STATUTORY INSTRUMENTS

2008 No. 3046

ELECTRICITY, ENGLAND AND WALES

The Electricity (Exemption from the Requirement for a Generation Licence) (Gunfleet Sands II) (England and Wales) Order 2008

Made - - - -	*22nd November 2008*
Laid before Parliament	*25th November 2008*
Coming into force - -	*22nd December 2008*

The Secretary of State makes the following Order in exercise of the powers conferred by section 5 of the Electricity Act 1989(**1**).

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

Citation, commencement and extent

1.—(1) This Order may be cited as the Electricity (Exemption from the Requirement for a Generation Licence) (Gunfleet Sands II) (England and Wales) Order 2008 and shall come into force on 22nd December 2008.

(2) This Order does not extend to Scotland.

Interpretation

2. In this Order—

"the Act" means the Electricity Act 1989;

"Gunfleet Sands II Wind Farm" means the offshore wind farm known as Gunfleet Sands II Wind Farm located at Ordnance Survey map reference TM250092, approximately 7 kilometres south-east of Clacton-on-Sea;

"the company" means Gunfleet Sands II Wind Farm Limited, registered in England and Wales with number 06114226;

(**1**) 1989 c.29; section 5 was substituted by section 29 of the Utilities Act 2000 (c.27).

"total system in England and Wales" has the same meaning as it has in the Electricity (Class Exemptions from the Requirement for a Licence) Order 2001(**2**).

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

3. Exemption is granted from section 4(1)(a) of the Act (prohibition of unlicensed generation of electricity for supply) to the company in respect of Gunfleet Sands II Wind Farm.

Conditions on exemption

4. The exemption granted by article 3 to the company is subject to compliance with the following conditions—

(a) that the company does not hold a licence under section 6(1)(a) of the Act(**3**) (a generation licence);

(b) that Gunfleet Sands II Wind Farm is connected to the total system in England and Wales;

(c) that, except in circumstances outside the reasonable control of the company, Gunfleet Sands II Wind Farm does not export more than 100 megawatts of electrical power to the total system in England and Wales.

Mike O'Brien
Minister of State
Department of Energy and Climate Change

22nd November 2008

(**2**) S.I. 2001/3270; the definitions of "total system in England and Wales", "total system in Scotland" and "total system in Great Britain" were substituted for the definition of "total system" by the Electricity (Class Exemption from the Requirement for a Licence) (Amendment) Order 2005 (S.I. 2005/488), article 3.

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order grants an exemption from the requirements of section 4(1)(a) of the Electricity Act 1989 (which prohibits the generation of electricity for supply without a licence) to Gunfleet Sands II Wind Farm Limited in respect of the Gunfleet Sands II Wind Farm which is located approximately 7 kilometres south-east of Clacton-on-Sea.

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 Energy Strategy, Security and Markets Directorate, Department of Energy and Climate Change, 1 Victoria Street, London, SW1H 0ET. Copies have been placed in the libraries of both Houses of Parliament.