

---

DRAFT SCOTTISH STATUTORY INSTRUMENTS

---

**2007 No.**

**The Renewables Obligation (Scotland) Order 2007**

**PART 8**

**Provision of Information and Functions of the Authority**

**Preliminary accreditation and accreditation of generating stations**

**38.**—(1) Paragraphs (2) to (9) shall apply to the granting and withdrawing of preliminary accreditation and accreditation of generating stations.

(2) Where a generating station in respect of which—

- (a) consent under section 36 of the Act has been obtained; or
- (b) planning permission under the Town and Country Planning (Scotland) Act 1997<sup>(1)</sup> has been granted,

has not been commissioned, the Authority may, upon the application of the person who proposes to construct or operate the generating station, grant the station preliminary accreditation as being capable of generating electricity from eligible renewable sources.

(3) Where a generating station has been commissioned, the Authority may, upon the application of its operator (or, where SROCs relating in whole or in part to electricity generated by that generating station will be issued to an agent by virtue of article 17, that agent), grant the station accreditation as being capable of generating electricity from eligible renewable sources for the purposes of article 18(2).

(4) Where a station has been granted preliminary accreditation (and such preliminary accreditation has not been withdrawn) and an application for its accreditation is validly made under paragraph (3), the Authority shall not grant that application if—

- (a) there has in the Authority's view been a material change in circumstances since the preliminary accreditation was granted; or
- (b) the Authority has reason to suppose that the information on which the decision to grant the preliminary accreditation was based was incorrect in a material particular; or
- (c) there has been a change in applicable legislation since the preliminary accreditation was granted such that, had the application for preliminary accreditation been made under the amended legislation, it would not in the Authority's view have been granted;

but otherwise shall grant the application.

(5) The Authority may, in granting preliminary accreditation or accreditation, attach such conditions as appear to it to be appropriate.

(6) Where any of the circumstances mentioned in paragraph (7) apply, the Authority may—

- (a) withdraw the preliminary accreditation or accreditation from any generating station; or

- (b) amend conditions attached to the preliminary accreditation or accreditation under paragraph (5); or
  - (c) attach conditions to the preliminary accreditation or accreditation.
- (7) The circumstances referred to in paragraph (6) are as follows–
- (a) in the Authority’s view there has been a material change in circumstances since the preliminary accreditation or accreditation was granted;
  - (b) any condition subject to which the preliminary accreditation or accreditation was granted has not been complied with;
  - (c) the Authority has reason to believe that the information on which the decision to grant the preliminary accreditation or accreditation was based was incorrect in a material particular;
  - (d) there has been a change in applicable legislation since the preliminary accreditation or accreditation was granted such that, had the application for preliminary accreditation or accreditation been made under the amended legislation, it would not in the Authority’s view have been granted.
- (8) The Authority shall notify the applicant in writing of–
- (a) its decision on an application for preliminary accreditation or accreditation of a generating station;
  - (b) any conditions attached to the preliminary accreditation or accreditation; and
  - (c) any withdrawal of preliminary accreditation or accreditation.
- (9) In providing written notification under paragraph (8), the Authority shall specify the date on which the grant or withdrawal of preliminary accreditation or accreditation and any conditions attached to the preliminary accreditation or accreditation shall take effect.
- (10) In paragraph (2), the reference to the person who proposes to construct the generating station shall include a person who arranges for the construction of the generating station.