

2013 No. 968

ELECTRICITY

The Electricity (Extension of Transitional Period for Property Schemes) Order 2013

<i>Made</i> - - - -	<i>22nd April 2013</i>
<i>Laid before Parliament</i>	<i>25th April 2013</i>
<i>Coming into force</i> - -	<i>19th May 2013</i>

The Secretary of State makes the following Order in exercise of the powers conferred by section 6E (property schemes in respect of offshore transmission licences) of, and paragraph 5(3) of Schedule 2A to, the Electricity Act 1989(a).

In accordance with paragraph 5(6), (7) and (8) of that Schedule 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 and commencement

1. This Order may be cited as the Electricity (Extension of Transitional Period for Property Schemes) Order 2013 and comes into force on 19th May 2013.

Extension of Transitional Period

2. The transitional period specified in paragraph 5(2) of Schedule 2A to the Electricity Act 1989 (property schemes in respect of licences for offshore transmission of electricity) is extended by a period of 12 years to 19th May 2025.

22nd April 2013

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

(a) 1989 c.29; Schedule 2A was inserted by section 44(4) of and Schedule 2 to the Energy Act 2008 (c.32) and brought into effect by section 6E (property schemes in respect of offshore transmission licences) of the Electricity Act 1989. Schedule 2A enables the Authority, in certain circumstances, to make a scheme transferring property, rights and liabilities from the existing owner to the successful bidder for an offshore transmission licence (a “property scheme”). Paragraph 5(1) of Schedule 2A sets out that no application may be made for a property scheme after the end of the transitional period, and paragraph 5(2) defines the transitional period as, subject to paragraph 5(3), the period of 4 years beginning with the day on which section 92 of the Energy Act 2004 comes into force. Section 92 of the Energy Act 2004 was brought into force on 20 May 2009 by article 2 of the Energy Act 2004 (Commencement No. 9) Order 2009 (SI 2009/1269). Paragraph 5(3) of Schedule 2A empowers the Secretary of State to extend the transitional period by order before it ends. By virtue of paragraph 5(5) of Schedule 2A, as amended by section 104(3) of the Energy Act 2011 (c.16), the total transitional period in any case must not exceed 16 years.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends the transitional period specified in paragraph 5(2) of Schedule 2A to the Electricity Act 1989 by a period of 12 years. As a result, the transitional period will expire on 19th May 2025.

An impact assessment in respect of the Authority's power to make property schemes to transfer property, rights and liabilities from the existing owners to the successful bidder for an offshore transmission licence was prepared in 2008 and can be obtained from the Department of Energy and Climate Change, Future Electricity Networks team, 3 Whitehall Place, London, SW1A 2AW. Copies have been placed in the libraries of both Houses of Parliament.

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