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STATUTORY INSTRUMENTS

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**2005 No. 2242**

**ELECTRICITY, ENGLAND AND WALES**

**The Electricity (Exemption from the Requirement for a  
Generation Licence) (England and Wales) Order 2005**

<i>Made</i>	- - - -	<i>14th July 2005</i>
<i>Laid before Parliament</i>		<i>11th August 2005</i>
<i>Coming into force</i>	- -	<i>1st September 2005</i>

The Secretary of State, in exercise of the powers conferred on him by section 5 of the Electricity Act 1989(1) and after giving notice under and considering any representations in accordance with section 5(2) of that Act, hereby makes the following Order:—

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Electricity (Exemption from the Requirement for a Generation Licence) (England and Wales) Order 2005 and shall come into force on 1<sup>st</sup> September 2005.

(2) This Order does not extend to Scotland.

**Interpretation**

2. In this Order—

“the Act” means the Electricity Act 1989;

“Barrow generating station” means the offshore wind farm known as Barrow Offshore Wind Farm situated offshore approximately 7 kilometres south-west of Walney Island in Cumbria;

“Barrow Offshore Wind” means Barrow Offshore Wind Limited registered in England and Wales with number 4145993;

“licensed generator” means the holder of a licence under section 6(1)(a)(2) of the Act;

“licensed transmitter” means the holder of a licence under section 6(1)(b) of the Act; and

“total system” means the transmission system in England and Wales of the licensed transmitter and all distribution systems in England and Wales.

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(1) 1989 c. 29; section 5 was substituted by section 29 of the Utilities Act 2000 (c. 27).

(2) Section 6 was substituted by section 30 of the Utilities Act 2000.

**Exemption from section 4(1)(a) of the Act**

3. Exemption is granted from section 4(1)(a) of the Act to Barrow Offshore Wind in respect of the Barrow generating station.

**Conditions on exemption**

4. The exemption granted by article 3 to Barrow Offshore Wind is subject to compliance with the conditions specified in sub paragraphs (a) and (b) below—

- (a) Barrow Offshore Wind is not a licensed generator;
- (b) the Barrow generating station is connected to the total system and is not normally capable of exporting more electrical power than 100 megawatts to the total system, disregarding power temporarily provided in excess of 100 megawatts due to technical circumstances outside the reasonable control of Barrow Offshore Wind.

14th July 2005

*Malcolm Wicks*  
Minister for Energy,  
Department of Trade and Industry

## EXPLANATORY NOTE

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

This Order grants an exemption from the requirements of section 4(1) of the Electricity Act 1989 (which prohibits the generation of electricity without a licence or exemption) to Barrow Offshore Wind Limited in respect of the plant known as Barrow Offshore Wind Farm. The Order does not extend to Scotland.

A regulatory impact assessment in respect of exemptions from the requirements of section 4(1)(a) of the Electricity Act 1989 was prepared in October 2001 and can be obtained from Energy Markets Unit, Bay 220, Department of Trade and Industry, 1 Victoria Street, London, SW1H 0ET. Copies have been placed in the libraries of both Houses of Parliament.