them under article 58(3)(b) if they provide to the Authority in writing—

(a) evidence of their identity; and

(b) where persons are authorised to act on their behalf in respect of the production of ROCs under article 5(2) or in respect of requests for amendments to be made to the Register as provided for in this Schedule, details of those persons.

5. The Authority may from time to time draw up procedural guidelines for itself and others to assist it in maintaining the Register and carrying out its functions in respect thereof.

6. The Authority must delete from the Register—

(a) any ROC which has been revoked by it;

(b) any ROC which has been produced to it under article 5(2);

(c) any ROC which is no longer eligible to be produced to it under article 5(2);

(d) any ROC which it is asked to delete from the Register by the registered holder of the ROC; or

(e) any ROC which has been (according to the Northern Ireland authority) produced to the Northern Ireland authority by a Northern Ireland supplier under a NIRO Order,

and where a ROC is so deleted, it cannot thereafter be produced to the Authority under article 5(2).

7. Where the registered holder of a ROC and a person whom the holder wishes to be the registered holder of it require the Register to be amended, by substituting for the name of the registered holder the name of the other person ("the substitute"), (who must be a person whose name is included on the list referred to in article 58(3)(b))—

(a) the registered holder and the substitute must each submit to the Authority in writing requests which are identical in all material respects; and

(b) where the requirements of sub-paragraph (a) are met, the Authority must, within 5 banking days after the banking day on which (at the commencement of its working hours) it is first in possession of the requests, amend the particulars of the ROC recorded in the Register to show the substitute as the registered holder.

8. Where the Authority receives requests under paragraph 7(a) it must inform both the registered holder of the ROC and the substitute that the requests have been received and, in the event that the requests are not identical in all material respects, must draw this to their attention.

9. Where—

(a) a ROC is issued under this Order, or

(b) a substitute is recorded as the registered holder of a ROC pursuant to paragraph 7,

the Authority must notify the registered holder or, as the case may be, the former and new registered holder of that fact in writing within 5 banking days of the issue or substitution having taken place.

10. The substitute cannot be the registered holder of a ROC until such time as the particulars of the ROC recorded in the Register identify the substitute as such.

11. The Register may be amended by a decision of the Authority—

(a) where the Authority is satisfied that an entry in the Register has been obtained by fraud;

(b) where a decision of a Court of competent jurisdiction or the operation of law requires the amendment of the Register;

(c) where the Authority is satisfied that, for some other reason, it is necessary to amend the Register (for example, because an entry in it is incorrect).

12. The contents of the Register (including the entries referred to in article 58(3)(b)) must be available for inspection by the public on request at reasonable notice during the Authority's working hours and at the request of any person the Authority must provide a written statement of any entry on the Register including any entry referred to in article 58(3)(b).

13. Where any person considers that an entry maintained in respect of them under article 58(3)(b) should be amended or deleted, they may apply to the Authority in writing requesting that the entry be amended or deleted.

14. The Authority must in any procedural guidelines which it produces provide details of its usual working hours.

15. "Banking day" means a day on which banks are generally open in the City of London excluding Saturdays and Sundays.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order imposes an obligation ("the renewables obligation") on all electricity suppliers, licensed under the Electricity Act 1989 ("the Act") which supply electricity in England and Wales, to produce a certain number of renewables obligation certificates in respect of each megawatt hour of electricity that each supplies to customers in England and Wales during a specified period known as an obligation period (article 5). It also "bands" the different technologies that are used to generate electricity from renewable sources, meaning that the number of certificates that will be issued in respect of that electricity depends on the way in which that electricity has been generated. The renewables obligation is administered by the Gas and Electricity Markets Authority ("the Authority") who issue renewable obligation certificates to renewable electricity generators on their renewable output. These certificates are sold to electricity suppliers with or without the associated renewable electricity.

Alternatively, instead of producing the required number of certificates in respect of all or part of their renewables obligation, a supplier is permitted to make a payment to the Authority (articles 43 and 44).

Part 1 sets out the interpretation provisions for the Order, and defines biomass and waste. In particular, article 3 specifies, as provided for in section 32M of the Act, that waste constitutes a renewable source if not more than 90% of it is, or is derived from, fossil fuel. It also sets out how the proportion of waste which is, or is derived from, fossil fuel is to be determined and includes specific provisions relating to municipal waste.

Article 4 defines biomass and also sets out the circumstances in which a fuel (not being biomass), may be treated as biomass by virtue of being used in a generating station with biomass. It also provides how the proportion of biomass which is composed of fossil fuel is to be determined.

Part 2 sets out how the renewables obligation is calculated and what a supplier needs to do to meet their obligation. In particular, articles 6 to 10 set out the calculations that the Secretary of State must undertake before the start of each obligation period (apart from the 2009/10 obligation period) to determine the total UK renewables obligation for that period.

Article 11 sets out the circumstances where each calculation is to be used to determine the total obligation for electricity suppliers in England and Wales.

Article 12 determines the number of renewables obligation certificates to be produced by individual electricity suppliers to discharge their renewables obligation. Paragraph (4) of this article requires the Secretary of State to publish by the 1st of October preceding an obligation period the number of renewables obligation certificates that a supplier will be required to produce in respect of each megawatt hour of electricity that it supplies to customers in England and Wales.

