
STATUTORY INSTRUMENTS

1991 No. 2490

ELECTRICITY

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

<i>Made</i>	- - - -	<i>31st October 1991</i>
<i>Laid before Parliament</i>		<i>5th November 1991</i>
<i>Coming into force</i>	- -	<i>6th November 1991</i>

Whereas certain orders⁽¹⁾ under section 32 of the Electricity Act 1989⁽²⁾ have been made and have had effect in relation to each public electricity supplier in England and Wales;

Now, therefore, the Secretary of State, in exercise of the powers conferred by section 32(1) of the said Act of 1989, and of all other enabling powers, after consultation in accordance with the requirements of the said section 32(1), hereby makes the following Order:—

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—

(1) S.I. 1990/263, as amended by S.I. 1990/494; S.I. 1990/1859.
(2) 1989 c. 29.

- (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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

Article 2

SPECIFIED AGGREGATE AMOUNTS OF GENERATING CAPACITY

TABLE A

WIND GENERATING STATIONS

Name of supplier	Period						
1	2	3	4	5	6	7	
Eastern Electricity plc	—	—	3.057	11.293	11.293	11.293	11.293
East Midlands Electricity plc	—	—	2.008	7.419	7.419	7.419	7.419
London Electricity plc	—	—	2.231	8.243	8.243	8.243	8.243
Manweb plc	—	—	1.294	4.781	4.781	4.781	4.781
Midlands Electricity plc	—	—	2.164	7.996	7.996	7.996	7.996
Northern Electric plc	—	—	1.182	4.369	4.369	4.369	4.369
NORWEB plc	—	—	1.874	6.924	6.924	6.924	6.924
SEEBOARD plc	—	—	1.852	6.842	6.842	6.842	6.842
Southern Electric plc	—	—	2.767	10.221	10.221	10.221	10.221
South Wales Electricity plc	—	—	0.781	2.885	2.885	2.885	2.885

In this Table A and in Table F—

- (a) “wind generating stations” means generating stations which are driven by wind;
- (b) period 1 means 1 January 1992 to 31 March 1992;
period 2 means 1 April 1992 to 31 March 1993;
period 3 means 1 April 1993 to 31 March 1994;
period 4 means 1 April 1994 to 31 March 1995;
period 5 means 1 April 1995 to 31 March 1996;
period 6 means 1 April 1996 to 31 March 1997;
period 7 means 1 April 1997 to 31 December 1998;
- (c) capacity amounts are expressed in megawatts (MW).

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Name of supplier	Period						
1	2	3	4	5	6	7	
South Western Electricity plc	—	—	1.272	4.699	4.699	4.699	4.699
Yorkshire Electricity Group plc	—	—	1.830	6.759	6.759	6.759	6.759

In this Table A and in Table F—

- (a) “wind generating stations” means generating stations which are driven by wind;
 (b) period 1 means 1 January 1992 to 31 March 1992;
 period 2 means 1 April 1992 to 31 March 1993;
 period 3 means 1 April 1993 to 31 March 1994;
 period 4 means 1 April 1994 to 31 March 1995;
 period 5 means 1 April 1995 to 31 March 1996;
 period 6 means 1 April 1996 to 31 March 1997;
 period 7 means 1 April 1997 to 31 December 1998;
 (c) capacity amounts are expressed in megawatts (MW).

TABLE B

HYDRO GENERATING STATIONS

Name of supplier	Period						
1	2	3	4	5	6	7	
Eastern Electricity plc	0.021	0.021	1.337	1.419	1.419	1.419	1.419
East Midlands Electricity plc	0.014	0.014	0.878	0.932	0.932	0.932	0.932
London Electricity plc	0.015	0.015	0.976	1.036	1.036	1.036	1.036
Manweb plc	0.009	0.009	0.566	0.601	0.601	0.601	0.601

In this Table B—

- (a) “hydro generating stations” means generating stations of a declared net capacity not exceeding 20 megawatts which are driven by any form of water power other than tidal or wave power;
 (b) period 1 means 1 January 1992 to 31 March 1992;
 period 2 means 1 April 1992 to 31 March 1993;
 period 3 means 1 April 1993 to 31 March 1994;
 period 4 means 1 April 1994 to 31 March 1995;
 period 5 means 1 April 1995 to 31 March 1996;
 period 6 means 1 April 1996 to 31 March 1997;
 period 7 means 1 April 1997 to 31 December 1998;
 (c) capacity amounts are expressed in megawatts (MW).

