

Changes to legislation: Wales Act 2017, Cross Heading: Electricity Act 1989 (c. 29) is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

SCHEDULES

SCHEDULE 6

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 3

OTHER AMENDMENTS

Electricity Act 1989 (c. 29)

47 In section 36 of the Electricity Act 1989 (consents required for construction etc of generating stations), after subsection (8) insert—

“(8A) The Welsh Ministers may by regulations make provision about the grant of consents under section 36 in relation to generating stations in respect of which they are the appropriate authority, including in particular provision about—

- (a) the making and withdrawal of applications;
- (b) fees;
- (c) publicity and consultation requirements;
- (d) rights to make representations;
- (e) public inquiries;
- (f) consideration of applications.

(8B) The Welsh Ministers may by regulations make provision for applications in respect of which they are the appropriate authority to be determined by a person appointed by them for that purpose.”

Commencement Information

11 [Sch. 6 para. 47](#) in force at 1.4.2019 by [S.I. 2017/1179](#), [reg. 5\(b\)](#)

48 In section 36C of that Act (variation of consents under section 36), after subsection (5) insert—

“(5A) Regulations may provide that, where the Welsh Ministers are the appropriate authority, applications under this section are to be determined by a person appointed by the Welsh Ministers for that purpose.”

Commencement Information

12 [Sch. 6 para. 48](#) in force at 1.4.2019 by [S.I. 2017/1179](#), [reg. 5\(b\)](#)

49 In section 106 of that Act (regulations and orders)—

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- (a) after subsection (1A) insert—
- “(1B) Any power of the Welsh Ministers to make orders under section 36 or 36C or paragraph 1(4) of Schedule 9 is exercisable by statutory instrument.”;
- (b) after subsection (2) insert—
- “(2A) Any statutory instrument containing regulations or an order made by the Welsh Ministers under section 36 or 36C or paragraph 1(4) of Schedule 9 shall be subject to annulment in pursuance of a resolution of the National Assembly for Wales.”

Commencement Information

I3 Sch. 6 para. 49 in force at 1.4.2019 by S.I. 2017/1179, reg. 5(b)

- 50 (1) Schedule 8 to that Act (consents under sections 36 and 37) is amended as follows.
- (2) In the heading, after ““consents”” insert “ of the Secretary of State and the Scottish Ministers ”.
- (3) In paragraph 8 (supplemental), after sub-paragraph (1) insert—
- “(1A) In this Schedule references to applications for consent shall not include applications to the Welsh Ministers.”

Commencement Information

I4 Sch. 6 para. 50 in force at 1.4.2019 by S.I. 2017/1179, reg. 5(b)

- 51 In paragraph 1 of Schedule 9 to that Act (preservation of amenity and fisheries)—
- (a) in sub-paragraph (2)—
- (i) for ““his”” substitute “ its ”;
- (ii) for ““Secretary of State”” substitute “ appropriate authority ”;
- (b) in sub-paragraph (3), before “““building””” insert—
- “““appropriate authority”” has the meaning given by section 36(10)(b) or (c) of this Act;”;
- (c) in sub-paragraph (4), for ““Secretary of State”” substitute “ appropriate authority ”.

Commencement Information

I5 Sch. 6 para. 51 in force at 1.4.2019 by S.I. 2017/1179, reg. 5(b)

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Changes and effects yet to be applied to :

- specified provision(s) transitional and savings provisions for commencing S.I. 2017/1179 by [S.I. 2018/278](#) [reg. 2](#)[Sch.](#)