S T A T U T O R Y I N S T R U M E N T S

2002 No. 823

ELECTRICITY, ENGLAND AND WALES

The Electricity (Exemption from the Requirement for a Generation Licence) (England and Wales) Order 2002

Made - - - -	*26th March 2002*
Laid before Parliament	*26th March 2002*
Coming into force	*22nd April 2002*

The Secretary of State, in exercise of the powers conferred on her by section 5 of the Electricity Act 1989**(a)** and after giving notice under and considering any representations in accordance with section 5(2) of that Act, hereby makes the following Order:—

Citation, commencement and extent

1.—(1) This Order may be cited as the Electricity (Exemption from the Requirement for a Generation Licence) (England and Wales) Order 2002 and shall come into force on 22nd April 2002.

(2) This Order does not extend to Scotland.

Interpretation

2.—(1) In this Order—

"the Act" means the Electricity Act 1989;

"Castleford generating station" means the plant known as Castleford CHP, situated at Wheldon Road, Castleford, WF10 2JT;

"licensed generator" means the holder of a licence under section 6(1)(a)**(b)** of the Act;

"licensed transmitter" means the holder of a licence under section 6(1)(b) of the Act;

"Powergen CHP" means Powergen CHP Limited registered in England and Wales with number 2584288;

"Powergen Cogeneration" means Powergen Cogeneration Limited registered in England and Wales with number 2730697;

"Stoke generating station" means the plant known as Stoke CHP, situated at Campbell Road, Stoke-on-Trent, ST4 4EY; and

"total system" means the transmission system in England and Wales of the licensed transmitter and all distribution systems in England and Wales.

(2) For the purposes of this Order a person shall be treated as generating electricity at any time if he is the operator of plant or equipment which at the time—

(a) 1989 c.29; section 5 was substituted by section 29 of the Utilities Act 2000 (c.27).
(b) Section 6 was substituted by section 30 of the Utilities Act 2000.

(a) is generating or capable of generating electricity; or

(b) is not capable of generating electricity only by reason of the maintenance, repair or testing of the plant or equipment.

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

3.—(1) Exemption is granted from section 4(1)(a) of the Act to Powergen CHP in respect of the Stoke generating station.

(2) Exemption is granted from section 4(1)(a) of the Act to Powergen Cogeneration in respect of the Castleford generating station.

Conditions on exemptions

4.—(1) The exemption granted by article 3(1) to Powergen CHP is subject to compliance with the conditions specified in paragraph (2) below.

(2) (a) Powergen CHP is not a licensed generator.

(b) The Stoke generating station is connected to the total system and is not normally capable of exporting more electrical power than 100 megawatts to the total system, disregarding power temporarily provided in excess of 100 megawatts due to technical circumstances outside the reasonable control of Powergen CHP.

(3) The exemption granted by article 3(2) to Powergen Cogeneration is subject to compliance with the conditions specified in paragraph (4) below.

(4) (a) Powergen Cogeneration is not a licensed generator.

(b) The Castleford generating station is connected to the total system and is not normally capable of exporting more electrical power than 100 megawatts to the total system, disregarding power temporarily provided in excess of 100 megawatts due to technical circumstances outside the reasonable control of Powergen Cogeneration.

Brian Wilson,
Minister of State for Industry and Energy,
Department of Trade and Industry

26th March 2002

EXPLANATORY NOTE

(This note is not part of the Order)

This Order grants exemptions from the requirements of section 4(1)(a) of the Electricity Act 1989 (which prohibits the generation of electricity without a licence or exemption) to Powergen CHP Limited and Powergen Cogeneration Limited, in respect of the plant known as Stoke CHP and Castleford CHP. 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 September 2001 and can be obtained from Energy Policy Directorate, Room 2109, 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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