

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

2013 No.

ELECTRICITY

The Renewables Obligation (Scotland) Amendment Order 2013

Made - - - -

Coming into force - - *1st April 2013*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 32(1) and (2), 32A(1) and (2), 32C(1) to (6), 32D(1), (2) and (8)(b), 32E(2) and (6), 32J(3) and 32K(1) and (3) of the Electricity Act 1989 (“the 1989 Act”)(1) and section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972 (“the 1972 Act”)(2) and all other powers enabling them to do so.

This Order makes provision for a purpose mentioned in section 2(2) of the 1972 Act and it appears to the Scottish Ministers that it is expedient for the references to Annex 5 to [Directive 2009/28/EC](#) of the European Parliament and of the Council on the promotion of the use of energy from renewable sources(3) inserted by this Order into article 54A of the Renewables Obligation (Scotland) Order 2009(4) to be construed as references to Annex 5 to that Directive as amended from time to time.

In accordance with section 32L(3) of the 1989 Act a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

In accordance with section 32D(4) of the 1989 Act the Scottish Ministers have had regard to the matters referred to in that section.

In accordance with section 32D(7) of the 1989 Act they have carried out a review by virtue of section 32D(8) of the 1989 Act.

In accordance with section 32L(1) of the 1989 Act they have consulted the Gas and Electricity Markets Authority(5), the National Consumer Council(6), electricity suppliers to whom this Order

-
- (1) [1989 c.29](#). Sections 32 to 32M were substituted by section 37 of the Energy Act 2008 ([c.32](#)). Section 32M(1) was amended by [S.I. 2011/984](#).
- (2) [1972 c.68](#). Section 2(2) was amended by paragraph 15(3) of Schedule 8 to the Scotland Act 1998 ([c.46](#)) (“the 1998 Act”), (which was amended by section 27(4) of the Legislative and Regulatory Reform Act 2006 ([c.51](#)) (“the 2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by Part 1 of the Schedule to the European Union (Amendment) Act 2008 ([c.7](#)). Paragraph 1A of Schedule 2 was inserted by section 28 of the 2006 Act. The functions conferred upon the Minister of the Crown under section 2(2), insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.
- (3) OJ L 140, 5.6.2009, p.16.
- (4) [S.I. 2009/140](#) as amended by [S.S.I. 2009/276](#), [2010/147](#) and [2011/225](#).
- (5) Section 32L(1) of the Electricity Act 1989 refers to “the Authority”, this is defined in section 111(1) as inserted by paragraph 40(a) of Schedule 6 to the Utilities Act 2000 ([c.27](#)).
- (6) Section 32L(1) of the 1989 Act refers to “the Council”, this is defined in section 111(1) as substituted by section 30(4)(b) of the Consumers, Estate Agents and Redress Act 2007 ([c.27](#)).

applies, and such generators of electricity from renewable sources and other persons as they considered appropriate.