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STATUTORY INSTRUMENTS

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**2005 No. 3041 (S.10)**

**ELECTRICITY, SCOTLAND**

**The Electricity (Exemption from the Requirement for a Generation Licence) (Scotland) Order 2005**

<i>Made</i>	- - - -	<i>30th October 2005</i>
<i>Laid before Parliament</i>		<i>2nd November 2005</i>
<i>Coming into force</i>	- -	<i>30th November 2005</i>

The Secretary of State makes the following Order, in exercise of the powers conferred on him by section 5 of the Electricity Act 1989<sup>(1)</sup>.

He has given notice and considered representations in accordance with section 5(2) of the Electricity Act 1989 and has consulted with the Scottish Ministers in accordance with article 4 of and Schedule 3 to the Scotland Act 1998 (Transfer of Functions to the Scotland Ministers etc.) Order 1999<sup>(2)</sup>.

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Electricity (Exemption from the Requirement for a Generation Licence) (Scotland) Order 2005 and shall come into force on 30th November 2005.

(2) This Order does not extend to England and Wales.

**Interpretation**

2. In this Order—

“the Act” means the Electricity Act 1989;

“Farr generating station” means the onshore wind farm known as Farr Wind Farm situated approximately 15 kilometres south of Inverness;

“FWL” means Farr Windfarm Limited, registered in Scotland with number SC166005;

“licensed generator” means the holder of a licence under section 6(1)(a)(3) of the Act;

“MHWL” means Mid Hill Wind Limited, registered in Scotland with number SC257734;

“Mid Hill generating station” means the onshore wind farm known as Mid Hill Wind Farm, situated at Mid Hill, Goosecruives, near Stonehaven; and

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

(2) S.I.1999/1750.

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

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

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

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

(2) Exemption is granted from section 4(1)(a) of the Act to MHWL in respect of the Mid Hill generating station.

### **Conditions on exemption**

4. The exemption granted by article 3(1) to FWL is subject to compliance with the conditions specified in sub-paragraphs (a) and (b)—

- (a) FWL is not a licensed generator;
- (b) the Farr generating station is connected to the total system in Great Britain 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 FWL.

5. The exemption granted by article 3(2) to MHWL is subject to compliance with the conditions specified in sub-paragraphs (a) and (b)—

- (a) MHWL is not a licensed generator;
- (b) the Mid Hill generating station is connected to the total system in Great Britain 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 MHWL.

30th October 2005

*Malcolm Wicks*  
Minister of State for Energy,  
Department of Trade and Industry

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order grants an exemption from the requirements of section 4(1) of the Electricity Act 1989 (which prohibits the generation of electricity without a licence or exemption) to Farr Windfarm Limited in respect of the plant known as Farr Wind Farm and to Mid Hill Wind Limited in respect of plant known as Mid Hill Wind Farm. Both 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 2001 and can be obtained from 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.