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Name of supplier	Period						
1	2	3	4	5	6	7	
Midland Electricity plc	0.015	0.015	0.946	1.005	1.005	1.005	1.005
Northern Electric plc	0.008	0.008	0.517	0.549	0.549	0.549	0.549
NORWICH Electricity plc	0.013	0.013	0.820	0.870	0.870	0.870	0.870
SEEBORNE Electricity plc	0.013	0.013	0.810	0.860	0.860	0.860	0.860
Southern Electric plc	0.019	0.019	1.210	1.284	1.284	1.284	1.284
South Wales Electricity plc	0.005	0.005	0.341	0.362	0.362	0.362	0.362
South Western Electricity plc	0.009	0.009	0.556	0.590	0.590	0.590	0.590
Yorkshire Electricity Group plc	0.013	0.013	0.800	0.849	0.849	0.849	0.849

In this Table B—

- (a) “hydro generating stations” means generating stations of a declared net capacity not exceeding 20 megawatts which are driven by any form of water power other than tidal or wave power;
- (b) period 1 means 1 January 1992 to 31 March 1992;
 period 2 means 1 April 1992 to 31 March 1993;
 period 3 means 1 April 1993 to 31 March 1994;
 period 4 means 1 April 1994 to 31 March 1995;
 period 5 means 1 April 1995 to 31 March 1996;
 period 6 means 1 April 1996 to 31 March 1997;
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TABLE C
LANDFILL GAS GENERATING STATIONS

Name of supplier	Period						
1	2	3	4	5	6	7	
Eastern Electricity plc	0.417	0.417	5.059	6.430	6.551	6.576	6.576
East Midlands Electricity plc	0.274	0.274	3.324	4.224	4.304	4.320	4.320
London Electricity plc	0.305	0.305	3.693	4.693	4.782	4.800	4.800
Manweb plc	0.177	0.177	2.142	2.722	2.774	2.784	2.784
Midland Electricity plc	0.295	0.295	3.582	4.552	4.638	4.656	4.656
Northern Electric plc	0.161	0.161	1.957	2.487	2.534	2.544	2.544
NORWEB plc	0.256	0.256	3.102	3.942	4.017	4.032	4.032
SEEBORD plc	0.253	0.253	3.065	3.895	3.969	3.984	3.984
Southern Electric plc	0.378	0.378	4.579	5.819	5.930	5.952	5.952
South Wales Electricity plc	0.107	0.107	1.292	1.643	1.674	1.680	1.680
South Western	0.174	0.174	2.105	2.675	2.726	2.736	2.736

In this Table C and in Table F—

- (a) “landfill gas generating stations” means generating stations which are fuelled by gas derived from landfill sites;
- (b) period 1 means 1 January 1992 to 31 March 1992;
period 2 means 1 April 1992 to 31 March 1993;
period 3 means 1 April 1993 to 31 March 1994;
period 4 means 1 April 1994 to 31 March 1995;
period 5 means 1 April 1995 to 31 March 1996;
period 6 means 1 April 1996 to 31 March 1997;
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Name of supplier	Period						
1	2	3	4	5	6	7	
Electricity plc							
Yorkshire Electricity Group plc	0.250	0.250	3.028	3.848	3.921	3.936	3.936

In this Table C and in Table F—

- (a) “landfill gas generating stations” means generating stations which are fuelled by gas derived from landfill sites;
- (b) period 1 means 1 January 1992 to 31 March 1992;
period 2 means 1 April 1992 to 31 March 1993;
period 3 means 1 April 1993 to 31 March 1994;
period 4 means 1 April 1994 to 31 March 1995;
period 5 means 1 April 1995 to 31 March 1996;
period 6 means 1 April 1996 to 31 March 1997;
period 7 means 1 April 1997 to 31 December 1998;
- (c) capacity amounts are expressed in megawatts (MW).

