
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 140

The Renewables Obligation (Scotland) Order 2009

PART 7

Issue and revocation of SROCs

Refusing to issue and revoking SROCs

41.—(1) The Authority may refuse to issue a SROC—

- (a) where any criterion in articles 36 to 40 which relates to that SROC is not (in its opinion) met;
- (b) where any information referred to in article 36(4) or any confirmation provided to it under this Part is not (in its opinion) accurate and reliable.

(2) Where, in relation to any electricity generated by a generating station in a month, the Authority is satisfied that—

- (a) any information referred to in article 36(4) is false;
- (b) any confirmation provided to it under this Part is false; or
- (c) a SROC was issued on the basis of any fraudulent behaviour, statement or undertaking on the part of—
 - (i) the operator of that generating station;
 - (ii) a connected person; or
 - (iii) where SROCs are issued to an agent by virtue of article 35, that agent,

the Authority [^{F1}may] revoke all SROCs issued in respect of that electricity in that month.

[^{F2}(3) The Authority must revoke any SROC which it has issued where the SROC certifies the matters within section 32B(4) or (6) of the Act and the Northern Ireland authority has notified the Authority that it is not satisfied that the electricity in respect of which the SROC was issued has been supplied to customers in Northern Ireland.]

(4) Where the Authority—

- (a) is no longer satisfied that a SROC [^{F3}is accurate or] should have been issued;
- (b) has reasonable doubts as to the accuracy or reliability of the information upon which it relied prior to the issue of a SROC; or
- (c) has been unable, due to a failure or refusal by any person (whether inside or outside Scotland) to provide it with any information reasonably requested by it, to check the accuracy of either a SROC or any information which it relied upon prior to the issue of a SROC,

it may revoke the SROC (or another SROC which is identical in all material respects and which has been issued to the same person).

[^{F4}(5) In determining whether to revoke a SROC under paragraph (3) or (4), the Authority may disregard any changes to the amounts for RO input electricity (within the meaning of article 23A), RO output electricity (within the meaning of article 23A), total input electricity and total output electricity which were used by it to determine a generating station's RO eligible renewable output in a month if satisfied that, in all the circumstances, it is reasonable for it to do so.]

(6) Where the Authority revokes a SROC it must delete that SROC from the Register and as soon as reasonably practicable afterwards give notice in writing of such revocation to the person who was the registered holder of the SROC at the time of its revocation.

[^{F5}(7) This article is subject to article 41A(2) to (4).]

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| <p>F1 Word in art. 41(2) substituted (1.4.2010) by The Renewables Obligation (Scotland) Amendment Order 2010 (S.S.I. 2010/147), arts. 1, 10(a) (with art. 17)</p> <p>F2 Art. 41(3) substituted (1.4.2010) by The Renewables Obligation (Scotland) Amendment Order 2010 (S.S.I. 2010/147), arts. 1, 10(b) (with art. 17)</p> <p>F3 Words in art. 41(4)(a) inserted (1.4.2010) by The Renewables Obligation (Scotland) Amendment Order 2010 (S.S.I. 2010/147), arts. 1, 10(c) (with art. 17)</p> <p>F4 Art. 41(5) substituted (1.4.2014) by The Renewables Obligation (Scotland) Amendment Order 2014 (S.S.I. 2014/94), arts. 1(1), 14 (with art. 27)</p> <p>F5 Art. 41(7) inserted (1.4.2010) by The Renewables Obligation (Scotland) Amendment Order 2010 (S.S.I. 2010/147), arts. 1, 10(d) (with art. 17)</p> |
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Changes to legislation:

There are currently no known outstanding effects for the The Renewables Obligation (Scotland) Order 2009, Section 41.