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SCOTTISH STATUTORY INSTRUMENTS

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**2002 No. 407**

**ELECTRICITY**

**The Electricity Act 1989 (Requirement of Consent for  
Offshore Generating Stations) (Scotland) Order 2002**

*Made* - - - - 2nd September 2002  
*Laid before the Scottish  
Parliament* - - - - 4th September 2002  
*Coming into force* - - 26th September 2002

The Scottish Ministers, in exercise of the powers conferred by sections 36(2) and (3) and 111(2) of the Electricity Act 1989(1) and of all other powers enabling them in that behalf, hereby make the following Order:

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Electricity Act 1989 (Requirement of Consent for Offshore Generating Stations) (Scotland) Order 2002, and shall come into force on 26th September 2002.

(2) This Order extends to Scotland only.

**Interpretation**

2. In this Order “territorial sea” means the internal waters or territorial sea of the United Kingdom adjacent to Scotland as defined in article 3 of the Scottish Adjacent Waters Boundaries Order 1999(2).

**Generating stations – permitted capacity**

3. In the case of generating stations situated in the territorial sea (and wholly or mainly driven by water or wind), section 36(2) of the Electricity Act 1989 shall have effect as if, for the permitted capacity of 50 megawatts mentioned therein, there were substituted the capacity of 1 megawatt.

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(1) 1989 c. 29. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (S.I.1999/1750), Schedule 1. Section 36(2) has been modified by S.I. 1990/392, article. 2.  
(2) S.I. 1999/1126.

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**Status:** *This is the original version (as it was originally made). Scottish  
Statutory Instruments are not carried in their revised form on this site.*

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St Andrew's House, Edinburgh  
2nd September 2002

*LEWIS MACDONALD*  
Authorised to sign by the Scottish Ministers

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order modifies section 36(2) of the Electricity Act 1989 (c. 29) to specify that any generating station constructed in Scottish territorial waters (and wholly or mainly driven by water or wind) with a permitted capacity of 1 megawatt or above requires the consent of the Scottish Ministers. This allows for more control over developments in territorial waters and brings these generating stations within the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 (S.S.I.2000/320).