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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 115**

**ELECTRICITY**

**The Electricity Act 1989 (Requirement of Consent for Hydro-electric Generating Stations) (Scotland) Revocation Order 2011**

*Made* - - - - *17th February 2011*  
*Laid before the Scottish*  
*Parliament* - - - - *21st February 2011*  
*Coming into force* - - *1st June 2011*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 36(2) and (3) of the Electricity Act 1989(1) and all other powers enabling them to do so.

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Electricity Act 1989 (Requirement of Consent for Hydro-electric Generating Stations) (Scotland) Revocation Order 2011 and comes into force on 1st June 2011

(2) In this Order, “the 1990 Order” means the Electricity Act 1989 (Requirement of Consent for Hydro-electric Generating Stations) (Scotland) Order 1990(2).

**Revocation and transitional provision**

2.—(1) Subject to paragraph (2) the 1990 Order is revoked.

(2) Notwithstanding the revocation of the 1990 Order by paragraph (1) on 1st June 2011, the 1990 Order shall continue to have effect in relation to any application for the consent of the Scottish Ministers made under section 36 of the Electricity Act 1989 before that date.

St Andrew’s House,  
Edinburgh  
17th February 2011

*JIM MATHER*  
Authorised to sign by the Scottish Ministers

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(1) 1989 c.29. The functions of the Secretary of State were transferred to the Scottish Ministers by S.I. 2006/1040.  
(2) S.I. 1990/392.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

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

Under section 36 of the Electricity Act 1989, consent is required for the construction, extension or operation of an electricity generating station with a capacity exceeding 50 megawatts. It is possible for this limit to be varied by means of an order made under section 36(2) and (3) of that Act.

The Electricity Act 1989 (Requirement of Consent for Hydro-electric Generating Stations) (Scotland) Order 1990 Order (“the 1990 Order”) made such a variation and prescribed a limit of 1 megawatt for hydro-electric generating stations in Scotland only. Article 2(1) revokes the 1990 Order with the effect that only generating stations with a capacity over 50 megawatts will require consent under section 36 of the Electricity Act 1989 to their construction, extension or operation. Article 2(1) saves the provisions of the 1990 Order in so far as they relate to applications made to the Scottish Ministers before 1st June 2011.