TABLE D

MUNICIPAL AND GENERAL INDUSTRIAL WASTE GENERATING STATIONS

Name of supplier	Period						
1	2	3	4	5	6	7	
Eastern Electricity plc	—	—	—	0.795	8.645	35.823	35.823
East Midlands Electricity plc	—	—	—	0.522	5.679	23.533	23.533
London Electricity plc	—	—	—	0.580	6.310	26.148	26.148
Manweb plc	—	—	—	0.336	3.660	15.166	15.166

In this Table D and in Table F—

- (a) “municipal and general industrial waste generating stations” means generating stations which are fuelled by municipal or general industrial waste;
- (b) period 1 means 1 January 1992 to 31 March 1992;
period 2 means 1 April 1992 to 31 March 1993;
period 3 means 1 April 1993 to 31 March 1994;
period 4 means 1 April 1994 to 31 March 1995;
period 5 means 1 April 1995 to 31 March 1996;
period 6 means 1 April 1996 to 31 March 1997;
period 7 means 1 April 1997 to 31 December 1998;
- (c) capacity amounts are expressed in megawatts (MW).

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Name of supplier	Period						
1	2	3	4	5	6	7	
Midlands Electricity plc		—	—	0.563	6.121	25.364	25.364
Northern Electric plc		—	—	0.307	3.344	13.858	13.858
NORWEB plc		—	—	0.487	5.300	21.964	21.964
SEEBOARD plc		—	—	0.481	5.237	21.703	21.703
Southern Electric plc		—	—	0.719	7.824	32.424	32.424
South Wales Electricity plc	—	—	—	0.203	2.209	9.152	9.152
South Western Electricity plc	—	—	—	0.331	3.597	14.904	14.904
Yorkshire Electricity Group plc		—	—	0.476	5.174	21.441	21.441

In this Table D and in Table F—

- (a) “municipal and general industrial waste generating stations” means generating stations which are fuelled by municipal or general industrial waste;
- (b) period 1 means 1 January 1992 to 31 March 1992;
period 2 means 1 April 1992 to 31 March 1993;
period 3 means 1 April 1993 to 31 March 1994;
period 4 means 1 April 1994 to 31 March 1995;
period 5 means 1 April 1995 to 31 March 1996;
period 6 means 1 April 1996 to 31 March 1997;
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TABLE E
SEWAGE GAS GENERATING STATIONS

Name of supplier	Period						
1	2	3	4	5	6	7	
Eastern Electricity plc	0.319	0.319	2.904	3.680	3.680	3.680	3.680
East Midlands Electricity plc	0.210	0.210	1.908	2.417	2.417	2.417	2.417
London Electricity plc	0.233	0.233	2.120	2.686	2.686	2.686	2.686
Manweb plc	0.135	0.135	1.230	1.558	1.558	1.558	1.558
Midland Electricity plc	0.226	0.226	2.056	2.605	2.605	2.605	2.605
Northern Electric plc	0.123	0.123	1.124	1.424	1.424	1.424	1.424
NORWEB plc	0.196	0.196	1.781	2.256	2.256	2.256	2.256
SEEBORD plc	0.193	0.193	1.760	2.229	2.229	2.229	2.229
Southern Electric plc	0.289	0.289	2.629	3.331	3.331	3.331	3.331
South Wales Electricity plc	0.082	0.082	0.742	0.940	0.940	0.940	0.940
South Western	0.133	0.133	1.208	1.531	1.531	1.531	1.531

In this Table E and in Table F—

- (a) “sewage gas generating stations” means generating stations which are fuelled by gas derived from domestic and other sewage;
- (b) period 1 means 1 January 1992 to 31 March 1992;
period 2 means 1 April 1992 to 31 March 1993;
period 3 means 1 April 1993 to 31 March 1994;
period 4 means 1 April 1994 to 31 March 1995;
period 5 means 1 April 1995 to 31 March 1996;
period 6 means 1 April 1996 to 31 March 1997;
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- (c) capacity amounts are expressed in megawatts (MW).

