

Draft Order laid before the Scottish Parliament under section 32L(3) of the Electricity Act 1989 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2024 No.

ELECTRICITY

The Renewables Obligation (Scotland) Amendment Order 2024

<i>Made</i>	- - - -	2024
<i>Coming into force</i>	- -	2024

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 32, 32A and 32K of the Electricity Act 1989(1) and all other powers enabling them to do so.

In accordance with section 32L(1)(2) of that Act the Scottish Ministers have consulted the Gas and Electricity Markets Authority, the National Association of Citizens Advice Bureaux, Consumer Scotland(3), electricity suppliers to whom this Order applies and such generators of electricity from renewable sources and other persons as the Scottish Ministers considered appropriate.

In accordance with section 32L(3) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Renewables Obligation (Scotland) Amendment Order 2024 and comes into force on the day after the day on which it is made.

(2) In this Order “the 2009 Order” means the Renewables Obligation (Scotland) Order 2009(4).

Amendment of the 2009 Order

2. The 2009 Order is amended in accordance with articles 3 to 6.

(1) 1989 c. 29. Sections 32 and 32A were substituted by section 37 of the Energy Act 2008 (c. 32) (“the 2008 Act”). Section 32K was inserted by said section 37. Section 32(2) contains a definition of “the relevant minister” relevant to the exercise of these powers.

(2) Section 32L was inserted by section 37 of the 2008 Act and amended by S.I. 2014/631 and S.I. 2022/34.

(3) Section 32L refers to “the Authority” which is defined in section 111(1) as the Gas and Electricity Markets Authority. That definition was inserted by paragraph 40(a) of schedule 6 of the Utilities Act 2000 (c. 27). Section 32L refers to “Citizens Advice” which is defined in section 111(1) as the National Association of Citizens Advice Bureaux. That definition was inserted by S.I. 2014/631. Section 32L also refers to “Consumer Scotland” which was inserted by paragraph 3(9) of the schedule of S.I. 2022/34.

(4) S.S.I. 2009/140 as relevantly amended by S.S.I. 2017/432.

Amendment to article 2 (interpretation)

3. In article 2(1) omit the definitions of—
 - (a) “obligation level”, and
 - (b) “revised obligation level”.

Amendment to article 5 (the renewables obligation)

4. In article 5(2)(a) for “or 12B” substitute “, 12B or 12C”.

Amendment to article 12A (Determining the number of renewables obligation certificates to be produced by a designated electricity supplier in order to discharge its renewables obligation: obligation periods beginning on or after 1st April 2019)

5. In article 12A—
 - (a) at the beginning of paragraphs (2) and (3) for “Where” substitute “Subject to article 12C, where”,
 - (b) at the beginning of paragraph (4) for “For” substitute “Subject to article 12C, for”.

New article 12C

6. After article 12B insert—

“Determining the number of renewables obligation certificates to be produced by a designated electricity supplier in order to discharge its renewables obligation: revisions of the obligation level for the 2024/25 obligation period

12C.—(1) This article applies in respect of the 2024/25 obligation period.

(2) Following the publication under article 12A(5) of the obligation level for the 2024/25 obligation period, the Scottish Ministers may revise the obligation level in accordance with paragraph (5).

(3) If the Scottish Ministers revise the obligation level under paragraph (2), they may provide that the revised obligation level applies for such part of the 2024/25 obligation period as specified.

(4) The Scottish Ministers may not revise the obligation level under paragraph (2)—

- (a) after 31 March 2024, or
- (b) more than once.

(5) Any revision of the obligation level under paragraph (2) must be calculated in accordance with—

- (a) article 12A(2) where the total obligation for the 2024/25 obligation period is calculation A, or
- (b) article 12A(3) where the total obligation for the 2024/25 obligation period is calculation B,

with the references to “D” in the formulae set out in article 12A(2) and (3) being treated as references to the estimate made by the Secretary of State under article 13C(3) of the 2015 Order(5) of the total amount of EII excluded electricity likely to be supplied to customers in Great Britain during the 2024/25 obligation period.

(5) Article 13C is inserted by S.I. 2024/XXX.

(6) If the Scottish Ministers revise the obligation level under paragraph (2), they must publish the revised obligation level within 7 days beginning with the day on which the obligations level is revised.

(7) In this article—

“2024/25 obligation period” means the obligation period beginning on 1st April 2024,

“obligation level” means the number of renewables obligation certificates that a designated electricity supplier is required to produce in respect of each megawatt hour of electricity that it supplies to customers in Scotland during the obligation period in order to discharge its renewables obligation for that period as determined under article 12A(2) or 12A(3),

“revised obligation level” means the obligation level as revised under paragraph (2).”.

St Andrew’s House,
Edinburgh
Date

Name
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Renewables Obligation (Scotland) Order 2009 (“the 2009 Order”).

The 2009 Order imposes an obligation (the “renewables obligation”) on all electricity suppliers which supply electricity in Scotland to produce a certain number of Scottish renewables obligation certificates in respect of electricity they supply to customers in Scotland during an “obligation period”. Each obligation period runs from 1st April to 31st March.

Article 3 amends article 2 of the 2009 Order (interpretation) to reflect that the definitions of “obligation level” and “revised obligation level” are now used for more than one purpose.

Article 6 inserts new article 12C into the 2009 Order which enables the Scottish Ministers to revise the renewables obligation for the obligation period beginning on 1st April 2024. A revision may only be made once, and cannot be made after 31st March 2024. Articles 4 and 5 make related minor amendments.