
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 549

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

The nominated person

5.—(1) A person may only become or continue to be a nominated person if that person is registered under the Companies Act 1985⁽¹⁾ as a company limited by shares and is approved by the Scottish Ministers.

(2) Without prejudice to article 9, if any of the Requirements are not being met at any time, the Scottish Ministers may withdraw their approval of the nominated person at any time on such notice as is reasonable in the circumstances, and where the Scottish Ministers withdraw their approval they may either nominate one or more persons to be the nominated person or they may request that the supply successor companies nominate a replacement.

(3) Where the Scottish Ministers have withdrawn their approval of the nominated person in accordance with paragraph (2) above, the supply successor companies shall jointly bear the administrative costs incurred as a result of this change in proportions to be determined by the Scottish Ministers.

(4) Where there is a change in the person who is nominated to be the nominated person (either at the instigation of the supply successor companies or the Scottish Ministers), the Authority must be provided with evidence that such nominated person has made arrangements to secure the Requirements are complied with and the Scottish Ministers' approval of the person so nominated may be conditional on new arrangements having been entered into by a specified date, and in such circumstances the dates referred to in articles 3, 4 and 6 shall be replaced with the dates specified by the Scottish Ministers and the reference in article 6(1)(b) to the "original arrangements" shall be read as a reference to arrangements which replace those original arrangements to which the generator (or his successor) was party immediately prior to 31st December 2005.

(5) Where requested in writing to approve a person nominated for the purposes of this Order, the Scottish Ministers shall decide whether to so approve or not and shall notify the supply successor companies in writing of that decision within 30 days of receipt of such request.

(1) 1985 c. 6.