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STATUTORY INSTRUMENTS

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**2012 No. 2911**

**ELECTRICITY, ENGLAND AND WALES**

**The Electricity (Exemption from the Requirement  
for a Generation Licence) (Covanta Ince Park  
Limited) (England and Wales) Order 2012**

*Made* - - - - *19th November 2012*  
*22nd November*  
*Laid before Parliament* *2012*  
*Coming into force* - - *28th December 2012*

The Secretary of State makes the following Order in exercise of the powers conferred by section 5 of the Electricity Act 1989(1).

In accordance with section 5(2) and (3) of that Act the Secretary of State has given notice of the proposal to make this 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) (Covanta Ince Park Limited) (England and Wales) Order 2012 and shall come into force on 28th December 2012.

(2) This Order extends to England and Wales only.

**Interpretation**

2. In this Order—

“the Act” means the Electricity Act 1989;

“Covanta Ince Park Limited Generating Facility” means the generating station located at Ordnance Survey map reference SJ 4679 7662 on the south bank of the Manchester Ship Canal in Ince, Cheshire;

“Covanta Ince Park Limited” means the company of that name registered in England and Wales with company number 07246720; and

“the total system in England and Wales” means—

(a) the transmission system of the holder of a licence under section 6(1)(b) of the Act; and

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

- (b) all distribution systems,  
in each case, to the extent located in England and Wales.

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

3. Subject to article 4, exemption is granted from section 4(1)(a) of the Act (prohibition of unlicensed generation of electricity for supply) to Covanta Ince Park Limited in respect of Covanta Ince Park Limited Generating Facility.

**Conditions on exemption**

4. The exemption granted by article 3 to Covanta Ince Park Limited is subject to compliance with the following conditions—

- (a) that Covanta Ince Park Limited does not hold a licence under section 6(1)(a) of the Act<sup>(2)</sup> (a generation licence);
- (b) that Covanta Ince Park Limited Generating Facility is connected to the total system in England and Wales; and
- (c) that Covanta Ince Park Limited Generating Facility is not normally capable of exporting more than 100 megawatts to the total system in England and Wales disregarding power temporarily provided in excess of 100 megawatts due to technical circumstances outside the reasonable control of Covanta Ince Park Limited.

19th November 2012

*John Hayes*  
Minister of State,  
Department of Energy and Climate Change

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(2) 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 exemption from the requirements of section 4(1)(a) of the Electricity Act 1989 (which prohibits the generation of electricity for supply to any premises without a licence) to Covanta Ince Park Limited in relation to Covanta Ince Park Limited Generating Facility, which is located on the south bank of the Manchester Ship Canal in Ince, Cheshire (Ordnance Survey map reference SJ 4679 7662).

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 2AW. Copies have been placed in the libraries of both Houses of Parliament.