STATUTORY INSTRUMENTS

2006 No. 2978

ELECTRICITY, ENGLAND AND WALES

The Electricity Act 1989 (Exemption from the Requirement for a Generation Licence) (England and Wales) Order 2006

Made - - - -	*14th November 2006*
Laid before Parliament	*16th November 2006*
Coming into force - -	*8th December 2006*

The Secretary of State makes the following Order in exercise of the powers conferred by section 5 of the Electricity Act 1989(**a**).

In accordance with section 5(2) of that Act he has given notice of the proposal to make the Order and has considered the representations made in relation to that proposal.

Citation, commencement and extent

1.—(1) This Order may be cited as the Electricity Act 1989 (Exemption from the Requirement for a Generation Licence) (England and Wales) Order 2006 and shall come into force on 8th December 2006.

(2) This Order does not extend to Scotland.

Interpretation

2. In this Order—

"the Act" means the Electricity Act 1989;

"Scout Moor generating station" means the onshore wind farm known as Scout Moor Wind Farm situated on land between Eldenfield and Whitworth at OS map reference SD 830185;

"SMWFL" means Scout Moor Wind Farm Limited registered in England and Wales with number 04956455;

"total system in England and Wales" has the same meaning as it has in the Electricity (Class Exemptions from the Requirement for a Licence) Order 2001(**b**).

Exemption from section 4(1)(a) of the Act

3. Exemption is granted from section 4(1)(a) of the Act (prohibition of unlicensed generation of electricity for supply) to SMWFL in respect of the Scout Moor generating station.

(**a**) 1989 c.29; section 5 was substituted by section 29 of the Utilities Act 2000 (c.27).

(**b**) S.I. 2001/3270; amended by the Electricity (Class Exemptions from the Requirement for a Licence) (Amendment) Order 2005 (S.I. 2005/488) which added the definition of the total system in England and Wales; see article 3.

Conditions on exemption

4. The exemption granted by article 3 to SMWFL is subject to compliance with the conditions specified in sub-paragraphs (a) and (b) below—

(a) that SMWFL does not hold a licence under section 6(1)(a) of the Act (licence authorising generation of electricity for supply)(**a**);

(b) that the Scout Moor generating station is connected to the total system in England and Wales and (except in circumstances outside the reasonable control of SMWFL) does not export more than 100 megawatts of electrical power to it.

Lord Truscott
Parliamentary Under Secretary of State for Energy
Department of Trade and Industry

14th November 2006

(**a**) Section 6 was substituted by section 30 of the Utilities Act 2000.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order grants an exemption from the requirements of section 4(1)(a) of the Electricity Act 1989 (which prohibits the generation of electricity for supply without a licence or exemption) to Scout Moor Wind Farm Limited in respect of plant known as the Scout Moor generating station. The Order does not extend to Scotland.

A regulatory impact assessment in respect of exemptions from the requirements of section 4(1)(a) of the Electricity Act 1989 was prepared in 2001 and can be obtained from the Energy Markets Unit, Bay 220, Department of Trade and Industry, 1 Victoria Street, London, SW1H 0ET. Copies have been placed in the libraries of both Houses of Parliament.

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