
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 140

The Renewables Obligation (Scotland) Order 2009

PART 9

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

Preliminary accreditation and accreditation of generating stations

58.—(1) Paragraphs (2) to (10) apply to the granting and withdrawing of preliminary accreditation and accreditation of generating stations by the Authority, and paragraphs (3) to (5) are subject to paragraph (2).

(2) The Authority must not grant accreditation or preliminary accreditation to a generating station under this article—

- (a) if it cannot issue SROCs in respect of electricity generated by that station by virtue of article 17 (excluded generating stations); or
- (b) if, in its opinion, the station is unlikely to generate electricity in respect of which SROCs may be issued.

(3) Where a generating station in respect of which—

- (a) consent under section 36 of the Act or where appropriate, Article 39 of the Electricity (Northern Ireland) Order 1992 has been obtained; or
- (b) planning permission under the Town and Country Planning (Scotland) Act 1997(1) has been granted,

is not yet commissioned, the Authority may, upon the application of the person who proposes to construct or operate the generating station, grant the station preliminary accreditation.

(4) Where a generating station has been commissioned, the Authority may, upon the application of its operator (or, where SROCs 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.

(5) Where a station has been granted preliminary accreditation (and such preliminary accreditation has not been withdrawn) and an application for its accreditation is made under paragraph (4), the Authority must not grant that application if it is satisfied that—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.

(6) The Authority may, in granting preliminary accreditation or accreditation under this article, attach such conditions as appear to it to be appropriate.

(7) Where any of the circumstances mentioned in paragraph (8) apply in relation to a preliminary accreditation or an accreditation which the Authority has granted (whether or not under this article), 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 conditions attached to the preliminary accreditation or accreditation;
- (c) attach conditions to the preliminary accreditation or accreditation.

(8) The circumstances referred to in paragraph (7) 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; or
- (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.

(9) 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.

(10) In providing written notification under paragraph (9), the Authority must specify the date on which the grant or withdrawal of preliminary accreditation or accreditation is to take effect and, where applicable, the date on which any conditions attached to the preliminary accreditation or accreditation are to take effect.

(11) In paragraph (3), the reference to the person who proposes to construct the generating station includes a person who arranges for the construction of the generating station.