STATUTORY INSTRUMENTS

1990 No. 192

ELECTRICITY

The Electricity (Applications for Licences and Extensions of Licences) Regulations 1990

Made - - - -	*8th February 1990*
Laid before Parliament	*12th February 1990*
Coming into force -	*31st March 1990*

The Secretary of State for Energy (as respects England and Wales) and the Secretary of State for Scotland (as respects Scotland), in exercise of the powers conferred by sections 6(3), 60 and 64(1)(a) of the Electricity Act 1989(b), and of all other enabling powers, hereby make the following Regulations–

Citation and commencement

1. These Regulations may be cited as the Electricity (Applications for Licences and Extensions of Licences) Regulations 1990 and shall come into force on 31st March 1990.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires–

"the Act" means the Electricity Act 1989;

"application" means an application for a licence or for an extension;

"extension" means an extension under section 6(2)(b) of the Act of a private electricity supply licence;

"generating licence" means a licence under section 6(1)(a) of the Act;

"private electricity supply licence" means a licence under section 6(2)(a) of the Act;

"public electricity supply licence" means a licence under section 6(1)(c) of the Act;

"transmission licence" means a licence under section 6(1)(b) of the Act.

(2) In these Regulations, unless the context otherwise requires–

(a) any reference to a numbered regulation or Schedule is a reference to the regulation or Schedule bearing that number in these Regulations; and

(b) any reference to a numbered paragraph is a reference to the paragraph bearing that number in the regulation in which the reference occurs.

Form of applications

3.—(1) An application for a public electricity supply licence shall be in the form, and shall contain the particulars, specified in Part I of Schedule 1.

(2) An application for a private electricity supply licence, or for an extension, shall be in the form, and shall contain the particulars, specified in Part I of Schedule 2.

(a) See the definition of "prescribed".
(b) 1989 c.29.

(3) An application for a transmission licence shall be in the form, and shall contain the particulars, specified in Part I of Schedule 3.

(4) An application for a generating licence shall be in the form, and shall contain the particulars, specified in Part I of Schedule 4.

Documents to accompany applications

4.—(1) An application for a public electricity supply licence shall be accompanied by the documents and particulars specified in Part II of Schedule 1.

(2) An application for a private electricity supply licence, or for an extension, shall be accompanied by the documents and particulars specified in Part II of Schedule 2.

(3) An application for a transmission licence shall be accompanied by the documents and particulars specified in Part II of Schedule 3.

(4) An application for a generating licence shall be accompanied by the documents and particulars specified in Part II of Schedule 4.

Lodgement of applications

5.—(1) All applications for licences and for extensions shall be addressed to the Director.

(2) Applications for–

(a) public electricity supply licences or transmission licences where (if the licence is granted) the authorised area will fall wholly or mainly in England and Wales; and

(b) subject to paragraph (3), private electricity supply licences, extensions and generating licences where the registered office or (as the case may be) the principal office of the applicant is in England and Wales,

shall be delivered to or sent by prepaid post to the Director at his principal office for England and Wales.

(3) In the case of an application falling within sub-paragraph (b) of paragraph (2), where–

(a) any premises to be specified or described in the licence or extension are or will be in Scotland; or

(b) any generating station to be operated under the licence is or will be in Scotland,

a copy of the application shall be delivered to or sent by prepaid post to the Director at his principal office for Scotland.

(4) Applications for–

(a) public electricity supply licences or transmission licences where (if the licence is granted) the authorised area will fall wholly or mainly in Scotland; and

(b) subject to paragraph (5), private electricity supply licences, extensions and generating licences where the registered office or (as the case may be) the principal office of the applicant is in Scotland,

shall be delivered to or sent by prepaid post to the Director at his principal office for Scotland.

(5) In the case of an application falling within sub-paragraph (b) of paragraph (4), where–

(a) any premises to be specified or described in the licence or extension are or will be in England and Wales; or

(b) any generating station to be operated under the licence is or will be in England and Wales,

a copy of the application shall be delivered to or sent by prepaid post to the Director at his principal office for England and Wales.

