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STATUTORY INSTRUMENTS

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**2014 No. 94**

**ELECTRICITY**

**The Electricity (Exemption from the Requirement  
for a Generation Licence) (Berry Burn) Order 2014**

<i>Made</i>	- - - -	<i>20th January 2014</i>
<i>Laid before Parliament</i>		<i>22 January 2014</i>
<i>Coming into force</i>	- -	<i>19th February 2014</i>

The Secretary of State, after consultation with the Scottish Ministers, makes the following Order in exercise of the powers conferred by section 5 of the Electricity Act 1989<sup>(1)</sup>.

The Secretary of State has given notice of the proposal to make this Order in accordance with section 5(2) and (3) of that Act. No representations in respect of the proposal have been made.

**Citation and commencement**

1. This Order may be cited as the Electricity (Exemption from the Requirement for a Generation Licence) (Berry Burn) Order 2014 and comes into force on 19th February 2014.

**Interpretation**

2. In this Order—

“the Act” means the Electricity Act 1989;

“the company” means Berry Burn Wind Farm Limited, a company registered in England and Wales with company number 4511914;

“the generating station” means the Berry Burn onshore wind farm, an electricity generating station whose entrance is located at Ordnance Survey map reference NJ 06169 45610, near Inverness, Scotland;

“the total system” means all transmission systems and distribution systems, located in Great Britain, of holders of licences under section 6(1)(b) and (c) of the Act<sup>(2)</sup> (transmission and distribution licences).

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(1) 1989 c.29. Section 5 was substituted by section 29 of the Utilities Act 2000 (c.27). Under article 4 of and Schedule 3 to the Scotland Act (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (S.I. 1999/1750), functions under section 5(1) of the Electricity Act 1989 are, in so far as they are exercisable in or as regards Scotland, exercisable only after consultation with the Scottish Ministers.

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

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

3.—(1) Subject to paragraph (2), the company is granted exemption from section 4(1)(a) of the Act (prohibition of unlicensed generation of electricity for supply) in respect of the generating station.

(2) The exemption granted in paragraph (1) is subject to compliance with the following conditions—

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

20th January 2014

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

## 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 Berry Burn Wind Farm Limited in relation to the Berry Burn onshore wind farm, an electricity generating station whose entrance is located at Ordnance Survey map reference NJ 06169 45610, near Inverness, Scotland.

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.