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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 549**

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

**Replacement supply successor companies**

**8.—(1)** A supply successor company (referred to as “the Company” in this article) shall notify the Scottish Ministers in writing immediately upon the occurrence of any of the following events and such notification shall include the identity of any relevant third parties as referred to in subparagraphs (f) and (h):

- (a) the Company passes a resolution that it be wound up;
- (b) a court makes an administration order or a winding up order in relation to the Company;
- (c) the Company makes a composition or arrangement with its creditors;
- (d) an administrative receiver, receiver or manager is appointed to the Company by a creditor or by a court;
- (e) the Company ceases to carry on business as a licensed electricity supplier;
- (f) the Company makes arrangements to transfer its supply licence to a third party;
- (g) the Company has, or makes arrangements to have, its supply licence revoked or modified;  
or
- (h) the Company makes arrangements to transfer all or part of its electricity supply business to a third party.

(2) Where it appears to either the Scottish Ministers or to the Authority that in relation to the Company any of the events listed in paragraph (1) has taken or will take place the Scottish Ministers may transfer all or part of the obligations of the Company under this Order to any third party (including any other existing supply successor company) who appears to the Scottish Ministers to have taken over, continued or to have had transferred to it, all or part of the electricity supply business or the supply licence of the Company.

(3) In the circumstances described in paragraph (2) the Scottish Ministers shall notify the relevant third party and the Company in writing of the transfer of obligations under this Order and such third party shall, with effect from a date specified by the Scottish Ministers, become a supply successor company and shall take over all or part of the obligations of the Company under this Order, as specified by the Scottish Ministers.

(4) On making the written notification referred to in paragraph (3) the Scottish Ministers shall release the Company from all or the appropriate part of its obligations under this Order and shall notify the Company accordingly and specify the date on which such release is to take effect.