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Name of supplier	Period						
1	2	3	4	5	6	7	
Electricity plc							
Yorkshire Electricity Group plc	1991	0.191	1.738	2.202	2.202	2.202	2.202

In this Table E and in Table F—

- (a) “sewage gas generating stations” means generating stations which are fuelled by gas derived from domestic and other sewage;
- (b) period 1 means 1 January 1992 to 31 March 1992;
 period 2 means 1 April 1992 to 31 March 1993;
 period 3 means 1 April 1993 to 31 March 1994;
 period 4 means 1 April 1994 to 31 March 1995;
 period 5 means 1 April 1995 to 31 March 1996;
 period 6 means 1 April 1996 to 31 March 1997;
 period 7 means 1 April 1997 to 31 December 1998;
- (c) capacity amounts are expressed in megawatts (MW).

TABLE F

OTHER NON-FOSSIL FUEL GENERATING STATIONS

Name of supplier	Period						
1	2	3	4	5	6	7	
Eastern Electricity plc	—	—	—	3.857	3.857	3.857	3.857
East Midlands Electricity plc	—	—	—	2.534	2.534	2.534	2.534

In this Table F—

- (a) “other non-fossil fuel generating stations” means non-fossil fuel generating stations which are not—
- wind generating stations;
 - hydro generating stations;
 - landfill gas generating stations;
 - municipal and general industrial waste generating stations;
 - sewage gas generating stations; or
 - fuelled by nuclear fuel;
- (b) “hydro generating stations” means generating stations which are driven by any form of water power other than tidal or wave power;
- (c) period 1 means 1 January 1992 to 31 March 1992;
 period 2 means 1 April 1992 to 31 March 1993;
 period 3 means 1 April 1993 to 31 March 1994;
 period 4 means 1 April 1994 to 31 March 1995;
 period 5 means 1 April 1995 to 31 March 1996;
 period 6 means 1 April 1996 to 31 March 1997;
 period 7 means 1 April 1997 to 31 December 1998;
- (d) capacity amounts are expressed in megawatts (MW).

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Name of supplier	Period						
1	2	3	4	5	6	7	
London Electricity plc	—	—	—	2.815	2.815	2.815	2.815
Manweb plc	—	—	—	1.633	1.633	1.633	1.633
Midlands Electricity plc	—	—	—	2.731	2.731	2.731	2.731
Northern Electric plc	—	—	—	1.492	1.492	1.492	1.492
NORWEB plc	—	—	—	2.365	2.365	2.365	2.365
SEEBOARD plc	—	—	—	2.336	2.336	2.336	2.336
Southern Electric plc	—	—	—	3.491	3.491	3.491	3.491
South Wales Electricity plc	—	—	—	0.985	0.985	0.985	0.985
South Western Electricity plc	—	—	—	1.605	1.605	1.605	1.605
Yorkshire Electricity Group plc	—	—	—	2.308	2.308	2.308	2.308

In this Table F—

- (a) “other non-fossil fuel generating stations” means non-fossil fuel generating stations which are not—
 - (i) wind generating stations;
 - (ii) hydro generating stations;
 - (iii) landfill gas generating stations;
 - (iv) municipal and general industrial waste generating stations;
 - (v) sewage gas generating stations; or
 - (vi) fuelled by nuclear fuel;
- (b) “hydro generating stations” means generating stations which are driven by any form of water power other than tidal or wave power;
- (c) period 1 means 1 January 1992 to 31 March 1992;
 period 2 means 1 April 1992 to 31 March 1993;
 period 3 means 1 April 1993 to 31 March 1994;
 period 4 means 1 April 1994 to 31 March 1995;
 period 5 means 1 April 1995 to 31 March 1996;
 period 6 means 1 April 1996 to 31 March 1997;
 period 7 means 1 April 1997 to 31 December 1998;
- (d) capacity amounts are expressed in megawatts (MW).

