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SCOTTISH STATUTORY INSTRUMENTS

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**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

**Modification of this Order in relation to microgenerators in certain circumstances**

**60.**—(1) This article applies to generating stations which are microgenerators.

(2) The operator of a generating station to which this article applies or, where SROCs relating to generating stations to which this article applies are to be issued to an agent by virtue of article 35, that agent (and not the operators of the generating stations in question) may—

- (a) where SROCs have not yet been issued in respect of any electricity generated during the course of an obligation period by the station or stations in question, during the course of that obligation period; or
- (b) in any other case, not less than one month before the beginning of an obligation period (“the relevant obligation period”),

give notice in writing to the Authority that entitlement to SROCs in respect of electricity generated by the station or stations in question is to be determined on the basis set out in the remainder of this article.

(3) Paragraph (4) applies—

- (a) where an operator or, as the case may be, agent has given notice as specified in paragraph (2)(a), for the remainder of the obligation period during which the notice was given and subsequent obligation periods; and
- (b) where an operator or, as the case may be, agent has given notice as specified in paragraph (2)(b), for the relevant obligation period and subsequent obligation periods.

(4) Where this paragraph applies, the reference to “a month” in each place where it occurs in articles [F1 17AB,]F2... 22[F3, 23A], 24, 25, 36, 39, 41, 53 and Schedule 4 is to be taken to be a reference to “an obligation period”, subject to the following exceptions—

- (a) in articles 24(2)(b) and 53(3) the reference to “the second month” is to remain unchanged;
- (b) in paragraph 3(b)(i) of Schedule 4 the words “the month and year” is to be replaced by “the obligation period”.

(5) An operator or, as the case may be, agent who has given notice under paragraph (2) may—

- (a) if notice was given under paragraph (2)(a), not less than one month before the beginning of any obligation period following the obligation period during which the notice was given; or
- (b) if notice was given under paragraph (2)(b), not less than one month before the beginning of any obligation period following the relevant obligation period,

by notice in writing to the Authority, withdraw the notice given under paragraph (2).

(6) Where an operator or, as the case may be, agent withdraws a notice given under paragraph (2), that notice ceases to have effect from the beginning of the obligation period in relation to which the notice under paragraph (5) was given.

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| <p><b>F1</b> Word in art. 60(4) inserted (1.4.2014) by <a href="#">The Renewables Obligation (Scotland) Amendment Order 2014 (S.S.I. 2014/94)</a>, arts. 1(1), <b>24(2)(a)</b> (with art. 27)</p> <p><b>F2</b> Word in art. 60(4) omitted (1.4.2013) by virtue of <a href="#">The Renewables Obligation (Scotland) Amendment Order 2013 (S.S.I. 2013/116)</a>, arts. 1(1), <b>25</b> (with art. 29)</p> <p><b>F3</b> Word in art. 60(4) inserted (1.4.2014) by <a href="#">The Renewables Obligation (Scotland) Amendment Order 2014 (S.S.I. 2014/94)</a>, arts. 1(1), <b>24(2)(b)</b> (with art. 27)</p> |
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**Changes to legislation:**

There are currently no known outstanding effects for the The Renewables Obligation (Scotland) Order 2009, Section 60.