STATUTORY INSTRUMENTS

2013 No. 1031

ELECTRICITY

The Electricity (Exemption from the Requirement for a Generation Licence) (Markinch) Order 2013

Made - - - -	*29th April 2013*
Laid before Parliament	*2nd May 2013*
Coming into force - -	*1st June 2013*

The Secretary of State, after consultation with the Scottish Ministers(**a**), makes the following Order in exercise of the powers conferred by section 5 of the Electricity Act 1989(**b**).

The Secretary of State has given notice of the proposal to make this Order in accordance with section 5(2) and (3) of that Act. No representations in respect of the proposal have been made.

Citation and commencement

1. This Order may be cited as the Electricity (Exemption from the Requirement for a Generation Licence) (Markinch) Order 2013 and comes into force on 1st June 2013.

Interpretation

2. In this Order—

"the Act" means the Electricity Act 1989;

"the company" means RWE Npower Renewables (Markinch) Limited, a company registered in England and Wales with company number 06574689;

"the generating station" means the Markinch Biomass CHP facility, a generating station of that name whose entrance is located at Ordnance Survey map reference NO 284 014 in Markinch, near Glenrothes in Fife, Scotland;

"the total system" means all transmission systems and distribution systems, located in Great Britain, of holders of licences under section 6(1)(b) and (c) of the Act(**c**) (transmission and distribution licences).

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

3.—(1) Subject to paragraph (2), the company is granted exemption from section 4(1)(a) of the Act (prohibition of unlicensed generation of electricity for supply) in respect of the generating station.

(**a**) S.I. 1990/1750; article 4 and Schedule 3 provide that functions under section 5(1) of the Act are, in so far as they are exercisable in or as regards Scotland, only exercisable after consultation with the Scottish Ministers.
(**b**) 1989 c.29. Section 5 was substituted by section 29 of the Utilities Act 2000 (c.27).
(**c**) Section 6 was substituted by section 30 of the Utilities Act 2000.

(2) The exemption granted in paragraph (1) is subject to compliance with the following conditions—

(a) that the generating station is connected to the total system;

(b) that, except in circumstances outside the reasonable control of the company, the generating station does not export more than 100 megawatts of electrical power to the total system; and

(c) that the company does not hold a licence under section 6(1)(a) of the Act.

Michael Fallon
Minister of State
29th April 2013 Department of Energy and Climate Change

EXPLANATORY NOTE

(This note is not part of the Order)

This Order grants exemption from the requirements of section 4(1)(a) of the Electricity Act 1989 (which prohibits the generation of electricity for supply to any premises without a licence) to RWE Npower Renewables (Markinch) Limited in relation to the Markinch Biomass CHP facility, a combined heat and power generating station situated approximately 1.5 km east of Glenrothes, 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 Department of Energy and Climate Change, Energy Markets Unit, 4th Floor, 3 Whitehall Place, London, SW1A 2AW. Copies have been placed in the libraries of both Houses of Parliament.

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