

2004 No. 3225 (S.11)

ELECTRICITY

**The Electricity (Exemption from the Requirement for a
Generation Licence) (Scotland) Order 2004**

<i>Made</i> - - - -	<i>7th December 2004</i>
<i>Laid before Parliament</i>	<i>9th December 2004</i>
<i>Coming into force</i> - -	<i>30th December 2004</i>

The Secretary of State, in exercise of the powers conferred upon her by section 5 of the Electricity Act 1989 (a) and after giving notice under and considering any representations in accordance with section 5(2) of that Act, and after consultation with the Scottish Ministers (b), hereby makes the following Order:—

Citation and commencement

1.—(1) This Order may be cited as the Electricity (Exemption from the Requirement for a Generation Licence) (Scotland) Order 2004 and shall come into force on 30th December 2004.

(2) This Order does not extend to England and Wales.

Interpretation

2. In this Order—

“the Act” means the Electricity Act 1989;

“Braes of Doune generating station” means the wind farm known as the Braes of Doune Wind Farm and situated near Dunblane, Stirling;

“Braes of Doune Limited” means Braes of Doune (Scotland) Limited, registered in Scotland with number SC255020;

“licensed generator” means the holder of a licence under section 6(1)(a)(c) of the Act;

“licensed distributor” means the holder of a licence under section 6(1)(c) of the Act.

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

(b) Pursuant to article 4 of, and Schedule 3 to, the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (S.I.1999/1750).

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

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

3. Exemption is granted from section 4(1)(a) of the Act to Braes of Doune Limited in respect of the Braes of Doune generating station.

Conditions on exemptions

4.—(1) The exemption granted by article 3 to Braes of Doune Limited is subject to compliance with the following conditions—

- (a) Braes of Doune Limited is not a licensed generator; and
- (b) The Braes of Doune generating station is connected to a distribution system in Scotland operated by a licensed distributor and is not normally capable of exporting more electrical power than 100 megawatts to that system, disregarding power temporarily provided in excess of 100 megawatts due to technical circumstances outside the reasonable control of Braes of Doune Limited.

7th December 2004

Mike O'Brien,
Minister of State for Energy and E-Commerce,
Department of Trade and Industry

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 without a licence or exemption) to Braes of Doune (Scotland) Limited in respect of plant known as the Braes of Doune Wind Farm. The Braes of Doune Wind Farm is situated in Scotland and the Order has been made after consultation with the Scottish Ministers. This Order does not extend to England and Wales.

A regulatory impact assessment in respect of exemptions from the requirements of section 4(1)(a) of the Electricity Act 1989 was prepared in October 2001 and can be obtained from Energy Markets Unit, Bay 235, Department of Trade and Industry, 1 Victoria Street, London, SW1H 0ET. Copies have been placed in the libraries of both Houses of Parliament.

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The Electricity (Exemption from the Requirement for a
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£3.00

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under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament.

E1652 12/2004 141652T 19585

ISBN 0-11-050886-6



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