(6) The Director may serve notice on any person who has delivered an application for a licence or extension in accordance with this regulation, requiring that person to provide such further information as may be specified in the notice concerning any matter furnished in accordance with regulation 4.

Provision of maps

6. Where a map forms part of the documents and particulars provided in accordance with regulation 4, a copy of that map shall be lodged at each office of the Director which is situated in an area to which the application relates.

Manner of publishing applications

7.—(1) A copy of the application for a licence or an extension shall be published in the manner prescribed in this regulation.

(2) Subject to paragraph (3), the copy shall be published–

(a) in the London Gazette, in the case of applications for–

(i) public electricity supply licences or transmission licences where (if the licence is granted) the authorised area will fall wholly or mainly in England and Wales; and

(ii) private electricity supply licences, extensions, or generating licences where the registered office or (as the case may be) the principal office of the applicant is in England and Wales;

(b) in the Edinburgh Gazette, in the case of applications for–

(i) public electricity supply licences or transmission licences where (if the licence is granted) the authorised area will fall wholly or mainly in Scotland; and

(ii) private electricity supply licences, extensions, or generating licences where the registered office or (as the case may be) the principal office of the applicant is in Scotland; and

(c) in a newspaper or newspapers circulating–

(i) in the case of a public electricity supply licence or a transmission licence, in each part of the area to which the application relates;

(ii) in the case of a private electricity supply licence or an extension, in the area which includes the premises specified or described in the application; and

(iii) in the case of a generating licence, in every area in which is or may be located any generating station to be operated under the licence.

(3) In any case falling within paragraph (3) or (5) of regulation 5, a copy of the application shall also be published–

(a) where the case falls within paragraph (3) of that regulation, in the Edinburgh Gazette; and

(b) where the case falls within paragraph (5) of that regulation, in the London Gazette.

(4) Together with the application for a licence or an extension there shall also be published a notice stating where copies of any map have been lodged in accordance with regulation 6 and further stating that such copies are available for inspection by the public between 10 a.m. and 4 p.m. on any working day.

(5) A copy of the London and Edinburgh Gazettes (as the case may be) and of each newspaper in which the application is published shall be delivered to or sent by prepaid post to the Director at his principal office in England and Wales or Scotland, or both, as appropriate.

Fees payable with applications

8.—(1) The fee payable with an application for a public electricity supply or transmission licence shall be £500.00.

(2) The fee payable with an application for a private electricity supply or generation licence shall be £100.00.

(3) The fee payable with an application for an extension shall be £50.00.

(4) All fees shall be paid when the application is lodged.

8th February 1990

John Wakeham
Secretary of State for Energy

8th February 1990

Malcolm Rifkind
Secretary of State for Scotland

SCHEDULE 1

Regulations 3(1) and 4(1)

PART I

FORM OF APPLICATION FOR A PUBLIC ELECTRICITY SUPPLY LICENCE

(Where, for any question, insufficient room has been provided, the answer should be continued on a separate sheet.)

1. Full name of the applicant(s) .....

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2. Address of the applicant(s) or, in the case of a body corporate, the registered or principal office .....

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3. Where the applicant is a company, the full names of the current Directors and the company's registered number .....

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4. Where a holding of 20 per cent or more of the shares (see Note 1) of an applicant is held by a body corporate or partnership or an unincorporated association carrying on a trade or business with or without a view to profit, the name(s) and address(es) of the holder(s) of such shares shall be provided .....

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5. Desired date from which the licence is to take effect .....

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6. A sufficient description adequately specifying (see Note 2) the location of the area to which the application relates .....

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7. A description of the system of electric lines and electrical plant by means of which the applicant intends to supply electricity, indicating which plant and lines are to be constructed and which are existing plant and lines, and further identifying any parts of that system which will not be owned by or otherwise be in the possession or control of the applicant .....

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8. Details of any licences held, applied for, or being applied for by the applicant in respect of the generation, transmission or supply of electricity .....

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Note 1.

