STATUTORY INSTRUMENTS

2004 No. 1179

ELECTRICITY

The Electricity (Exemption from the Requirement for a Generation Licence) Order 2004

Made - - - -	*19th April 2004*
Laid before Parliament	*22nd April 2004*
Coming into force - -	*20th May 2004*

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, 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) Order 2004 and shall come into force on 20th May 2004.

Interpretation

2. In this Order—

"the Act" means the Electricity Act 1989;

"CRW" means Crystal Rig Wind Farm Limited, registered in England and Wales with number 4364525;

"Crystal Rig generating station" means the wind farm known as the Crystal Rig Wind Farm situated at Cranshaws, Duns, Berwickshire, Scotland;

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

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

"Paul's Hill generating station" means the wind farm known as the Paul's Hill Wind Farm situated at Paul's Hill, Aberdour, Moray, Scotland;

"PWL" means Paul's Hill Wind Limited, registered in England and Wales with number 4364516;

(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.

"Rothes generating station" means the wind farm known as the Rothes Wind Farm situated at Cairn Uish, Rothes, Moray, Scotland;

"RWL" means Rothes Wind Limited, registered in England and Wales with number 4364513;

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

3.—(1) Exemption is granted from section 4(1)(a) of the Act to CRW in respect of the Crystal Rig generating station.

(2) Exemption is granted from section 4(1)(a) of the Act to PWL in respect of the Paul's Hill generating station.

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

Conditions on exemptions

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

(2) CRW is not a licensed generator;

(a) The Crystal Rig generating station is connected to a distribution system in Scotland operated by a licensed distributor and is not normally capable of exporting more electrical power than 100 megawatts to that system, disregarding power temporarily provided in excess of 100 megawatts due to technical circumstances outside the reasonable control of CRW.

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

(4) (a) PWL is not a licensed generator;

(b) The Paul's Hill generating station is connected to a distribution system in Scotland operated by a licensed distributor and is not normally capable of exporting more electrical power than 100 megawatts to that system, disregarding power temporarily provided in excess of 100 megawatts due to technical circumstances outside the reasonable control of PWL

(5) The exemption granted by article 3(3) to RWL is subject to compliance with the conditions specified in paragraph (6) below.

(6) (a) RWL is not a licensed generator;

(b) The Rothes generating station is connected to a distribution system in Scotland operated by a licensed distributor and is not normally capable of exporting more electrical power than 100 megawatts to that system, disregarding power temporarily provided in excess of 100 megawatts due to technical circumstances outside the reasonable control of RWL.

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

19th April 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 Crystal Rig Wind Farm Limited in respect of plant known as the Crystal Rig Wind Farm, to Paul's Hill Wind Limited in respect of plant known as the Paul's Hill Wind Farm, and to Rothes Wind Limited in respect of plant known as the Rothes Wind Farm. The wind farms are situated in Scotland 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 Markets Unit, Bay 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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