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STATUTORY INSTRUMENTS

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**1990 No. 264**

**ELECTRICITY**

**The Electricity Act 1989 (Modifications  
of Section 32(5) to (8)) Regulations 1990**

<i>Made</i>	- - - -	<i>14th February 1990</i>
<i>Laid before Parliament</i>		<i>16th February 1990</i>
<i>Coming into force</i>	- -	<i>31st March 1990</i>

The Secretary of State, in exercise of the powers conferred by sections 32(9)(a), 60 and 64(1)(1) of the Electricity Act 1989(2), and of all other enabling powers, hereby makes the following Regulations:—

**Citation and commencement**

1. These Regulations may be cited as the Electricity Act 1989 (Modifications of Section 32(5) to (8)) Regulations 1990 and shall come into force on 31st March 1990.

**Modifications of section 32(5) to (8)**

2. Subsections (5) to (8) of section 32 shall have effect in relation to any non-fossil fuel generating station which is driven by water, wind or solar power with the following modifications—

- (a) the definition of “declared net capacity” shall be omitted from subsection (8); and
- (b) after subsection (8) there shall be inserted the following subsection—

“(8A) The declared net capacity of a non-fossil fuel generating station which is driven by water, wind or solar power shall be ascertained by the application of the formula—

$$A = B \times X$$

where—

A is the declared net capacity of the station for the purposes of subsection (6) above;

B is the highest generation of electricity (at the main alternator terminals or, in the case of direct current generation, at the output terminals of the direct current to alternating current converter) which, on the assumption that the source of power is

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(1) see the definition of “prescribed”.  
(2) 1989 c. 29

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*Status: This is the original version (as it was originally made).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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available uninterruptedly, can be maintained indefinitely without causing damage to the plant less—

- (a) so much of that electricity as is consumed by the plant; and
- (b) in the case of a station which is capable of being fuelled by a fossil fuel, so much of that electricity as the Director may determine; and

X has the value set out in the Table as applicable to the particular description of station.

TABLE

(1) Description of station	(2) Value of X
1. Station driven by tidal or wave power	0.33
2. Station driven by any form of water power other than tidal or wave power.	1.00
3. Station driven by wind power	0.43
4. Station driven by solar power	0.17”

14th February 1990

*John Wakeham*  
Secretary of State for Energy

## **EXPLANATORY NOTE**

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

These Regulations set out the modifications subject to which subsections (5) to (8) of section 32 of the Electricity Act 1989 shall have effect in relation to any non-fossil fuel generating station which is driven by water, wind or solar power.

There are two modifications. First, the definition of “declared net capacity” is deleted from subsection (8). Secondly, a new subsection (8A) is added, which prescribes a formula according to which the declared net capacity of a non-fossil fuel generating station driven by water, wind or solar power is to be ascertained. In the case of a station driven by wind, water power in the form of tidal or wave power, or solar power, the formula recognises the intermittent nature of the power source.