Reference to shares–

(a) in relation to an applicant with a share capital, are to allotted shares;

(b) in relation to an applicant with capital but no share capital, are to rights to share in the capital of the applicant;

(c) in relation to an applicant without capital, are to interests–

(i) conferring any right to share in the profits or liability to contribute to the losses of the applicant; or

(ii) giving rise to an obligation to contribute to the debts or expenses of the applicant in the event of a winding up.

Note 2.

The description should enable the areas, location or premises concerned to be adequately and readily identified, by map if the applicant so desires or by any other convenient means. The following examples of descriptions that might be used are not exhaustive and are by way of illustration only: the area or premises might be identified by the name of the customers and/or postal address of the premises to be supplied; described by reference to a named street or road, town, city, village, parish, county or other accepted boundary, such as a Local Authority Area; or described by reference to certain other characteristics such as the type of premises or the maximum electrical demand to be met at those premises.

PART II

DOCUMENTS AND PARTICULARS TO ACCOMPANY AN APPLICATION FOR A PUBLIC ELECTRICITY SUPPLY LICENCE

1. Current statements of the accounts kept by the applicant in respect of any undertaking carried on by him, showing the financial state of affairs of that undertaking and its profit or loss, and the statements for the most recent period, together with copies of the latest audited annual accounts where such have been prepared.

2. An outline statement of the business proposals, for that business of the applicant to which the application relates, for the next five years which includes:

(i) particulars of the person or persons from whom the applicant intends to acquire the electricity which he will supply, and particulars of the arrangements made for the transmission and distribution of that electricity;

(ii) forecast annual maximum demand (MW) to be supplied, giving a breakdown of the demand for each type of customer e.g. industrial, commercial etc. and energy (GWh) to be supplied;

(iii) annual forecasts of costs, sales and revenues and project financing, stating the assumptions underlying the figures provided;

(iv) detailed map or maps, to a scale sufficient to show clearly the area to which the application relates. The distribution system above 11 kV, showing overhead lines, cable routes and associated substations. Also show which lines, cables and substations are to be constructed and which are already in existence; and

(v) single line diagram of the distribution system, showing what is to be constructed and what is already in existence.

3. Details of any expected subsequent substantial capital outflows including major decommissioning costs.

4. Estimates of net annual cash flows for subsequent periods sufficient to demonstrate the financial security and feasibility of the project(s) to which the application relates.

SCHEDULE 2

Regulations 3(2) and 4(2)

PART I

FORM OF APPLICATION FOR A PRIVATE ELECTRICITY SUPPLY LICENCE OR EXTENSION

(Where, for any question, insufficient room has been provided, the answer should be continued on a separate sheet.)

1. Full name of the applicant(s) .....

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2. Address of the applicant(s) or, in the case of a body corporate, the registered or principal office .....

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3. Where the applicant is a company, the full names of the current Directors and the company's registered number .....

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4. Where a holding of 20 per cent or more of the shares (see Note 1) of an applicant is held by a body corporate or partnership or an unincorporated association carrying on a trade or business with or without a view to profit, the name(s) and address(es) of the holder(s) of such shares shall be provided .....

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5. Desired date from which the licence is to take effect .....

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6. A sufficient description adequately specifying (see Note 2) the nature and situation of the premises intended to be supplied, separately identifying premises within the power bands specified in and to the extent provided by paragraph 7 below .....

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7. (a) Subject to sub-paragraph (b) indicate the total number of premises intended to be supplied in each power band as shown in the table below, together with the aggregate energy forecast to be supplied and the aggregate estimated maximum demand (see Note 3) for each power band.

(b) If the date in paragraph 5 above is on or after 1st April 1994 then only Power Band A shall be completed and if the said date is on or after 1st April 1998 then this paragraph shall cease to have effect.

Power Band	Number of premises	Aggregate maximum demand	Energy (Gwh) to be supplied
(A) Not exceeding 0.1 MW			
(B) Exceeding 0.1 MW but not exceeding 1.0 MW			

8. A description of the system of electric lines and electrical plant by means of which the applicant intends to supply electricity, indicating which plant and lines are to be constructed and which are existing plant and lines, and further identifying any parts of that system which will not be owned by or otherwise in the possession or control of the applicant .....

