

## **POLICY NOTE**

### **THE ELECTRICITY (APPLICATIONS FOR CONSENT AND VARIATION OF CONSENT) (FEES) (SCOTLAND) AMENDMENT REGULATIONS 2022**

**SSI 2022/310**

The above instrument was made in exercise of the powers conferred by sections 36(8), 36C(2) and 60(3) of, and paragraph 1(3) of Schedule 8 of the Electricity Act 1989. The instrument is subject to negative procedure.

#### **Policy Objectives**

##### **Introduction**

The purpose of the Regulations is to amend the Electricity (Applications for Consent and Variation of Consent) (Fees) (Scotland) Regulations 2019 (“the 2019 Regulations”) in order to introduce revised levels of fees in respect of applications for consents and variations to consents under the Electricity Act 1989 (“the Electricity Act”). The Regulations specify a range of fees to be paid on making applications to the Scottish Ministers under sections 36, 36C and 37 of the Electricity Act.

The *Scottish Public Finance Manual* (“SPFM”) sets out the standard approach to setting charges for public services. Public service costs should, in general, be recovered in full; the reasoning, duration and level of any subsidy of such services should be decided and documented clearly. The SPFM also emphasises the importance of regular reviews, and if appropriate, revisions to the charging level. In cognisance of the SPFM, the Regulations will recover the administrative cost associated with Electricity Act applications.

##### **Key Changes**

The Regulations replace the previous fee structures, and provide for increased fee levels for applications made under sections 36, 36C and 37 of the Act.

*The Scottish Energy Strategy: The Future Of Energy In Scotland* published in 2017 sets out the Scottish Government’s support for energy infrastructure including electricity generation and networks. The Scottish Government’s 2050 vision for energy in Scotland is a flourishing, competitive local and national energy sector, delivering secure, affordable, clean energy for Scotland's households, communities and businesses.

##### **Consultation**

The Scottish Government consulted on proposals for an increase to all fee categories as well as the proposal to introduce new bandings for larger scale applications which include developments that exceed capacities of 500 Megawatt (MW), 750MW and 1 Gigawatt through the consultation entitled “*Proposed changes to fees charged for applications under the Electricity Act 1989*” between 30 March 2022 and 23 June 2022. Scottish Ministers have taken into account comments received and the final decision has been taken to ensure full cost recovery in line with the Scottish Public Finance Manual. The responses, analysis paper and a full list of those who responded and agreed to the release of information are available

on the Scottish Government website at <https://consult.gov.scot/energy-and-climate-change-directorate/changes-to-fees-electricity-act-applications/>.

### **Impact Assessments**

A screening process was undertaken to establish whether an Equality Impact Assessment (EQIA) was required, this found that no EQIA was required.

### **Financial Effects**

The Scottish Government consulted on a draft partial Business and Regulatory Impact Assessment (BRIA) as part of its March 2022 consultation paper. The partial BRIA concluded that some additional financial requirements would fall to developers. Amendments have been made to produce the final BRIA which reflects the final decision on fees to be implemented, based on responses received. The final BRIA is available on the Scottish Government website at <https://consult.gov.scot/energy-and-climate-change-directorate/changes-to-fees-electricity-act-applications/>.

Scottish Government  
Directorate for Energy and Climate Change  
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