
STATUTORY INSTRUMENTS

2007 No. 993

ELECTRICITY, ENGLAND AND WALES

**The Electricity Act 1989 (Exemption from
the Requirement for a Generation Licence)
(Burbo Bank) (England and Wales) Order 2007**

<i>Made</i>	- - - -	<i>21st March 2007</i>
<i>Laid before Parliament</i>		<i>26th March 2007</i>
<i>Coming into force</i>	- -	<i>1st May 2007</i>

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

In accordance with section 5(2) of that Act he has given notice of the proposal to make the Order and has considered the representations made in relation to that proposal.

Citation, commencement and extent

1.—(1) This Order may be cited as the Electricity Act 1989 (Exemption from the Requirement for a Generation Licence) (Burbo Bank) (England and Wales) Order 2007 and shall come into force on 1st May 2007.

(2) This Order does not extend to Scotland.

Interpretation

2. In this Order—

“the Act” means the Electricity Act 1989;

“Burbo Bank Wind Farm” means the offshore wind farm known as the Burbo Offshore Wind Farm and located at Ordnance Survey map reference SD 211000 on the west side of the sand bank known as Burbo Bank, which lies off the coast of Cheshire;

“Seascope Energy” means Seascope Energy Limited, registered in England and Wales with number 04129545;

(1) 1989 c.29; section 5 was substituted by section 29 of the Utilities Act 2000 (c.27).

“total system in England and Wales” has the same meaning as it has in the Electricity (Class Exemptions from the Requirement for a Licence) Order 2001⁽²⁾.

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

3. Exemption is granted from section 4(1)(a) of the Act (prohibition of unlicensed generation of electricity for supply) to Seascope Energy in respect of the Burbo Bank Wind Farm.

Conditions on exemption

4. The exemption granted by article 3 to Seascope Energy is subject to compliance with the following conditions—

- (a) that Seascope Energy does not hold a licence under section 6(1)(a) of the Act (licence authorising generation of electricity for supply)⁽³⁾;
- (b) that the Burbo Bank Wind Farm is connected to the total system in England and Wales and (except in circumstances outside the reasonable control of Seascope Energy) does not export more than 100 megawatts of electrical power to it at any time.

Truscott
Parliamentary Under Secretary of State for
Energy
Department of Trade and Industry

21st March 2007

(2) [S.I. 2001/3270](#); the definitions of “total system in England and Wales”, “total system in Scotland” and “total system in Great Britain” were substituted for the definition of “total system” by the Electricity (Class Exemption from the Requirement for a Licence) (Amendment) Order 2005 ([S.I. 2005/488](#)), article 3.

(3) Section 6 was substituted by section 30 of the Utilities Act 2000.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order grants an exemption from the requirements of section 4(1)(a) of the Electricity Act 1989 (which prohibits the generation of electricity for supply without a licence) to Seascope Energy Limited in respect of the Burbo Offshore Wind Farm, which is located at Ordnance Survey map reference SD 211000 on Burbo Bank, a sand bank off the coast of Cheshire.

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 Energy Markets Unit, Bay 220, Department of Trade and Industry, 1 Victoria Street, London, SW1H 0ET. Copies have been placed in the libraries of both Houses of Parliament.