

Draft Order laid before the Scottish Parliament under section 32L(3) of the Electricity Act 1989 and paragraph 2(2) of Schedule 2 to the European Communities Act 1972 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2015 No.

ELECTRICITY

The Renewables Obligation (Scotland) Amendment Order 2015

Made - - - - 2015

Coming into force - - 1st December 2015

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 32(1), 32B(1), 32C(1) to (6), 32D(1) and (2), 32J(3) and 32K(1) and (3) of the Electricity Act 1989⁽¹⁾ (“the 1989 Act”) and section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972⁽²⁾ (“the 1972 Act”) and all other powers enabling them to do so.

This Order makes provision for a purpose mentioned in section 2(2) of the 1972 Act and it appears to the Scottish Ministers that it is expedient for the references to Annex 5 to [Directive 2009/28/EC](#) of the European Parliament and of the Council on the promotion of the use of energy from renewable sources⁽³⁾ in Schedule 2 to this Order (land criteria) to be construed as a reference to Annex 5 to that Directive as amended from time to time.

In accordance with section 32L(1) of the 1989 Act⁽⁴⁾ the Scottish Ministers consulted the Gas and Electricity Markets Authority⁽⁵⁾, the National Association of Citizens Advice Bureaux, the Scottish Association of Citizens Advice Bureaux, the electricity suppliers to whom this Order applies and such generators of electricity from renewable sources and such other persons as the Scottish Ministers considered appropriate.

In accordance with section 32L(3) of the 1989 Act and paragraph 2(2) of Schedule 2 to the 1972 Act a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

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- (1) [1989 c.29](#). Sections 32, 32B and 32C were substituted by section 37 of the Energy Act [2008 \(c.32\)](#) (“the 2008 Act”). Sections 32D, 32J and 32K were inserted by said section 37. Section 32(2) contains a definition of “relevant Minister” relevant to the exercise of these powers.
- (2) [1972 c.68](#). Section 2(2) was amended by paragraph 15(3) of Schedule 8 to the Scotland Act [1998 \(c.46\)](#) (“the 1998 Act”), which was amended by section 27(4) of the Legislative and Regulatory Reform Act [2006 \(c.51\)](#) (“the 2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and Part 1 of the Schedule to the European Union (Amendment) Act [2008 \(c.7\)](#) (“the 2008 Act”). Paragraph 1A of Schedule 2 was inserted by section 28 of the 2006 Act and relevantly amended by Part 1 of the Schedule to the 2008 Act. The functions conferred upon the Minister of the Crown under section 2(2) in so far as within devolved competence were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.
- (3) OJ L 140, 5.6.2009, p.16.
- (4) Section 32L was amended by [S.I. 2014/631](#).
- (5) Section 32L refers to “the Authority” which is defined in section 111(1) as the Gas and Electricity Markets Authority. The definition was inserted by paragraph 40(a) of Schedule 6 to the Utilities Act [2000 \(c.27\)](#). Section 32L refers to “Citizens Advice” and “Citizens Advice Scotland” which are defined in said section 111(1) as the National Association of Citizens Advice Bureaux and the Scottish Association of Citizens Advice Bureau. The definitions were inserted by [S.I. 2014/631](#).

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish
Statutory Instrument: The Renewables Obligation (Scotland) Amendment Order 2015 No. 384