SCHEDULE 2

Article 3(2)

CONDITIONS PRECEDENT

The requirements referred to in article 3(2)(a) of this Order are—

(1) that planning permission and all necessary consents (including any necessary wayleave consents), easements and rights to enable any relevant non-fossil fuel generating station to be constructed and operated in accordance with and as contemplated by the terms of the relevant arrangements have been granted;

(2) that planning permission and all necessary consents (including any necessary wayleave consents), easements and rights to enable any public electricity supplier in whose authorised area any relevant non-fossil fuel generating station is to be located to comply with his obligations as contemplated by the terms of the relevant arrangements have been granted;

(3) that the operator of any relevant non-fossil fuel generating station or stations has entered into, and there has come into force, an agreement providing for the connection of such station or stations to a system of electric lines and electrical plant operated by a public electricity supplier in whose authorised area any relevant non-fossil fuel generating station is or will be located;

(4) that the operator of any relevant non-fossil fuel generating station holds a licence or has the benefit of an exemption under Part I of the Act authorising him to generate electricity and to convey electricity from the place at which it is generated to the point of delivery for the purposes of the relevant arrangements;

(5) (to the extent that the arrangements relate to a relevant non-fossil fuel generating station whose operator is so required) that the operator of any relevant non-fossil fuel generating station has entered into a pooling and settlement agreement, as required by the licence granted to him under section 6 of the Act, for the purpose of calculating the payments due to or owing by the parties thereto in respect of their production and consumption of electricity;

(6) that there have been satisfactorily completed such procedures and tests as from time to time constitute usual industry standards and practices for commissioning a relevant non-fossil fuel generating station in order to—

- (a) demonstrate that the relevant non-fossil fuel generating station is capable of commercial operation for the purpose of the relevant arrangements;
- (b) establish the external physical conditions outside the control of the operator which are necessary for the operation of such station or which control the amount of electricity produced by the station; and
- (c) establish the operating parameters within which such station can be operated in accordance with practices, methods and procedures which are or should be adopted by a person exercising that degree of judgment, skill, diligence and foresight which would ordinarily and reasonably be expected from a skilled and experienced operator engaged in the business of operating such a station lawfully.

Note:

In the above provisions, “the Act” means the Electricity Act 1989.

SCHEDULE 3

Article 3(3)

TERMINATION EVENTS

The events referred to in article 3(3)(a) of this Order are—

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(1) the operator of any relevant non-fossil fuel generating station ceasing for any reason to be authorised by a licence or exemption granted under the Act to generate electricity for the purposes of giving a supply to any premises or enabling a supply to be given;

(2) the operator of any relevant non-fossil fuel generating station defaulting in the performance of any of his material obligations under the relevant arrangements and in the case of a default which is, in the opinion of the relevant public electricity supplier (acting reasonably), capable of remedy continuing to be unremedied at the expiry of 60 days following the date on which the supplier shall have given notice thereof to the operator;

(3) a binding order being made or an effective resolution being passed for the winding up of the operator of any relevant non-fossil fuel generating station (otherwise than for the purposes of reconstruction or amalgamation on terms previously approved in writing by the relevant public electricity supplier (whose approval shall not unreasonably be withheld)) and within 28 days of his appointment the liquidator of the operator not having provided to the supplier a guarantee of performance of the obligations of the operator under the relevant arrangements in such form and amount as the supplier (acting reasonably) may require.

Note:

In the above provisions, “the Act” means the Electricity Act 1989.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order imposes on public electricity suppliers in England and Wales obligations to make arrangements to secure the availability during specified periods of specified aggregate amounts of generating capacity from non-fossil fuel generating stations of particular descriptions. The arrangements must be made, and evidence of their making must be produced to the Director General of Electricity Supply, before 20th November 1991.

Article 2, read with the Tables in Schedule 1, imposes on the suppliers obligations to secure the availability during specified periods of specified amounts of capacity from non-fossil fuel generating stations of the descriptions (wind, hydro, landfill gas, municipal and general industrial waste, sewage gas, or other) specified in the headings to the Tables. The amounts are specified in megawatts (one megawatt equals one million watts).

Article 3 provides a mechanism whereby, if certain conditions are not satisfied (see Schedule 2) or if certain events occur (see Schedule 3), the Order is to have effect as if the relevant period specified in the appropriate Table in Schedule 1 were replaced by a different period and, as a consequence of that, as if the relevant amount of capacity specified in that Table were a reduced amount, the amount of the reduction being the amount of capacity which has ceased to be available by reason of (as the case may be) the condition not having been satisfied or the event having occurred.