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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2007 No.**

**The Renewables Obligation (Scotland) Order 2007**

**PART 8**

**Provision of Information and Functions of the Authority**

**Provision of information to the Authority**

**35.**—(1) The Authority may require a designated electricity supplier to provide it with such information in such form and within such time as it may reasonably require which is, in the Authority's opinion, relevant to the question whether the supplier is discharging, or has discharged, its renewables obligation in relation to any obligation period.

(2) The Authority may request any person who generates, supplies, distributes or transmits electricity in relation to which a SROC has been or may be issued, or any person who buys or sells such electricity or SROCs (otherwise than as a consumer) to provide the Authority with such information in such form and within such time as it may reasonably request in order to carry out any of its functions under this Order.

(3) In paragraph (2) the reference to any person who generates electricity in relation to which a SROC has been or may be issued shall be taken to include a reference to any agent to whom such SROC has been or may be issued by virtue of article 17.

**Exchange of information with the Northern Ireland Authority**

**36.**—(1) The Authority shall as soon as reasonably practicable after the specified day notify the Northern Ireland Authority of the NIROC identifier of each NIROC produced to it by a designated electricity supplier under article 12 and the name of the designated electricity supplier which produced that NIROC and of the total number of NIROCs produced to the Authority under article 12 in respect of the obligation period to which the specified day relates.

(2) The Authority shall as soon as reasonably practicable after receiving a notification from the Northern Ireland Authority as to the SROC identifiers of SROCs produced to it by the Northern Ireland suppliers under any NIRO Order inform the Northern Ireland Authority of—

- (a) the SROC identifier of any SROC so notified which it has revoked under article 24 and whether it has issued a replacement SROC under article 24(4)(b) in respect of any such SROC (unless that replacement SROC has itself been revoked); and
- (b) the SROC identifier of any SROC so notified that has also been produced by a designated electricity supplier under article 3(2) and the date on which it was also produced.

(3) The Authority shall as soon as reasonably practicable after the specified day notify the Northern Ireland Authority as to the number of certificates produced to the Authority under article 3 and the number of certificates certifying the matters in section 32B(2A) or (2AA) of the Act produced to the Authority under article 13 by each designated electricity supplier in respect of the obligation period to which the specified day relates.

## Functions of the Authority

37. 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 and accreditation in accordance with article 38 together with any applicable conditions attached to the preliminary accreditation or accreditation;
- (b) keeping and maintaining a list of SROCs 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 amount of the payment per megawatt hour of electricity referred to in article 11(2) resulting from the adjustments made to reflect changes in the retail prices index;
- (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 figure referred to in article 34(2) resulting from the adjustments made to reflect changes in the retail prices index;
- (e) publishing from time to time the total SROC claim;
- (f) by 1st April each year (with the exception of 2007) publishing an annual report in relation to the obligation period ending on the 31st March in the previous calendar year, such report to include details (or, in the case of sub paragraph (ix), a summary) of–
  - (i) the compliance of each designated electricity supplier with its renewables obligation, including the extent to which that obligation has been met by the production of SROCs pursuant to article 3, 13 or 14, payments made under article 11, or the production of NIROCs pursuant to article 12 or treated as met by payments made under article 30;
  - (ii) the compliance of each designated electricity supplier with the minimum wave and tidal requirements of its renewable obligation, including the extent to which that obligation has been met by the production of SROCs pursuant to article 3 or article 13, payments made under article 11(5) or (6) or treated as met by payments under article 30;
  - (iii) the sums received by each United Kingdom supplier under articles 27 to 30;
  - (iv) the number of SROCs issued by the Authority in accordance with articles 16, 17 and 24, the number of SROCs and other certificates accepted by it as evidence under article 3(1), the number of NIROCs accepted by it under article 12, the number of SROCs and other certificates accepted by it under article 13 or 14, and the number of SROCs issued but not yet deleted in respect of the obligation period;
  - (v) the number of SROCs issued by the Authority in accordance with articles 16, 17 and 24 broken down into different descriptions of generating stations (as referred to in paragraph 2 of Schedule 2);
  - (vi) any notices published by the Authority under article 31(2);
  - (vii) any instalment payments made to the Authority in accordance with article 31(7), during the period to which the annual report relates;
  - (viii) the sums received by each compliant United Kingdom supplier under article 32(2), during the period to which the annual report relates;
  - (ix) any recalculations carried out by the Authority in accordance with article 33(3), during the period to which the annual report relates;
  - (x) the outcome of any enquiries or investigations conducted by the Authority pursuant to sub paragraph (g); and

- (xi) any other matters which the Authority considers relevant to the implementation of this Order;
- (g) monitoring implementation of the renewables obligation and 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 quantities of electricity generated from eligible renewable sources by accredited generating stations;
  - (ii) the quantities of such electricity supplied to customers in Great Britain;
  - (iii) the transfer and holding of SROCs (including the transfer and holding of SROCs issued to agents by virtue of article 17);
  - (iv) the effect of such matters on the making and allocation of payments under articles 11, 27, 28, 29, 30, 32 and 33; and
  - (v) the effect of the renewables obligation on designated electricity suppliers and the operators of generating stations;
- (h) publishing at its discretion reports of enquiries or investigations conducted by the Authority pursuant to 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.

### **Preliminary accreditation and accreditation of generating stations**

**38.**—(1) Paragraphs (2) to (9) shall apply to the granting and withdrawing of preliminary accreditation and accreditation of generating stations.

- (2) Where a generating station in respect of which—
  - (a) consent under section 36 of the Act has been obtained; or
  - (b) planning permission under the Town and Country Planning (Scotland) Act 1997(1) has been granted,

has not been commissioned, the Authority may, upon the application of the person who proposes to construct or operate the generating station, grant the station preliminary accreditation as being capable of generating electricity from eligible renewable sources.

(3) Where a generating station has been commissioned, the Authority may, upon the application of its operator (or, where SROCs relating in whole or in part to electricity generated by that generating station will be issued to an agent by virtue of article 17, that agent), grant the station accreditation as being capable of generating electricity from eligible renewable sources for the purposes of article 18(2).

(4) Where a station has been granted preliminary accreditation (and such preliminary accreditation has not been withdrawn) and an application for its accreditation is validly made under paragraph (3), the Authority shall not grant that application if—

- (a) there has in the Authority's view been a material change in circumstances since the preliminary accreditation was granted; or
- (b) the Authority has reason to suppose that the information on which the decision to grant the preliminary accreditation was based was incorrect in a material particular; or

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(1) 1997 c. 8.

- (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 under the amended legislation, it would not in the Authority's view have been granted;
- but otherwise shall grant the application.
- (5) The Authority may, in granting preliminary accreditation or accreditation, attach such conditions as appear to it to be appropriate.
- (6) Where any of the circumstances mentioned in paragraph (7) apply, the Authority may—
- (a) withdraw the preliminary accreditation or accreditation from any generating station; or
  - (b) amend conditions attached to the preliminary accreditation or accreditation under paragraph (5); or
  - (c) attach conditions to the preliminary accreditation or accreditation.
- (7) The circumstances referred to in paragraph (6) 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 subject to which the preliminary accreditation or accreditation was granted 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 under the amended legislation, it would not in the Authority's view have been granted.
- (8) The Authority shall 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.
- (9) In providing written notification under paragraph (8), the Authority shall specify the date on which the grant or withdrawal of preliminary accreditation or accreditation and any conditions attached to the preliminary accreditation or accreditation shall take effect.
- (10) In paragraph (2), the reference to the person who proposes to construct the generating station shall include a person who arranges for the construction of the generating station.