STATUTORY INSTRUMENTS

2022 No. 702

ELECTRICITY , SCOTLAND

The Electricity (Individual Exemptions from the Requirement for a Generation Licence) (Scotland) Order 2022

Made - - - -	*24th June 2022*
Laid before Parliament	*27th June 2022*
Coming into force - -	*19th July 2022*

The Secretary of State makes the following Order in exercise of the powers conferred by section 5(1) of the Electricity Act 1989(**a**).

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, and consulted with the Scottish Ministers(**b**). No representations in respect of the proposal have been made.

Citation, commencement and extent

1.—(1) This Order may be cited as the Electricity (Individual Exemptions from the Requirement for a Generation Licence) (Scotland) Order 2022 and comes into force on 19th July 2022.

(2) This Order extends to England and Wales and Scotland.

Interpretation

2. In this Order —

"the Act" means the Electricity Act 1989;

"Creag Riabhach Wind Farm" means the electricity generating station known as Creag Riabhach Wind Farm, located north of Lairg, and south of Altnaharra, Scotland, incorporating a substation whose entrance is situated at Ordnance Survey map reference NC529273;

"Creag Riabhach Wind Farm Limited" means the company of that name registered in Scotland with company number SC424471;

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

(**a**) 1989 c. 29; section 5 was substituted by section 29 of the Utilities Act 2000 (c. 27).
(**b**) Under 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), functions under section 5(1) of the Electricity Act 1989 are, in so far as they are exercisable in or as regards Scotland, only exercisable after consultation with the Scottish Ministers.

"Sandy Knowe Wind Farm" means the electricity generating station known as Sandy Knowe Wind Farm, located south-west of Kirkconnel and Kelloholm, Scotland, incorporating a substation whose entrance is situated at Ordnance Survey map reference NS710100;

"Sandy Knowe Wind Farm Limited" means the company of that name registered in England and Wales with company number 06850950;

"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(**a**).

Exemption from prohibition of unlicensed generation of electricity for supply

3. Exemption is granted from section 4(1)(a) of the Act (prohibition of unlicensed generation of electricity for supply) to—

(a) Creag Riabhach Wind Farm Limited in respect of Creag Riabhach Wind Farm; and

(b) Sandy Knowe Wind Farm Limited in respect of Sandy Knowe Wind Farm.

Conditions on exemption granted by article 3(a)

4. The exemption granted by article 3(a) of this Order is subject to compliance with the following conditions—

(a) Creag Riabhach Wind Farm is connected to the total system;

(b) Creag Riabhach Wind Farm does not export more than 100 megawatts of electrical power to the total system, except in circumstances outside the reasonable control of Creag Riabhach Wind Farm Limited; and

(c) Creag Riabhach Wind Farm Limited is not a licensed generator in respect of Creag Riabhach Wind Farm.

Conditions on exemption granted by article 3(b)

5. The exemption granted by article 3(b) of this Order is subject to compliance with the following conditions—

(a) Sandy Knowe Wind Farm is connected to the total system;

(b) Sandy Knowe Wind Farm does not export more than 100 megawatts of electrical power to the total system, except in circumstances outside the reasonable control of Sandy Knowe Wind Farm Limited; and

(c) Sandy Knowe Wind Farm Limited is not a licensed generator in respect of Sandy Knowe Wind Farm.

Greg Hands
Minister of State for Energy, Clean Growth and Climate Change
Department for Business, Energy & Industrial Strategy

24th June 2022

(**a**) Section 6 was substituted by section 30 of the Utilities Act 2000 (c. 27) and section 6(1)(b) was further substituted by section 136(1) of the Energy Act 2004 (c. 20).

EXPLANATORY NOTE

(This note is not part of the Order)

Article 3 of this Order grants exemptions 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) in relation to two electricity generating stations located in Scotland. The companies granted exemptions are:

- Creag Riabhach Wind Farm Limited in respect of Creag Riabhach Wind Farm, an electricity generating station located north of Lairg, and south of Altnaharra, Scotland, incorporating a substation whose entrance is situated at Ordnance Survey map reference NC529273.
- Sandy Knowe Wind Farm Limited in respect of Sandy Knowe Wind Farm, an electricity generating station located south-west of Kirkconnel and Kelloholm, Scotland, incorporating a substation whose entrance is situated at Ordnance Survey map reference NS710100.

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 for Business, Energy and Industrial Strategy, 1 Victoria Street, London SW1H 0ET. Copies have been placed in the libraries of both Houses of Parliament.

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