

2013 No. 1986

ELECTRICITY, ENGLAND AND WALES

The Electricity (Necessary Wayleaves and Felling and Lopping of Trees) (Charges) (England and Wales) Regulations 2013

<i>Made</i>	- - - -	<i>8th August 2013</i>
<i>Laid before Parliament</i>		<i>19th August 2013</i>
<i>Coming into force</i>	- -	<i>1st October 2013</i>

The Secretary of State, in exercise of the powers conferred by section 188(1) to (5) of the Energy Act 2004(a), makes the following Regulations.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Electricity (Necessary Wayleaves and Felling and Lopping of Trees) (Charges) (England and Wales) Regulations 2013 and come into force on 1st October 2013.

(2) These Regulations extend to England and Wales.

Interpretation

2. In these Regulations—

“applicant” means the person making a relevant application;

“Hearing Rules” means the Electricity (Necessary Wayleaves and Felling and Lopping of Trees) (Hearing Procedures) (England and Wales) Rules 2013(b);

“inspector” means an inspector appointed by the Secretary of State under the Hearing Rules to consider a relevant application;

“oral hearing” means a hearing held under rule 13 of the Hearing Rules;

“pre-hearing meeting” means a meeting held under rule 11 of the Hearing Rules;

“relevant application” means—

(a) an application made under paragraph 6(3) of Schedule 4 to the Electricity Act 1989(c), or

(b) a reference made under paragraph 9(5) of that Schedule; and

“site inspection” means an inspection carried out under rule 14 of the Hearing Rules.

(a) 2004 c.20; section 188 was amended by the Energy Act 2008, section 36 and paragraphs 13(a), (b), (c), (d) and (e) of Schedule 1; and S.I. 2011/1043, article 6(1)(d).

(b) S.I. 2013/1987.

(c) 1989 c.29.

Fees for a relevant application

3. An applicant must pay a charge of £34 to the Secretary of State when making a relevant application.

Fees for inspector's time

4.—(1) An applicant must pay to the Secretary of State—

- (a) the daily charge for each day on which an inspector is engaged on work connected with the relevant application;
- (b) a charge of an amount equal to the reasonable cost of travelling and subsistence incurred by the inspector in connection with attending a pre-hearing meeting, oral hearing or site inspection.

(2) For the purposes of paragraph (1)—

- (a) “day” means the period of 7.4 hours; and
- (b) where the inspector is engaged on work connected with the relevant application for less than a day, the daily charge applies adjusted rateably.

(3) In paragraph (1)(a), “the daily charge” means—

- (a) £1,000 where the relevant application relates to England; or
- (b) £742 where the relevant application relates to—
 - (i) Wales; or
 - (ii) England and Wales.

(4) A charge payable under paragraph (1) must be paid by the applicant within 30 days of the receipt of an invoice from the Secretary of State stating the amount of charge payable.

(5) The Secretary of State may send an invoice to an applicant in respect of a charge payable under paragraph (1) at the conclusion of the relevant application.

8th August 2013

Michael Fallon
Minister of State for Energy
Department of Energy and Climate Change

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply in respect of England and Wales.

In accordance with paragraph 6(1) of Schedule 4 to the Electricity Act 1989 (c.29) (“the 1989 Act”), the Secretary of State has power to grant a wayleave (“a necessary wayleave”) to enable an electricity company to install and keep installed an electric line on, under or over any land. Before granting the necessary wayleave, the Secretary of State must afford the owner or occupier of the land an opportunity of being heard (paragraph 6(5) of Schedule 4 to the 1989 Act). Where a tree (or shrub) is in close proximity to an electric line, the Secretary of State may also make an order to empower an electricity company to cause a tree or shrub to be felled or lopped and to determine the compensation to be paid (paragraph 9(6) of Schedule 4).

Regulation 3 specifies the charge payable for an application for a necessary wayleave or a reference for an order for the felling or lopping of trees or shrubs.

Regulation 4 specifies the charge payable for the time incurred by an inspector appointed by the Secretary of State to consider the application under the Electricity (Necessary Wayleaves and Felling and Lopping of Trees) (Hearing Procedures) Rules 2013 (“the 2013 Rules”). Regulation 4 also specifies the charge payable for the inspector’s travel and subsistence incurred in attending a pre-hearing meeting, oral hearing or site inspection under the 2013 Rules. The charges payable under regulation 4 differ in relation to England and to Wales. A charge of £1,000 per day applies to applications relating to England, and a charge of £742 per day applies to applications relating to Wales, or to England and Wales.

No charges were previously payable for such applications or for hearings conducted under the previous hearing rules, the Electricity (Compulsory Wayleaves) (Hearings Procedure) Rules 1967 (S.I. 1967/450).

An impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector has been placed in the Library of each House of Parliament and is annexed to the Explanatory Memorandum. Copies of the impact assessment are available on the gov.uk website.

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£4.00

UK201308122 08/2013 19585

<http://www.legislation.gov.uk/id/uksi/2013/1986>

ISBN 978-0-11-110291-6



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