Article 13 provides for an electricity supplier to discharge its renewables obligation by the production to the Authority of a Northern Ireland certificate. This article also sets out the co-firing cap i.e. licensed suppliers are not able to meet more than a specified proportion of their obligation by presenting renewables obligation certificates issued in respect of electricity generated by a generating station fuelled or driven partly by renewable sources and partly by fossil fuel.

In Part 3, article 15 sets out those conditions that need to be met for electricity to be regarded as having been supplied to customers in Great Britain or Northern Ireland for the purposes of section 32B(3) to (6) of the Act. Article 16 sets out when electricity is to be regarded as being used in a permitted way for the purposes of section 32B(7) and (8) of the Act.

In Part 4, articles 17 to 23 set out circumstances in which ROCs are not to be issued.

In Part 5, articles 24 and 25 set out how the number of ROCs relating to a generating station's renewable output is to be calculated. Article 26 makes specific modifications for qualifying combined heat and power generating stations.

In Part 6, articles 27 to 31 are the "banding provisions", which govern the amount of electricity in respect of which each ROC is to be issued. Article 27 contains the general rule, which is that the amount of electricity in respect of which a ROC is to be issued depends upon the way in which the electricity was generated, and is set out in Part 2 of Schedule 2. There are special provisions governing ROCs issued to qualifying combined heat and power generating stations (article 28), microgenerators (article 29), generating stations which were accredited as at 11th July 2006 (article 30), and generating stations which were accredited or held preliminary accreditation as at 31st March 2009 (article 31).

Article 32 sets out conditions which must be satisfied before the "banding provisions" apply to certain generating stations in respect of which a statutory grant has been awarded. Article 33 provides for the Secretary of State to review the banding provisions at four yearly intervals, with the first review commencing in October 2010. A review may also occur at any other time if any of the circumstances set out in article 33(3) arise.

In Part 7, articles 34 to 40 provide for the issue of ROCs – that is to say, renewables obligation certificates issued under this Order – by the Authority. Article 41 provides for the revocation of ROCs in certain circumstances.

Where suppliers discharge their renewables obligation (in whole or in part) by making payments to the Authority, the payments are held in the buyout and late payment funds. Part 8 sets out how the buyout and late payment funds are to be handled. Articles 45 and 46 require the Authority to make payments from those funds into the consolidated fund and to the Northern Ireland Authority to pay for the costs of administering the renewables obligation. Once these payments have been made, the remainder of the money in the funds is paid to UK suppliers, who have discharged their renewables obligation (in whole or in part) by presenting renewables obligation certificates, in

accordance with article 47. The exception to this occurs where £50,000 or less is all that is held in the late payment fund, in which case that amount will be retained by the Authority and will be paid out in the following obligation period (article 46).

Part 8 also contains "mutualisation" provisions (articles 48 to 52). These provisions deal with a situation where the amount held in the buyout and late payment funds is less than the amount that should be held in those funds. Such a situation would only occur where a licensed supplier failed to discharge its renewables obligation by presenting certificates and/or making payments as required by the Order.

Part 9 makes provision concerning information which is to be provided to the Authority (articles 53 and 54), which is to be provided to the Secretary of State (article 55), and which is to be exchanged with the Northern Ireland Authority (article 56). It also sets out functions to be discharged by the Authority, in addition to those it is required to discharge in order to administer the renewables obligation (article 57).

Article 58 provides for the preliminary accreditation and accreditation of generating stations. In order to be eligible to claim ROCs in respect of electricity generated from eligible renewable sources, a generating station must have obtained accreditation from the Authority.

Article 60 modifies the provisions of specific articles in this Order to enable a microgenerator to be able to claim ROCs on an annual rather than a monthly basis.

Article 61 revokes the Renewables Obligation Order 2006 ("the 2006 Order") and the Renewables Obligation Order 2006 (Amendment) Order 2007. The provisions of the 2006 Order are saved in respect of all outstanding obligations or requirements imposed by it.

A full regulatory impact assessment of the effect that this Order will have on the costs of business and the voluntary sector is available from the Renewables Financial Incentives Team, Department of Energy and Climate Change, 1 Victoria Street, London SW1H 0ET and is annexed to the Explanatory Memorandum which is available alongside this Order on the OPSI website.

The 2006 Order revoked and re-enacted the Renewables Obligation Order 2005 (S.I. 2005/926) ("the 2005 Order"). The 2005 Order had revoked and re-enacted the Renewables Obligation Order 2002 (S.I. 2002/914) ("the 2002 Order"). The 2002 Order was modified by the Renewables Obligation Order 2004 (S.I. 2004/924). The 2002 Order gave effect to article 3.1 of the European Directive on the promotion of electricity produced from renewable energy sources in the internal market (Directive 2001/77/EC) (OJ L 283, 27.10.2001, p. 33). A transposition note setting out how the main elements of this Directive have been transposed into United Kingdom law is available from the Renewables Financial Incentives Team, Department of Energy and Climate Change at the above address. This Order does not raise any new transposition issues. Copies of the transposition note have been placed in the libraries of both Houses of Parliament.