

SCOTTISH STATUTORY INSTRUMENTS

**2009 No. 140**

**The Renewables Obligation (Scotland) Order 2009**

**PART 9**

Provision of information, functions of the Authority and modification of this Order in relation to microgenerators in certain circumstances

**[<sup>F1</sup>Preliminary accreditation of generating stations**

**58.**—(1) Subject to paragraph (2), where a generating station in respect of which—

- (a) consent under section 36 of the Act has been obtained;
- (b) planning permission under the Town and Country Planning (Scotland) Act 1997 has been granted;
- (c) in the case of an offshore generating station, a marine licence under Part 4 of the Marine (Scotland) Act 2010 has been granted where consent under section 36 of the Act is not required,

is not yet commissioned, the Authority may, upon the application of the person who proposes to construct or operate the generating station, grant the station preliminary accreditation.

(2) The Authority must not grant preliminary accreditation to a generating station under this article—

- (a) if, in the Authority’s opinion, the station is unlikely to generate electricity in respect of which SROCs may be issued;
- (b) if a CFD has been made at any time in relation to the generation of electricity by the station; or
- (c) subject to paragraph (3), if an investment contract has been made at any time in relation to the generation of electricity by the station.

(3) Paragraph (2)(c) does not apply if the application for a preliminary accreditation is accompanied by a declaration made in writing by the person who proposes to construct or operate the generating station that the investment contract has been terminated or has otherwise ceased to have effect by reason of a permitted termination event.

(4) In paragraph (3), “permitted termination event” means—

- <sup>F2</sup>(a) .....
- <sup>F2</sup>(b) .....
- <sup>F2</sup>(c) .....

(d) an amendment to the investment contract that is made, or proposed, by the Secretary of State in the light of any standard terms issued under section 11 of the Energy Act 2013.

(5) In this article, references to a person who proposes to construct a generating station include a person who arranges for the construction of the generating station.]

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**Changes to legislation:** *There are currently no known outstanding effects for the The Renewables Obligation (Scotland) Order 2009, Section 58. (See end of Document for details)*

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- F1** Arts. 58-58ZZB substituted for art. 58 (1.4.2014) by [The Renewables Obligation \(Scotland\) Amendment Order 2014 \(S.S.I. 2014/94\)](#), arts. 1(1), **20** (with art. 27)
- F2** Art. 58(4)(a)-(c) omitted (31.12.2020) by virtue of [The Renewables Obligation \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/35\)](#), reg. 1(2), **Sch. 2 para. 3(2)**; 2020 c. 1, Sch. 5 para. 1(1)

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