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9. A statement of the extent (if any) to which the applicant considers it necessary for powers under Schedule 3 (compulsory acquisition of land etc.) and under Schedule 4 (other powers etc.) to the Act to be given through the licence for which he is applying .....

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10. Details of any licences held, applied for or being applied for by the applicant in respect of the generation, transmission or supply of electricity .....

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Note 1.

Reference to shares–

(a) in relation to an applicant with a share capital, are to allotted shares;

(b) in relation to an applicant with capital but no share capital, are to rights to share in the capital of the applicant;

(c) in relation to an applicant without capital, are to interests–

(i) conferring any right to share in the profits or liability to contribute to the losses of the applicant; or

(ii) giving rise to an obligation to contribute to the debts or expenses of the applicant in the event of a winding up.

Note 2.

The description should enable the areas, location or premises concerned to be adequately and readily identified, by map if the applicant so desires or by any other convenient means. The following examples of descriptions that might be used are not exhaustive and are by way of illustration only: the area or premises might be identified by the name of the customers and/or postal address of the premises to be supplied; described by reference to a named street or road, town, city, village, parish, county or other accepted boundary, such as a Local Authority Area; or described by reference to certain other characteristics such as the type of premises or the maximum electrical demand to be met at those premises.

Note 3.

(a) For premises already receiving electricity for a period in excess of 12 months, whether from the applicant or anyone else, maximum demand shall be calculated as the average of the three highest monthly maximum demands in the preceding 12 months; or

(b) for premises not already so receiving electricity, maximum demand shall be calculated as the average of the 3 highest monthly maximum demands which might reasonably be expected by the applicant to be supplied in the first 12 months of supply.

PART II

DOCUMENTS AND PARTICULARS TO ACCOMPANY AN APPLICATION OR EXTENSION FOR A PRIVATE ELECTRICITY SUPPLY LICENCE

1. Current statements of the accounts kept by the applicant in respect of any undertaking carried on by him, showing the financial state of affairs of that undertaking and its profit or loss, and the statements for the most recent period, together with copies of the latest audited annual accounts where such have been prepared.

2. An outline statement of the business proposals, for that business of the applicant to which the application relates, for the next five years which includes:

(i) particulars of the person or persons from whom the applicant intends to acquire the electricity which he will supply, and particulars of the arrangements made for the transmission and distribution of that electricity and approximate number and expected maximum demand of customers;

(ii) the total number of premises to be supplied in the power bands not exceeding 0.1 MW, over 0.1 MW but not exceeding 1 MW and over 1 MW, except to the extent that such information is required to be supplied in accordance with Part I of this Schedule, together with the aggregate energy forecast to be supplied and the aggregate estimated maximum demand for these power bands. Maximum demand shall be calculated in accordance with Note 3 to Part I of this Schedule;

(iii) forecast annual maximum demand (MW) and energy (GWh) to be supplied;

(iv) annual forecasts of costs, sales and revenues and project financing stating the assumptions underlying the figures provided;

(v) detailed map or maps to a scale sufficient to show clearly the situation of those premises to be supplied. The distribution system above 11 kV (and, where necessary to indicate the extent of the system, down to 6.6 kV), showing overhead lines, cable routes and associated substations. Also show which lines, cables and substations are to be constructed and which are already in existence; and

(vi) single line diagram of the distribution system showing what is to be constructed and what is already in existence; and

(vii) where the applicant is applying for an extension, the annual quantity of electricity supplied by the applicant under all existing licences.

3. Details of any expected subsequent capital outflows including major decommissioning costs.

4. Estimates of net annual cash flows for subsequent periods sufficient to demonstrate the financial security and feasibility of the project(s) to which the application relates.

5. Where the applicant intends to supply premises within the power band above 0.1 MW to 1.0 MW (before 31 March 1994) or within the power band 0.1 MW or less (before 31 March 1998) a detailed explanation of why, for each group of premises, he believes there are exceptional circumstances which are relevant to the supply being made by the applicant rather than any public electricity supplier whose authorised area includes any such premises.

