

2002 No. 93

ELECTRICITY

**The Electricity from Non-Fossil Fuel Sources (Scotland)
Saving Arrangements (Modification) Order 2002**

Made 6th March 2002

Laid before the Scottish Parliament 7th March 2002

Coming into force 31st March 2002

The Scottish Ministers in exercise of the powers conferred by section 67(1)(c) of the Utilities Act 2000(a) and all other powers enabling them in that behalf, hereby make the following Order:

Citation and commencement

1. This Order may be cited as the Electricity from Non-Fossil Fuel Sources (Scotland) Savings Arrangements (Modification) Order 2002 and shall come into force on 31st March 2002.

Modification of the Electricity from Non-Fossil Fuel Sources (Scotland) Saving Arrangements Order 2001

2. The Electricity from Non-Fossil Fuel Sources (Scotland) Saving Arrangements Order 2001(b) shall be modified as follows:—

- (a) in article 2(1) after the definition of “adapted condition” insert the following definition:—
““additional arrangements” means the arrangements listed in article 4A(2);”; and
- (b) after article 4 insert—

“4A.—(1) Each supply successor company shall ensure that before 1st September 2002 it has produced evidence to the Authority and the Scottish Ministers that it has made the additional arrangements.

(2) Each supply successor company shall be under a duty at all time during the order period to secure that the additional arrangements are complied with and shall not by any act or omission of his prevent any additional arrangements from securing the result mentioned in article 4A(3)(d).

- (3) The additional arrangements are that—
 - (a) the benefits of certificates of any nature attaching to any electricity supplied to the supply successor company in terms of SRO Orders 1, 2 and 3 are realised by means of sale through a third party;
 - (b) the proceeds of the sale (net of the fees and expenses of any third party) shall accrue to the supply successor company;
 - (c) the proceeds of the original arrangements shall be offset against the costs incurred by the supply successor company of purchasing such electricity; and

(a) 2000 c.27. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2001 (S.I. 2001/3504), article 2 and the Schedule.
(b) S.I. 2001/3269.

- (d) the proceeds are audited and are taken into account in calculating the Fossil Fuel Levy in accordance with the Fossil Fuel Levy (Scotland) Regulations 1996^(a) as amended.”.

St Andrews House,
Edinburgh
6th March 2002

ROSS FINNIE
A member of the Scottish Executive

(a) S.I. 1996/293 as amended by S.I. 1996/1512 and S.S.I. 2001/3504.

EXPLANATORY NOTE

(This note does not form part of the Order)

This Order amends the Electricity from Non-Fossil Fuel Sources (Scotland) Saving Arrangements Order 2001 (S.I. 2001/3269).

Article 2 amends the Order to make it a requirement that the supply successor company puts arrangements in place to sell on the open market benefits attaching to any electricity received by him under the SRO Orders. The arrangements are to be approved by the Authority and the Scottish Ministers. The requirements will allow for the electricity benefits to be auctioned by a third party and the proceeds of sale used to reduce the Fossil Fuel Levy paid by electricity consumers.

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