
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 549

**The Electricity from Non-Fossil Fuel Sources
(Scotland) Saving Arrangements Order 2005**

Interpretation

2.—(1) In this Order—

“adapted condition” has the meaning given in article 4(3);

“generator” means any person who, immediately before 31st December 2005, was party to any original arrangements in the capacity of an operator of a non-fossil fuel generating station described in any of SRO Orders 1, 2 & 3;

“licensed electricity suppliers” means persons falling within the definition of “electricity supplier” in section 6(9) of the Electricity Act 1989⁽¹⁾;

“new arrangements” means arrangements made by the nominated person which comply with all the requirements of article 4(1)(a), (b) and (e);

“nominated person” means the person who was nominated by the supply successor companies in compliance with article 3 and approved by the Scottish Ministers under article 5 unless approval of that person has been withdrawn by the Scottish Ministers in which case it means the person approved by the Scottish Ministers under article 5;

“order period” means the period starting on 1st April 2006 and ending on 31st March 2019;

“original arrangements” means the additional arrangements referred to in section 32 of the Electricity Act 1989 which were entered into by supply successor companies in compliance with their obligations under SRO Orders 1, 2 & 3 as applied by the Saving Arrangements Orders;

“owner” means any person who either directly or indirectly owns or has any interest in the nominated person; and the term “ownership” shall be construed accordingly;

“public electricity supplier” means a person who, prior to 1st October 2001, was authorised by a licence to supply electricity under section 6(1)(c) of the Electricity Act 1989 (as that provision had effect immediately before the coming into force of section 30 of the Utilities Act 2000) and whose “authorised area” (as defined in section 6(9) of the Electricity Act 1989 as that provision had effect immediately before the coming into force of section 30 of the Utilities Act 2000) was situated wholly or mainly in Scotland;

“Requirements” means the requirements listed in article 4(1);

“Saving Arrangements Orders” means the Electricity from Non-Fossil Fuel Sources (Scotland) Saving Arrangements Order 2001⁽²⁾ and the Electricity from Non-Fossil Fuel Sources (Scotland) Saving Arrangements (Modification) Order 2002⁽³⁾;

⁽¹⁾ 1989 c. 29.

⁽²⁾ S.I.2001/3269.

⁽³⁾ S.S.I. 2002/93.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“SRO Orders 1, 2 & 3” means the following statutory instruments: the Electricity (Non-Fossil Fuel Sources) (Scotland) Order 1994⁽⁴⁾; the Electricity (Non-Fossil Fuel Sources) (Scotland) Order 1997⁽⁵⁾ and the Electricity (Non-Fossil Fuel Sources) (Scotland) Order 1999⁽⁶⁾;

“SRO Order 2” means the Electricity (Non-Fossil Fuel Sources) (Scotland) Order 1997; and

“supply successor company” means a person who became the holder of a supply licence under section 6(1)(d) of the Electricity Act 1989 on 1st October 2001 by virtue of a licensing scheme made in relation to a public electricity supplier under Part II of Schedule 7 to the Utilities Act 2000 or who became a supply successor company by virtue of article 8(3).

(2) Except where otherwise provided in this Order, expressions which are used both in this Order and in section 32 or 33 of the Electricity Act 1989 shall in relation to this Order have the meanings given to them in those sections.

(3) References in this Order to section 32 or 33 of the Electricity Act 1989 are references to those sections as they continue to have effect in Scotland by virtue of this Order or any Order made under section 67 of the Utilities Act 2000 (notwithstanding the substitution of section 32 by section 62 of the Utilities Act 2000 and the repeal of section 33 by section 66 of the Utilities Act 2000).

⁽⁴⁾ S.I. [1994/3275](#).

⁽⁵⁾ S.I. [1997/799](#).

⁽⁶⁾ S.I. [1999/439](#).