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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2004 No.**

**The Renewables Obligation (Scotland) Order 2004**

**Revocation of SROCs**

**5.—(1) The Authority—**

- (a) shall, where in respect of any electricity generated by a generating station in a particular month it is satisfied that the declaration provided to it by the operator of that generating station pursuant to article 4(10)(c) or by the electricity supplier pursuant to article 4(11) is false or that a SROC was issued on the basis of any fraudulent behaviour, statement or undertaking on the part of the operator of that generating station or any connected person, revoke all SROCs issued in respect of that generating station in that month;
- (b) shall, in accordance with the procedure laid down in paragraph (2), revoke any SROC where it is otherwise satisfied that the SROC is inaccurate; and
- (c) may, in accordance with the procedure laid down in paragraph (2), revoke any SROC where—
  - (i) the Authority is no longer satisfied that the SROC should have been issued;
  - (ii) the Authority has reasonable doubts as to the accuracy or reliability of the information upon which the Authority relied prior to the issue of the SROC; or
  - (iii) the Authority has been unable, due to a failure or refusal by any person (whether inside or outside Scotland) to provide the Authority with any information reasonably requested by it, to check the accuracy of either the SROC or any information which the Authority relied upon prior to the issue of the SROC; and
- (d) shall, in reaching a decision as to the inaccuracy of a SROC for the purposes of paragraph (1)(b) and in exercising its powers to revoke a SROC pursuant to paragraph (1)(c), disregard any changes to the amounts for “gross output” and “input electricity” (as those two expressions are defined in article 9(5)) which were used by it (as provided in article 4(13)(a)) to determine the amount of electricity to be regarded as having been generated from eligible renewable sources by a particular generating station in a particular month.

(2) Where the Authority revokes SROCs in accordance with paragraph (1)(b) or (c), it shall revoke the appropriate number of SROCs from those issued in respect of the generating station in respect of a particular month in descending numerical order of SROC sequence number, deleting those SROCs previously allocated the highest SROC sequence numbers and remaining on the Register in advance of those with lower SROC sequence numbers and in determining the number of SROCs which it is appropriate to revoke it shall proceed on the basis that one SROC represents one megawatt hour of electricity (with any exact half megawatt hour being rounded upwards).

(3) Where the Authority has revoked a SROC—

- (a) it shall as soon as practicable give notice of such revocation in writing to the registered holder of the SROC at the time of revocation;
- (b) other than when a SROC has been revoked in accordance with paragraph (1)(a), the Authority may, in circumstances where it considers it appropriate to do so, issue a replacement SROC in accordance with the procedures laid down in paragraph (4) provided

that it is satisfied that each of the relevant criteria in article 4(10) is met and such SROC shall be treated as if issued under article 4.

- (4) Where pursuant to paragraph (3)(b) the Authority issues a replacement SROC it shall—
- (a) allocate to the replacement SROC the lowest SROC sequence number of any SROC previously issued in respect of the same generating station and same month that has been revoked which has not already been allocated to a replacement SROC which has not itself been revoked;
  - (b) issue each replacement SROC to the person to whom the SROC issued in respect of that generating station and that month and bearing the same SROC sequence number has previously been issued; and
  - (c) proceed on the basis that one SROC represents one megawatt hour of electricity (with any exact half megawatt hour being rounded upwards).