
STATUTORY INSTRUMENTS

1995 No. 909

The Electricity (Class Exemptions from the Requirement for a Licence) (No. 2) Order 1995

Interpretation

2.—(1) In this Order—

“the Act” means the Electricity Act 1989;

“declared net capacity” in relation to a generating station has the meaning given to that expression in Schedule 1;

“offshore installation” has the same meaning as in the Mineral Workings (Offshore Installations) Act 1971(1);

“ordinary share capital” has the same meaning as in section 832(1) of the Income and Corporation Taxes Act 1988(2);

“parent undertaking” shall be construed in accordance with section 258 of the Companies Act 1985(3);

“the pooling and settlement agreement” means the pooling and settlement agreement to which a person generating or supplying electricity may be required to become a party by the licence (if any) granted to him under section 6 of the Act;

“road” has the same meaning as in section 192(1) of the Road Traffic Act 1988(4); and

“successor company” has the same meaning as in Part II of the Act.

(2) For the purposes of this Order—

(a) one body corporate shall be treated as associated with another if—

(i) one of them is a subsidiary of the other; or

(ii) both of them are subsidiaries of the same holding company;

and “holding company” and “subsidiary” shall have the same meaning as in section 736 of the Companies Act 1985(5);

(b) one body corporate shall be treated as related to another if—

(i) one of them is a 75 per cent. subsidiary of the other; or

(ii) both of them are 75 per cent. subsidiaries of a third body corporate;

and “75 per cent. subsidiary” shall be construed in accordance with section 838 of the Income and Corporation Taxes Act 1988;

(c) one body corporate shall be treated as connected to another if—

(i) 50 per cent. or more of the ordinary share capital of one of them is owned directly or indirectly by the other; or

(1) 1971 c. 61; section 1 was substituted by section 24 of the Oil and Gas (Enterprise) Act 1982 (c. 23).

(2) 1988 c. 1.

(3) 1985 c. 6; section 258 was inserted by section 21 of the Companies Act 1989 (c. 40).

(4) 1988 c. 52; section 192(1) was amended by the Road Traffic Act 1991 (c. 40), Schedule 4, paragraphs 78(1) and (2).

(5) 1985 c. 6; section 736 was substituted by section 144(1) of the Companies Act 1989 (c. 40).

(ii) 50 per cent. or more of the ordinary share capital of each of them is owned directly or indirectly by a third body corporate,

and for the purpose of determining whether 50 per cent. or more of the ordinary share capital of a body corporate is owned directly or indirectly by another body corporate the provisions of subsections (2) to (10) of section 838 of the Income and Corporation Taxes Act 1988 shall apply in relation to this sub-paragraph as they apply in relation to subsection (1) of that section; and

(d) a person shall be treated as generating electricity at any time if he is the operator of plant or equipment which at that time—

(i) is generating or capable of generating electricity; or

(ii) is not capable of generating electricity only by reason of the repair or testing of the plant or equipment.