
STATUTORY INSTRUMENTS

1991 No. 2490

**The Electricity (Non-Fossil Fuel Sources)
(England and Wales) Order 1991**

Citation, commencement and application

1.—(1) This Order may be cited as the Electricity (Non-Fossil Fuel Sources) (England and Wales) Order 1991 and shall come into force on 6th November 1991.

(2) This Order does not apply to Scotland.

Requirement to make arrangements etc.

2. Each public electricity supplier in England and Wales shall, before 20th November 1991, make (in so far as he has not already done so) and produce to the Director evidence showing that he has made such additional arrangements as will secure that for each period shown in Tables A to F in Schedule 1 (specified aggregate amounts of generating capacity) to this Order the aggregate amount of generating capacity available to him from non-fossil fuel generating stations of the description specified in the heading to each particular Table will not be less than the amount specified in that Table in relation to him for that period.

3.—(1) In this article, references to relevant arrangements are references to any arrangements evidence of the making of which is produced to the Director in accordance with article 2 of this Order.

(2) Where any relevant arrangements—

- (a) provide that the availability to a supplier of some or all of the capacity of the non-fossil fuel generating station in question is conditional upon the satisfaction of any such requirement as is mentioned in Schedule 2 (conditions precedent) 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, or had previously been due on or prior to such date, under those arrangements to have been satisfied,

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.

(3) Where any relevant arrangements—

- (a) provide that some or all of the generating capacity in question may reduce or cease to be available following the occurrence of any such event as is mentioned in Schedule 3 (termination events) 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 ascertained in accordance with paragraph (4) 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 the Table in question 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 (2) of this article, but subject to the proviso contained in that paragraph.

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

- (a) the first such period shall commence on 1st January 1992 or, where all the arrangements made by the supplier make provision as mentioned in paragraph (2)(a) of this article, on the date on which all applicable requirements mentioned in paragraphs (1) to (6) of Schedule 2 to this Order have been satisfied in respect of any such arrangements;
- (b) on any such day as is mentioned in paragraph (2)(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 (4)(d) and (4)(e) of this article) on the day on which the relevant requirement is satisfied either wholly or in part;
- (c) upon the expiry of any specified period ascertained in accordance with this sub-paragraph or with paragraph (4)(b) of this article, the next specified period shall commence on the following day and shall continue, subject to paragraphs (4)(d) and (4)(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 (3)(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 the Table shall expire on that date.

31st October 1991

John Wakeham
Secretary of State for Energy