SCOTTISH STATUTORY INSTRUMENTS

2002 No. 94

ELECTRICITY

The Fossil Fuel Levy (Scotland) Amendment Regulations 2002

Made - - - -	*6th March 2002*
Laid before the Scottish Parliament - - - -	*7th March 2002*
Coming into force - -	*31st March 2002*

The Scottish Ministers in exercise of the powers conferred by sections 33 and 60 of the Electricity Act 1989(**1**) and all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Fossil Fuel Levy (Scotland) Amendment Regulations 2002 and shall come into force on 31st March 2002.

Amendment of the Fossil Fuel Levy (Scotland) Regulations 1996

2.—(1) The Fossil Fuel Levy (Scotland) Regulations 1996(**2**) shall be amended in accordance with this regulation.

(2) After paragraph 3(1) of Part II of Schedule 3 insert–

> "(1A) There shall be added to Byp the audited proceeds (net of fees and expenses of any third party) received by the supply successor company from the sale by a third party of any benefit (for the avoidance of doubt to include certificates of any nature) attaching to any electricity supplied in terms of SRO Orders 1, 2 & 3 in accordance with regulation 4A of the Electricity from Non-Fossil Fuel Sources (Scotland) Saving Arrangements Order 2001(**3**).".

(**1**) 1989 c. 29. Notwithstanding its repeal by section 66 of the Utilities Act 2000 (c. 27), section 33 continues to have effect in Scotland by virtue of article 11(1) of S.I. 2000/2727. Section 33 was amended by S.I. 1997/1185, the Fossil Fuel Levy Act 1998 (c. 5), section 1 and by S.I. 2001/3269. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (S.I. 1999/1750), Schedule 1.

(**2**) S.I. 1996/293 as amended by S.I. 1996/1512 and S.S.I. 2001/335.

(**3**) S.I. 2001/3269 as amended by S.S.I. 2002/ .