SCOTTISH STATUTORY INSTRUMENTS

2001 No. 335

ELECTRICITY

The Fossil Fuel Levy (Scotland) Amendment Regulations 2001

Made - - - -	*2nd October 2001*
Laid before the Scottish Parliament - - - -	*2nd October 2001*
Coming into force - -	*3rd October 2001*

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 2001 and shall come into force on 3rd October 2001.

Interpretation

2. In these Regulations "the principal Regulations" means the Fossil Fuel Levy (Scotland) Regulations 1996(**2**).

Amendment of the principal Regulations

3.—(1) The principal Regulations are amended in accordance with this regulation.

(2) In regulation 2 the definitions of "Director", "licensed supplier" and "public electricity supplier" shall be substituted with the following definitions respectively:–

> ""Director" means the Gas and Electricity Markets Authority as defined in section 1 of the Utilities Act 2000;";
>
> ""licensed supplier" means an electricity supplier as defined in section 6(9) of the Act (as inserted by section 30 of the Utilities Act 2000(**3**)) who supplies customers in Scotland;" and

(**1**) 1989 c. 29. Section 33 was amended 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.
(**3**) 2000 c. 27.

""public electricity supplier" means a person who, prior to 1st October 2001 was authorised by licence to supply electricity under section 6(1)(c) of the Act (as that provision had effect immediately before the coming into force of section 30 of the Utilities Act 2000) and whose "authorised area" (as defined in section 6(9) of the Act as that provision had effect immediately before the coming into force of section 30 of the Utilities Act 2000) was wholly or mainly in Scotland;".

(3) In regulation 2 the following definition shall be inserted after the definition of "relevant interest payments":–

""supply successor company" means a person who became the holder of a supply licence under section 6(1)(d) of the Act on 1st October 2001 by virtue of a licensing scheme made in relation to a public electricity supplier under Part II of Schedule 7 to the Utilities Act 2000 or such other person who has become a supply successor company by virtue of article 6(3) of the Electricity from Non-Fossil Fuel Sources (Scotland) Saving Arrangements Order 2001(**4**);".

(4) For regulation 5(2) substitute the following:–

"(2) The methods of calculating the total cost–

(a) to a supply successor company of purchasing electricity supplied by him during a qualifying month; and

(b) of generating that electricity in pursuance of qualifying arrangements,

shall be the methods respectively set out in Part I of Schedule 3.".

(5) In regulations 23(4), (6), (7), (7)(a), 26(3), 27(1) and (2), Schedule 2, Schedule 3 and Schedule 4 for the words "public electricity supplier" each time they appear there shall be substituted the words "supply successor company".

(6) In Schedule 2 the definitions of "AA_y" and "BB_y" shall be substituted with the following definitions respectively:–

"AA_y is the aggregate of the total costs calculated in relation to generating electricity in accordance with paragraph 2 of Schedule 3 in respect of period y;" and

"BB_y is the aggregate total costs calculated in relation to generating electricity in accordance with paragraph 4 of Schedule 3 in respect of period y;".

(7) In Schedule 3, Part I paragraph 2 for the words "The method of calculating" to "is given by the formula–" there shall be substituted the following:–

"The method of calculating the total cost of generating that electricity P supplied during qualifying months (n= any qualifying month in period y) which was generated in pursuance of qualifying arrangements (which, when combined with the like total cost attributable to every other generator, is expressed as AA_y in paragraph 2 of Schedule 2) is given by the formula–".

(8) In Schedule 3 Part II paragraph 4(1) for the words "The method of calculating" to "is given by the formula–" there shall be substituted the following:–

"The method of calculating what would have been the total cost (in pounds) of generating the electricity P mentioned in either paragraph 1 or paragraph 2 of this Schedule if that electricity had been generated by a fossil fuel generating station (which, when combined with the like total cost attributable to every other generator is expressed as BBy in paragraph 2 of Schedule 2) is given by the formula–".

(9) In Schedule 4 paragraph 3(d) and (e) after the words "licensed supplier" there shall be inserted the words ", licensed transmitter or licensed distributor".

(**4**) S.I. 2001/3269.