

2016 No. 1000

ELECTRICITY

**The Electricity (Exemption from the Requirement for a
Generation Licence) (Harburnhead) Order 2016**

<i>Made</i>	- - - -	<i>13th October 2016</i>
<i>Laid before Parliament</i>		<i>17th October 2016</i>
<i>Coming into force</i>	- -	<i>17th November 2016</i>

The Secretary of State, after consulting with the Scottish Ministers, makes the following Order in exercise of the powers conferred by section 5 of the Electricity Act 1989(a).

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) (Harburnhead) Order 2016 and comes into force on 17th November 2016.

Interpretation

2. In this Order—

“the Act” means the Electricity Act 1989;

“the company” means LDV Harburnhead Limited, a company registered in Scotland with company number SC420122;

“the generating station” means Harburnhead Wind Farm, an electricity generating station whose entrance is located at Ordnance Survey map reference NT 039 602, approximately 8 kilometres south of Livingston, 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(b).

(a) 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.

(b) Section 6 was substituted by section 30 of the Utilities Act 2000, and section 6(1)(b) was further substituted by section 136(1) of the Energy Act 2004 (c. 20).

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 by 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.

Neville-Rolfe
Minister of State

13th October 2016

Department for Business, Energy and Industrial Strategy

EXPLANATORY NOTE

(This note is not part of the Order)

This Order grants exemption from section 4(1)(a) of the Electricity Act 1989 (which prohibits the generation of electricity for supply to any premises without a licence) to LDV Harburnhead Limited in relation to Harburnhead Wind Farm, an electricity generating station whose entrance is located at Ordnance Survey map reference NT 039 602, approximately 8 kilometres south of Livingston, 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 for Business, Energy and Industrial Strategy, Energy Markets Unit, 4th Floor, 3 Whitehall Place, London SW1A 2AW. Copies have been placed in the libraries of both Houses of Parliament.

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