

1990 No. 392 (S.41)

ELECTRICITY

**The Electricity Act 1989 (Requirement of Consent for
Hydro-electric Generating Stations) (Scotland) Order
1990**

<i>Made</i>	- - - -	<i>26th February 1990</i>
<i>Laid before Parliament</i>		<i>9th March 1990</i>
<i>Coming into force</i>		<i>31st March 1990</i>

The Secretary of State, in exercise of the powers conferred on him by section 36(2) and (3), as read with section 111(2), of the Electricity Act 1989(a), and of all other powers enabling him in that behalf, hereby makes the following Order:

1. This Order may be cited as the Electricity Act 1989 (Requirement of Consent for Hydro-electric Generating Stations) (Scotland) Order 1990, shall extend to Scotland only, and shall come into force on 31st March 1990.

2. In the case of generating stations wholly or mainly driven by water, 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.

St. Andrew's House, Edinburgh
26th February 1990

Malcolm Rifkind
One of Her Majesty's Principal Secretaries of State

EXPLANATORY NOTE

(This note is not part of the Order)

Section 36 of the Electricity Act 1989 requires the consent of the Secretary of State to construction, extension or operation of an electricity generating station with a capacity exceeding 50 megawatts. The Secretary of State has power to vary this limit, and in doing so may make different provision for generating stations of different classes or descriptions.

This Order prescribes a limit of 1 megawatt for hydro-electric generating stations in Scotland only. Such stations with a capacity over 1 megawatt will therefore require the Secretary of State's consent to their construction, extension or operation.

Consent under section 36 is not required for existing generating stations where statutory consents or authorisations granted prior to 31st March 1990 continue to have effect by virtue of saving and transitional provisions in Schedule 17 (paragraphs 4(3) and 32) to the Act.

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