

2009 No. 1600

ELECTRICITY, ENGLAND AND WALES

**The Electricity (Exemption from the Requirement for a
Generation Licence) (Rhyl Flats) (England and Wales)
Order 2009**

<i>Made</i> - - - -	<i>29th June 2009</i>
<i>Laid before Parliament</i>	<i>2nd July 2009</i>
<i>Coming into force</i> - -	<i>27th July 2009</i>

The Secretary of State makes the following Order in exercise of the powers conferred by section 5 of the Electricity Act 1989(a).

In accordance with section 5(2) of that Act the Secretary of State has given notice of the proposal to make the Order. No representations in respect of the proposal have been made.

Citation, commencement and extent

1.—(1) This Order may be cited as the Electricity (Exemption from the Requirement for a Generation Licence) (Rhyl Flats) (England and Wales) Order 2009 and shall come into force on 27th July 2009.

(2) This Order does not extend to Scotland.

Interpretation

2. In this Order—

“the Act” means the Electricity Act 1989;

“Rhyl Flats Wind Farm” means the offshore wind farm known as Rhyl Flats Wind Farm located at Ordnance Survey map reference SH905883, approximately 8 kilometres off the north coast of Wales, to the west of the area of shallow water known as Rhyl Flats;

“the company” means Rhyl Flats Wind Farm Limited, registered in England and Wales with number 05485961;

“total system in England and Wales” has the same meaning as it has in the Electricity (Class Exemptions from the Requirement for a Licence) Order 2001(b).

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

(b) S.I. 2001/3270; the definitions of “total system in England and Wales”, “total system in Scotland” and “total system in Great Britain” were substituted for the definition of “total system” by the Electricity (Class Exemption from the Requirement for a Licence) (Amendment) Order 2005 (S.I. 2005/488), article 3.

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

3. Exemption is granted from section 4(1)(a) of the Act (prohibition of unlicensed generation of electricity for supply) to the company in respect of Rhyl Flats Wind Farm.

Conditions on exemption

4. The exemption granted by article 3 to the company is subject to compliance with the following conditions—

- (a) that the company does not hold a licence under section 6(1)(a) of the Act^(a) (a generation licence);
- (b) that Rhyl Flats Wind Farm is connected to the total system in England and Wales;
- (c) that, except in circumstances outside the reasonable control of the company, Rhyl Flats Wind Farm does not export more than 100 megawatts of electrical power to the total system in England and Wales.

29th June 2009

Lord Hunt of Kings Heath OBE
Minister of State,
Department of Energy and Climate Change

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order grants an exemption from the requirements of section 4(1)(a) of the Electricity Act 1989 (which prohibits the generation of electricity for supply without a licence) to Rhyl Flats Wind Farm Limited in respect of the Rhyl Flats Wind Farm, which is located approximately 8 kilometres off the north coast of Wales, to the west of the area of shallow water known as Rhyl Flats, on the eastern end of Constable Bank between Abergele and Rhos-on-Sea.

A regulatory impact assessment in respect of exemptions from the requirements of section 4(1)(a) of the Electricity Act 1989 was prepared in 2001 and can be obtained from the Department of Energy and Climate Change, Energy Markets Unit, 4th Floor, 3 Whitehall Place, London, SW1A 2HD. Copies have been placed in the libraries of both Houses of Parliament.

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