
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 549

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

Deemed imposition of new arrangements

6.—(1) If, by 31st December 2005, any generator has not entered into the new arrangements with the nominated person the generator shall be deemed to—

- (a) have entered into an agreement with the nominated person on 31st December 2005 and with effect from the first day of the order period on those terms last offered to it in writing by the nominated person prior to 31st December 2005, to the extent that those terms comply with all requirements of this Order in relation to new arrangements; and
- (b) have terminated the original arrangements to which it was a party (without prejudice to any rights or liabilities existing prior to such termination), with termination having effect immediately before the commencement of the order period.

(2) Where paragraph (1) above applies, the nominated person shall notify the generator in writing by 14th January 2006 of the terms of the agreement which are deemed to apply to him.

(3) Any dispute as to whether the terms of the agreement referred to above comply with the requirements of this Order in relation to the new arrangements may be referred to and determined by the Scottish Ministers where application to the Scottish Ministers has been made in writing no later than 28th February 2006. In making their determination under this article the Scottish Ministers may give such directions to the nominated person or the generator as appear to them to be appropriate for varying the terms of the agreement so that they comply with the requirements of this Order in relation to the new arrangements.