
STATUTORY INSTRUMENTS

2000 No. 2727

**The Electricity from Non-Fossil Fuel
Sources Saving Arrangements Order 2000**

Continuation and modification of section 33

11.—(1) With effect on 21st November 2000 section 33 of the Electricity Act 1989 shall continue to have effect notwithstanding its repeal by section 66 of the Utilities Act 2000.

(2) From the commencement of the order period section 33 of the Electricity Act 1989 shall be modified as follows—

- (a) in subsection (1) replace the words from and including “Where” to “provide—” with “The Secretary of State may by regulations provide—”;
- (b) in subsection (1)(a) replace the words “such suppliers” with “public electricity suppliers”;
- (c) in subsection (1)(c) replace the words “such suppliers” with “the nominated person”;
- (d) delete subsections (3) and (4);
- (e) replace subsection (5) with the following—

“(5) The amount of any payment required to be made to the nominated person by regulations under this section shall be the difference between—

- (a) the total cost to the nominated person during the qualifying month of purchasing electricity which was generated in pursuance of qualifying arrangements; and
- (b) the amount received during the qualifying month by the nominated person for the sale of such electricity,

calculated (in each case) by such method as may be specified by regulations under this section and including such costs as are reasonably incurred by the nominated person in relation to the sale and purchase of such electricity and any advance or deferred payments.”;

- (f) after subsection (5) insert the following new subsection—

“(5A) Where the amount referred to in subsection (5)(b) is greater than the cost referred to in subsection (5)(a) the difference (after any deductions for the costs of the nominated person referred to in subsection (5) and any advance or deferred payments) shall be paid by the nominated person to the prescribed person referred to in subsection (1)(b), such sum being calculated by such method as may be specified by regulations under this section.”;

- (g) in subsection (6)(a) after the words “meters or otherwise” insert “on the nominated person and”;
- (h) in subsection (6)(b) replace the words “public electricity suppliers” with “or by the nominated person”;
- (i) in subsection (7) replace the words “each public electricity supplier” with “the nominated person”;
- (j) replace subsection (7A) with the following—

“(7A) In this section, references to qualifying arrangements in relation to the nominated person are to any arrangements in respect of which each of the following is the case—

(a) they are new arrangements, as defined in the Electricity from Non-Fossil Fuel Sources Saving Arrangements Order 2000⁽¹⁾;

and

(b) they satisfy such other requirements as may be specified in regulations made under this section.”;

(k) delete subsection (7B);

(l) in subsection (8) after the definition of “leviable electricity” insert the following—

““nominated person” has the meaning given in the Electricity from Non-Fossil Fuel Sources Saving Arrangements Order 2000;”;

(m) in subsection (8) at the end of the definition of qualifying month insert the following words “and in relation to the nominated person the meaning shall be specified in regulations made under this section;”;

and

(n) after subsection (9) insert the following—

“(10) Regulations under this section may include transitional measures making provision for payments of levy to continue to be made to public electricity suppliers in relation to entitlement to payments accrued under this section before this subsection came into effect.”.

(1) S.I.2000/2727.