
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 116

The Renewables Obligation (Scotland) Amendment Order 2013

Registration as a grace period generating station

24. After article 58 (preliminary accreditation and accreditation of generating stations) insert—

“Registration as a grace period generating station

58ZA.—(1) This article applies to a generating station—

- (a) which is first commissioned on or after 1st April 2013; and
- (b) in respect of which an application for accreditation is made under article 58(4) on or before 30th September 2013.

(2) The operator of a generating station to which this article applies may submit a request to the Authority for the generating station to be registered under this article as a grace period generating station.

(3) A request for a generating station to be registered as a grace period generating station must be accompanied by—

- (a) the documents specified in paragraph (4)(a), (b) and (c);
- (b) the documents specified in paragraph (4)(d), (e) and (f); or
- (c) the documents specified in paragraph (4)(a), (b), (d), (e) and (g).

(4) The documents specified in this paragraph are—

- (a) a copy of a grid connection agreement specifying a grid connection date which is no later than 31st March 2013;
- (b) a letter from a network operator who is a party to the grid connection agreement confirming (whether or not such confirmation is subject to any conditions or other terms) that—
 - (i) the grid connection was made after the grid connection date; and
 - (ii) in the network operator’s opinion, the failure to make the grid connection on or before the grid connection date was not due to any breach of the grid connection agreement by a relevant person;
- (c) a declaration made in writing by the operator of the generating station that, to the best of their knowledge and belief, the station would have been commissioned on or before 31st March 2013 if the grid connection had been made on or before the grid connection date;
- (d) a copy of a radar works agreement specifying a radar works completion date which is no later than 31st March 2013;
- (e) a letter from a party to the radar works agreement who is not a relevant person confirming (whether or not such confirmation is subject to any conditions or other terms) that—
 - (i) the radar works were completed after the radar works completion date; and

- (ii) in that person’s opinion, the failure to complete the radar works on or before the radar works completion date was not due to any breach of the radar works agreement by a relevant person;
 - (f) a declaration made in writing by the operator of the generating station that, to the best of their knowledge and belief, the station would have been commissioned on or before 31st March 2013 if the radar works had been completed on or before the radar works completion date;
 - (g) a declaration made in writing by the operator of the generating station that, to the best of their knowledge and belief, the station would have been commissioned on or before 31st March 2013 if—
 - (i) the grid connection had been made on or before the grid connection date; and
 - (ii) the radar works had been completed on or before the radar works completion date.
- (5) Where the operator of a generating station to which this article applies submits a request for registration of the station as a grace period generating station, the Authority must not register the station under this article as a grace period generating station unless—
- (a) the request to register the generating station as a grace period generating station was received by the Authority before the Authority had made its decision on the application for accreditation of the station;
 - (b) the Authority is satisfied that the request complies with the requirements of paragraph (3);
 - (c) the Authority is satisfied that the station was commissioned before 1st October 2013; and
 - (d) the Authority decides to grant the application for accreditation of the station.
- (6) In circumstances where the Authority has reason to believe that the information on which a decision to register a generating station as a grace period generating station was based was incorrect in a material particular, and having regard to those circumstances the Authority considers it appropriate to do so, the Authority may withdraw the registration in question.
- (7) The Authority must notify the operator of the generating station in writing of—
- (a) its decision on a request to register the station as a grace period generating station;
 - (b) any withdrawal of registration of the station as a grace period generating station.
- (8) The written notification under paragraph (7)(a) must be provided by the Authority at the same time as the written notification under article 58(9) of its decision on the application for accreditation of the generating station.
- (9) In this article—
- “grid connection” means a connection between a generating station and a transmission system or distribution system for the purpose of enabling electricity to be conveyed from the station to that system;
 - “grid connection agreement” means an agreement between a relevant person and a network operator for the making of a grid connection;
 - “grid connection date” in relation to a grid connection agreement, means the earliest of any date specified in the grid connection agreement by which—
 - (a) the grid connection is required to be made; or
 - (b) it is estimated that the grid connection would be made;

“network operator” means a—

- (a) distribution exemption holder;
- (b) distribution licence holder; or
- (c) transmission licence holder;

“radar works” means—

- (a) the construction of a radar station;
- (b) the installation of radar equipment;
- (c) the carrying out of modifications to a radar station or to radar equipment; or
- (d) the testing of a radar station or radar equipment;

“radar works agreement” means an agreement between a relevant person and a person who is not a relevant person for the carrying out of radar works;

“radar works completion date”, in relation to a radar works agreement, means the earliest of any date specified in the radar works agreement by which—

- (a) the radar works are required to be completed; or
- (b) it is estimated that the radar works would be completed;

“relevant person”, in relation to a request for a generating station to be registered as a grace period generating station, means—

- (a) the operator of the station; or
- (b) a person who arranged for the construction of the station.”.