SCHEDULE 3

Regulations 3(3) and 4(3)

PART I

FORM OF APPLICATION FOR A TRANSMISSION LICENCE

(Where, for any question, insufficient room has been provided, the answer should be continued on a separate sheet.)

1. Full name of the applicant(s) .....

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2. Address of the applicant(s) or, in the case of a body corporate, the registered or principal office .....

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3. Where the applicant is a company, the full names of the current Directors and the company's registered number .....

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4. Where a holding of 20 per cent or more of the shares (see Note 1) of an applicant is held by a body corporate or partnership or an unincorporated association carrying on a trade or business with or without a view to profit, the name(s) and address(es) of the holder(s) of such shares shall be provided .....

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5. Desired date from which the licence is to take effect .....

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6. A sufficient description adequately specifying (see Note 2) the actual or proposed locations of the electric lines and electrical plant constituting the intended transmission system, and the area to which the application relates .....

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7. An indication of the extent to which, and the locations in which, those lines are or will be placed underground .....

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8. An identification of the voltages of the electrical lines forming part of the intended transmission system .....

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9. Details of any licences held, applied for or being applied for by the applicant in respect of the generation, transmission or supply of electricity .....

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Note 1.

Reference to shares–

(a) in relation to an applicant with a share capital, are to allotted shares;

(b) in relation to an applicant with capital but no share capital, are to rights to share in the capital of the applicant;

(c) in relation to an applicant without capital, are to interests–

(i) conferring any right to share in the profits or liability to contribute to the losses of the applicant; or

(ii) giving rise to an obligation to contribute to the debts or expenses of the applicant in the event of a winding up.

Note 2.

The description should enable the areas, location or premises concerned to be adequately and readily identified, by map if the applicant so desires or by any other convenient means. The following examples of descriptions that might be used are not exhaustive and are by way of illustration only: the area or premises might be identified by the name of the customers and/or postal address of the premises to be supplied; described by reference to a named street or road, town, city, village, parish, county or other accepted boundary, such as a Local Authority Area; or described by reference to certain other characteristics such as the type of premises or the maximum electrical demand to be met at those premises.

PART II

DOCUMENTS AND PARTICULARS TO ACCOMPANY AN APPLICATION FOR A TRANSMISSION LICENCE

1. Current statements of the accounts kept by the applicant in respect of any undertaking carried on by him, showing the financial state of affairs of that undertaking and its profit or loss, and the statements for the most recent period, together with copies of the latest audited annual accounts where such have been prepared.

2. An outline statement of the business proposals, for that business of the applicant to which the application relates, for the next five years which includes:

(i) particulars of the person or persons from whom, and the points at which, the applicant expects to receive the electricity which he will transmit;

particulars of transmission of the electricity; particulars of the expected points of off-take; and quantities;

(ii) interconnections to other transmission systems;

(iii) proposed metering arrangements;

(iv) schedule of generating plant owned by the applicant including:–

—pumped storage

—clutched gas turbine generators/synchronous compensators

(v) forecast annual maximum demands in his transmission system (GW) and energy (GWh) to be transmitted;

(vi) summary large scale map, together with detailed maps providing information on areas where activities are concentrated as necessary;

(vii) a single line diagram of the transmission system should be provided. All transmission voltage levels (400 and 275 kV in England and Wales and 400, 275 and 132 kV in Scotland) should be shown on the diagram;

(viii) annual forecasts of costs, sales and revenues and project financing, stating the assumptions underlying the figures provided.

3. Details of any expected subsequent substantial capital outflows including major decommissioning costs.

4. Estimates of net annual cash flows for subsequent periods sufficient to demonstrate the financial security and feasibility of the project(s) to which the application relates.

SCHEDULE 4

Regulations 3(4) and 4(4)

PART I

FORM OF APPLICATION FOR A GENERATING LICENCE

(Where, for any question, insufficient room has been provided, the answer should be continued on a separate sheet.)

1. Full name of the applicant(s) .....

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2. Address of the applicant(s), or in the case of a body corporate, the registered or principal office

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3. Where the applicant is a company, the full names of the current Directors and the company's registered number .....

