STATUTORY INSTRUMENTS

2004 No. 1776

ELECTRICITY

The Electricity (Exemption from the Requirement for a Generation Licence) (No.2) Order 2004

Made - - - -	*8th July 2004*
Laid before Parliament	*12th July 2004*
Coming into force - -	*5th August 2004*

The Secretary of State , in exercise of the powers conferred upon 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, and after consultation with the Scottish Ministers(**b**), hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Electricity (Exemption from the Requirement for a Generation Licence) (No.2) Order 2004 and shall come into force on 5th August 2004.

Interpretation

2. In this Order—

"the Act" means the Electricity Act 1989;

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

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

"Offshore Energy Resources" means Offshore Energy Resources Limited, registered in England and Wales with number 4150735;

"Offshore Energy Resources generating station" means the wind farm known as the Offshore Energy Resources Limited Wind Farm situated on the Robin Rigg sand bank in the Solway Firth, Scotland, approximately 13 kilometres off the coast of Cumbria;

"Powergen Renewables Offshore Wind" means Powergen Renewables Offshore Wind Limited, registered in England and Wales with number 4127830;

"Scroby Sands generating station" means the wind farm known as the Scroby Sands Wind Farm situated on the Scroby Sands sand bank approximately 2.5 kilometres offshore from Great Yarmouth, Norfolk;

"Solway Offshore" means Solway Offshore Limited, registered in England and Wales with number 3568724;

(**a**) 1989 c.29; section 5 was substituted by section 29 of the Utilities Act 2000 (c.27).
(**b**) Pursuant to article 4 of, and Schedule 3 to, the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (S.I. 1999/1750).
(**c**) Section 6 was substituted by section 30 of the Utilities Act 2000.

"Solway Offshore generating station" means the offshore wind farm known as the Solway Offshore Limited Wind Farm situated on the Robin Rigg sand bank in the Solway Firth, Scotland, approximately 13 kilometres off the coast of Cumbria;

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

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

3.—(1) Exemption is granted from section 4(1)(a) of the Act to Powergen Renewables Offshore Wind in respect of the Scroby Sands generating station.

(2) Exemption is granted from section 4(1)(a) of the Act to Offshore Energy Resources in respect of the Offshore Energy Resources generating station.

(3) Exemption is granted from section 4(1)(a) of the Act to Solway Offshore in respect of the Solway Offshore generating station.

Conditions on exemptions

4. The exemption granted by article 3(1) to Powergen Renewables Offshore Wind is subject to compliance with the following conditions—

(a) Powergen Renewables Offshore Wind is not a licensed generator; and

(b) the Scroby Sands 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 Renewables Offshore Wind.

5. The exemption granted by article 3(2) to Offshore Energy Resources is subject to compliance with the following conditions—

(a) Offshore Energy Resources is not a licensed generator; and

(b) the Offshore Energy Resources 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 Offshore Energy Resources.

6. The exemption granted by article 3(3) to Solway Offshore is subject to compliance with the following conditions—

(a) Solway Offshore is not a licensed generator; and

(b) the Solway Offshore 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 Solway Offshore.

Stephen Timms,
Minister of State for Energy, E-Commerce and Postal Services,
Department of Trade and Industry

8th July 2004

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 Renewables Offshore Wind Limited in respect of plant known as the Scroby Sands Wind Farm to Offshore Energy Resources Limited in respect of plant known as the Offshore Energy Resources Wind Farm and to Solway Offshore Limited in respect of plant known as the Solway Offshore Wind Farm. Two of the wind farms are situated in Scottish waters and the Order has been made after consultation with the Scottish Ministers.

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 the Energy Policy Directorate, Room 226, 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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