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STATUTORY INSTRUMENTS

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**2005 No. 488**

**ELECTRICITY**

**The Electricity (Class Exemptions from the Requirement for a Licence) (Amendment) Order 2005**

*Made* - - - - 28th February 2005  
*Laid before Parliament* 7th March 2005  
*Coming into force* - - 1st April 2005

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

**Citation and commencement**

1. This Order may be cited as the Electricity (Class Exemption from the Requirement for a Licence) (Amendment) Order 2005 and shall come into force on 1st April 2005.

**Interpretation**

2. In this Order “the 2001 Order” means the Electricity (Class Exemptions from the Requirement for a Licence) Order 2001(3).

**Amendments to the 2001 Order**

3. In article 2(1) of the 2001 Order for the definition of “total system” there shall be substituted—  
““total system in England and Wales” means the transmission system located in England and Wales of the licensed transmitter and all distribution systems located in England and Wales;  
“total system in Scotland” means all transmission and distribution systems located in Scotland;

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(1) 1989 (c. 29). Section 5 was substituted by section 29 of the Utilities Act 2000 (c. 27).  
(2) S.I. 1990/1750; Article 4 and Schedule 3 provide that functions under section 5(1) of the Act are, in so far as they are exercisable in or as regards Scotland, only exercisable after consultation with the Scottish Ministers.  
(3) S.I. 2001/3270.

“total system in Great Britain” means all transmission systems and distribution systems, located in Great Britain, of holders of licences under section 4(1)(b)(4) and (bb)(5) of the Act.”

4. In Schedule 2 to the 2001 Order, for the words from “Class C: Generators not exceeding 100 megawatts” to the end, there shall be substituted the following—

**“Class C: Generators not exceeding 100 megawatts**

Persons (other than licensed generators) who do not provide any electrical power except from generating stations which—

- (a) on 30th September 2000 were connected to:—
  - (i) the total system in England and Wales; or
  - (ii) the total system in Scotland, and
- (b) are not normally capable of exporting more than 100 megawatts to the total system in Great Britain, disregarding power temporarily provided in excess of 100 megawatts due to technical circumstances outside the reasonable control of the person providing that power.

**Class D: Generators never subject to central despatch**

Persons (other than licensed generators) who do not provide electrical power except from generating stations which were connected to the total system in England and Wales on 30th September 2000, provided that under the terms and conditions of their licences granted under section 6(1)(a) of the Act they were not on that date required to submit those stations to central despatch by the licensed transmitter (central despatch being the process by which the licensed transmitter scheduled and issued direct instructions to licensed generators for the despatch of electrical power prior to 27th March 2001).”

28th February 2005

*Mike O'Brien*  
Minister for Energy and E-Commerce  
Department of Trade and Industry

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(4) Section 4(1)(b) of the Act was substituted by Section 135(2) of the Energy Act 2004 (c. 20).  
(5) Section 4(1)(bb) was inserted by Section 28(2) of the Utilities Act 2000 (c. 27).

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## EXPLANATORY NOTE

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

This Order extends to Scotland the class exemption in Schedule 2 Class C of the Electricity (Class Exemptions from the Requirement for a Licence) Order 2001 for generators not exceeding 100 megawatts. The Order has been made after consultation with the Scottish Ministers.

A regulatory impact assessment in respect of exemptions from the requirements of section 4(1)(a) of the Electricity Act 1989 was prepared in February 2005 and can be obtained from The Energy Markets Unit, Department of Trade and Industry, 1 Victoria Street, London SW1H 0ET. Copies have been placed in the libraries of both Houses of Parliament.