



# Electricity Act 1989

## 1989 CHAPTER 29

### PART I

#### ELECTRICITY SUPPLY

##### *Protection of public interest*

#### **37 Consent required for overhead lines.**

(1) Subject to [<sup>F1</sup>subsections (1A) to [<sup>F2</sup>(2A)]] below, an electric line shall not be installed or kept installed above ground except in accordance with a consent granted by the Secretary of State.

[<sup>F3</sup>(1A) So far as relating to the installation of an electric line, subsection (1) is subject to section 33(1) of the Planning Act 2008 (exclusion of requirement for other consents for development for which development consent required).

(1B) So far as relating to keeping an electric line installed, subsection (1) does not apply if keeping the line installed is authorised by an order granting development consent under the Planning Act 2008.]

(2) Subsection (1) above shall not apply—

- (a) in relation to an electric line which has a nominal voltage not exceeding 20 kilovolts and is used or intended to be used for supplying a single consumer;
- (b) in relation to so much of an electric line as is or will be within premises in the occupation or control of the person responsible for its installation; or
- (c) in such other cases as may be prescribed.

[<sup>F4</sup>(2A) Subsection (1) above shall not apply in relation to an electric line that—

- (a) has a nominal voltage of 132 kilovolts or less, and
- (b) is associated with the construction or extension of a devolved Welsh generating station granted planning permission or consented to on or after the day on which section 39 of the Wales Act 2017 comes into force.

*Status: Point in time view as at 25/05/2024.*

*Changes to legislation: Electricity Act 1989, Section 37 is up to date with all changes known to be in force on or before 24 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (2B) “Devolved Welsh generating station” means a generating station that—
- (a) is in Wales and—
    - (i) generates electricity from wind, or
    - (ii) has a maximum capacity of 350 megawatts or less; or
  - (b) is in Welsh waters and has a maximum capacity of 350 megawatts or less.
- (2C) “Welsh waters” has the meaning given in section 36 above.]
- (3) A consent under this section—
- (a) may include such conditions (including conditions as to the ownership and operation of the line) as appear to the Secretary of State to be appropriate;
  - (b) may be varied or revoked by the Secretary of State at any time after the end of such period as may be specified in the consent; and
  - (c) subject to paragraph (b) above, shall continue in force for such period as may be specified in or determined by or under the consent.
- (4) Any person who without reasonable excuse contravenes the provisions of this section shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) No proceedings shall be instituted in England and Wales in respect of an offence under this section except by or on behalf of the Secretary of State.

#### Textual Amendments

- F1** Words in s. 37(1) substituted (1.3.2010) by [Planning Act 2008 \(c. 29\)](#), s. 241(8), **Sch. 2 para. 33(2)** (with s. 226); [S.I. 2010/101](#), art. 2 (with art. 6)
- F2** Word in s. 37(1) substituted (1.4.2019) by [Wales Act 2017 \(c. 4\)](#), **ss. 42(2)**, 71(4) (with Sch. 7 paras. 1, 6, 8); [S.I. 2017/1179](#), reg. 5(a)
- F3** S. 37(1A)(1B) inserted (1.3.2010) by [Planning Act 2008 \(c. 29\)](#), s. 241(8), **Sch. 2 para. 33(3)** (with s. 226); [S.I. 2010/101](#), art. 2 (with art. 6)
- F4** S. 37(2A)-(2C) inserted (1.4.2019) by [Wales Act 2017 \(c. 4\)](#), **ss. 42(3)**, 71(4) (with Sch. 7 paras. 1, 6, 8); [S.I. 2017/1179](#), reg. 5(a)

#### Modifications etc. (not altering text)

- C1** S. 37 restricted by [S.I. 1990/442](#), **art. 3(1)(b)**
- C2** S. 37 excluded (16.3.1992) by [Midland Metro Act 1992 \(c. vii\)](#), **s. 10(3)**
- C3** S. 37 modified (S.) (27.5.1997) by [1997 c. 8](#), **ss. 57(2)**, 278(2) (with ss. 64, 219)
- C4** S. 37: transfer of certain functions (S.) (1.7.1999) by [S.I. 1999/1750](#), art. 2, **Sch. 1** (with art. 7)
- C5** S. 37 excluded (19.11.2004) by [The Scarweather Sands Offshore Wind Farm Order 2004 \(S.I. 2004/3054\)](#), arts. 1, **26** (with art. 38)
- C6** S. 37(1) excluded (1.1.1993) by [S.I. 1992/3074](#), **reg.3**
- C7** S. 37(1) excluded (18.12.1996) by [1996 c. 61](#), **s. 50(1)**
- C8** S. 37(1) excluded (22.7.2008) by [Crossrail Act 2008 \(c. 18\)](#), **s. 4(1)**
- C9** S. 37(1) excluded (E.W.) (6.4.2009) by [The Overhead Lines \(Exemption\) \(England and Wales\) Regulations 2009 \(S.I. 2009/640\)](#), regs. 1(3), **3-5**
- C10** S. 37(1) excluded (S.) (1.11.2013) by [The Overhead Lines \(Exemption\) \(Scotland\) Regulations 2013 \(S.S.I. 2013/264\)](#), regs. 1, **3(1)** (with regs. 3(3), 4, 5, 6(2))
- C11** S. 37(1) excluded (23.2.2017) by [High Speed Rail \(London - West Midlands\) Act 2017 \(c. 7\)](#), **ss. 31(1)**, 70(1)

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**C12** S. 37(1) excluded (11.2.2021) by [High Speed Rail \(West Midlands - Crewe\) Act 2021 \(c. 2\)](#), **ss. 26(1), 64(1)**

**Status:**

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