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STATUTORY INSTRUMENTS

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**1990 No. 263**

**The Electricity (Non-Fossil Fuel Sources)  
(England and Wales) Order 1990**

**Citation, commencement and application**

1.—(1) This Order may be cited as the Electricity (Non-Fossil Fuel Sources) (England and Wales) Order 1990 and shall come into force on 31st March 1990.

(2) This Order does not apply to Scotland.

**Interpretation**

2. References in this Order to relevant non-fossil fuel generating stations are references to any such stations which are or may be fuelled by nuclear fuel.

**Requirement to make arrangements etc**

3. Each public electricity supplier in England and Wales (whose names are specified in column 1 of Schedule 1 (specified aggregate amounts of non-fossil fuel generating capacity) to this Order) shall, before 1st April 1990, make (in so far as he has not already done so) and produce to the Director evidence showing that he has made such arrangements as will secure that, subject to article 4 of this Order, for each period listed against the name of the supplier in column 2 of that Schedule, the aggregate amount of non-fossil fuel generating capacity available to him from relevant non-fossil fuel generating stations will not be less than that specified in column 3 of the Schedule in relation to that period.

4.—(1) Where any of the arrangements made by a public electricity supplier in compliance with article 3 of this Order—

- (a) provide that the availability to that supplier of some or all of the capacity of the relevant non-fossil fuel generating stations is conditional upon the satisfaction of any such requirement as is mentioned in Schedule 2 to this Order (whether the requirement in question is described in the terms of that Schedule or in terms to the like effect); and
- (b) result, on the first day of any specified period, in some or all of that capacity not being available to that supplier, by reason of any such requirement not being satisfied as was then due under those arrangements to have been satisfied,

then, in relation to any day during that or any subsequent specified period determined in accordance with paragraph (3) of this article, this Order shall have effect as if the relevant aggregate amount specified in relation to that period were the amount specified in relation to that supplier for the period which includes that day in column 3 of Schedule 1 to this Order, less (subject to the following proviso) an amount equal to the sum of any capacity whose availability is at that time conditional upon the satisfaction of such requirement or requirements and any capacity which has ceased to be available at that time by reason of the occurrence of any such event or events as are referred to in paragraph (2) of this article:

Provided that the amount so specified shall not be reduced so as to be less than the relevant aggregate amount actually available to that supplier under the relevant arrangements during the period in question.

(2) Where any arrangements made by a public electricity supplier in compliance with article 3 of this Order—

- (a) provide that some or all of the relevant generating capacity may reduce or cease to be available following the occurrence of any such event as is mentioned in Schedule 3 to this Order (whether the event in question is described in the terms of that Schedule or in terms to the like effect); and
- (b) result in some or all of that capacity not being available to that supplier, on any day during any specified period, by reason of the occurrence of any such event,

then the specified period then current shall forthwith terminate and, in relation to any day during any subsequent specified period determined in accordance with paragraph (3) of this article, this Order shall have effect as if the relevant aggregate amount specified in relation to that period were the amount specified on relation to that supplier for the period which includes that day in column 3 in Schedule 1 to this Order, less an amount equal to the sum of any capacity which has ceased to be available at that time by reason of the occurrence of any such event or events and any capacity whose availability is at that time conditional upon the satisfaction of any such requirement or requirements as are referred to in paragraph (1) of this article, but subject to the proviso contained in that paragraph.

(3) In this article “specified period” means, in relation to any public electricity supplier, each successive period commencing and ending on the dates specified in paragraphs (a) to (g) in column 2 of Schedule 1 to this Order but so that—

- (a) the first such period shall commence on 1st April 1990 or (where the supplier has made any arrangements as mentioned in paragraph (1)(a) of this article), on the date on which all applicable requirements mentioned in paragraphs (1) to (5) of Schedule 2 to this Order have been satisfied;
- (b) on any such day as is mentioned in paragraph (1)(b) of this article there shall be substituted, in place of any specified period that would otherwise have commenced on that day, a period commencing on such day and expiring (subject to paragraphs (3)(d) and (3)(e) of this article) on the day on which the relevant requirement is either wholly or partially satisfied;
- (c) upon the expiry of any specified period determined in accordance with this paragraph or with paragraph (3)(b) of this article, the next specified period shall commence on the following day and shall continue, subject to paragraphs (3)(d) and (3)(e) of this article, until the day on which the relevant requirement is either wholly satisfied or further satisfied in part;
- (d) on any such day as is mentioned in paragraph (2)(b) of this article, the then current specified period shall forthwith terminate and shall be followed by a new period commencing immediately upon such termination; and
- (e) any specified period which is current on any of the period end dates specified in column 2 of Schedule 1 to this Order shall expire on that date.

14th February 1990

*John Wakeham*  
Secretary of State for Energy