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4. Where a holding of 20 per cent or more of the shares (see Note 1) of an applicant is held by a body corporate or partnership or an unincorporated association carrying on a trade or business with or without a view to profit, the name(s) and address(es) of the holder(s) of such shares shall be provided .....

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5. Desired date from which the licence is to take effect .....

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6. The number of generating stations intended to be operated under the licence (if granted)

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7. A sufficient description adequately specifying (see Note 2) the actual or proposed locations of those stations. Descriptions of proposed locations must be sufficient to make clear the nature and extent of the proposed development .....

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8. A description of how those stations will, in each case, be fuelled or driven .....

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9. The date when any proposed generating stations are expected to be commissioned .....

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10. The capacity and type of each unit within the generating station (MW) .....

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11. A statement of the extent (if any) to which the applicant considers it necessary for powers under Schedule 3 (compulsory acquisition of land etc.) and under Schedule 4 (other powers etc.) to the Act to be given through the licence for which he is applying .....

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12. Details of any licences held, applied for or being applied for by the applicant in respect of the generation, transmission or supply of electricity .....

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Note 1.

Reference to shares–

(a) in relation to an applicant with a share capital, are to allotted shares;

(b) in relation to an applicant with capital but no share capital, are to rights to share in the capital of the applicant;

(c) in relation to an applicant without capital, are to interests–

(i) conferring any right to share in the profits or liability to contribute to the losses of the applicant; or

(ii) giving rise to an obligation to contribute to the debts or expenses of the applicant in the event of a winding up.

Note 2.

The description should enable the areas, location or premises concerned to be adequately and readily identified, by map if the applicant so desires or by any other convenient means. The following examples of descriptions that might be used are not exhaustive and are by way of illustration only: the area or premises might be identified by the name of the customers and/or normal postal address of the premises to be supplied; described by reference to a named street or road, town, city, village, parish, county or other accepted boundary, such as a Local Authority Area; or described by reference to certain other characteristics such as the type of premises or the maximum electrical demand to be met at those premises.

PART II

DOCUMENTS AND PARTICULARS TO ACCOMPANY AN APPLICATION FOR A GENERATING LICENCE

1. Current statements of the accounts kept by the applicant in respect of any undertaking carried on by him, showing the financial state of affairs of that undertaking and its profit or loss and the statements for the most recent period, together with copies of the latest audited annual accounts where such have been prepared.

2. An outline statement of the business proposals, for that business of the applicant to which the application relates, for the next five years which includes:

(i) particulars of the person or persons to whom the applicant intends to provide electricity and particulars of the distribution of that electricity, including details of lines to be constructed;

(ii) the maximum power (MW) expected to be available from each generating station at any one time. The aggregate power (MW) expected to be available from each generating station during any year. Exclude (in each case) such wattage as is expected to be consumed at the station;

(iii) the expected life of each generating station;

(iv) for each generating station, the numbers of generating units and the capacity of each generating unit;

(v) map or maps sufficient to identify the location of all generating stations to which the application relates; and

(vi) annual forecasts of costs, sales and revenues and project financing, stating the assumptions underlying the figures provided.

3. Details of any expected subsequent substantial capital outflows including major decommissioning costs.

4. Estimates of net annual cash flows for subsequent periods sufficient to demonstrate the financial security and feasibility of the project(s) to which the application relates.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Anyone who generates, transmits or supplies electricity requires, unless exempted by an order made under section 5 of the Electricity Act 1989, a licence to do so under section 6 of the 1989 Act and applications for licences or where appropriate for an extension thereto shall be made in the manner prescribed in regulations made by the Secretary of State.

Application for licences, or for an extension thereto, shall be in the form (regulation 3) provided for in Part I of Schedules 1 to 4 inclusive and shall be accompanied by the information (regulation 4) set out in Part II of those Schedules. All applications and accompanying information shall be sent to the Director General of Electricity Supply (regulation 5). The form of application is to be published in the London or Edinburgh Gazettes (or both) as appropriate and in a newspaper or newspapers circulating in the areas to which the application relates (regulation 7), together with a notice indicating where copies of maps furnished under regulation 6 may be inspected by the public.

The fees to be paid with applications are set out in regulation 8.