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STATUTORY INSTRUMENTS

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**1994 No. 3259**

**ELECTRICITY**

**The Electricity (Non-Fossil Fuel Sources)  
(England and Wales) Order 1994**

*Made - - - - 15th December 1994*  
*Laid before Parliament 20th December 1994*  
*Coming into force - - 21st December 1994*

Whereas certain orders<sup>(1)</sup> under section 32 of the Electricity Act 1989<sup>(2)</sup> 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 on him by section 32(1) and (2) of the said Act of 1989, and of all other powers enabling him in that behalf, after consultation in accordance with the requirements of the said section 32(1), hereby makes the following Order:

**Citation, commencement, application and interpretation**

1.—(1) This Order may be cited as the Electricity (Non-Fossil Fuel Sources) (England and Wales) Order 1994 and shall come into force on 21st December 1994.

(2) This Order does not apply to Scotland.

(3) In this Order, unless the context otherwise requires—

“the Act” means the Electricity Act 1989;

“biomass generating stations” means generating stations which are fuelled wholly or partially by any one or more of the following—

- (a) crops grown for the purpose of providing a source of energy;
- (b) agricultural waste;
- (c) forestry waste; and
- (d) fuel derived from any one or more of the types of crop or waste mentioned in subparagraphs (a) to (c) above,

but excluding any such station as is partially fuelled by any one or more of the following—

- (a) gas derived from landfill sites of any description;

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(1) S.I.1990/263, as amended by S.I. 1990/494; S.I. 1990/1859; S.I. 1991/2490.

(2) 1989 c. 29.

- (b) municipal waste;
  - (c) industrial waste;
  - (d) gas or waste, derived from human sewage; and
  - (e) fuel derived from either or both of municipal and industrial waste;
- “biomass GPC generating stations” means generating stations which—
- (a) are fuelled wholly or partially by any one or more of the following—
    - (i) crops grown for the purpose of providing a source of energy;
    - (ii) forestry waste; and
    - (iii) fuel derived from either or both of the types of crop or waste mentioned in subparagraphs (i) and (ii) above,but excluding any such station as is partially fuelled by any one or more of the following—
    - (i) gas derived from landfill sites of any description;
    - (ii) municipal waste;
    - (iii) industrial waste;
    - (iv) agricultural waste;
    - (v) gas or waste, derived from human sewage; and
    - (vi) fuel derived from any one or more of the types of waste mentioned in subparagraphs (ii) to (iv) above; and
  - (b) are driven wholly by an engine, or a gas turbine, fuelled directly by gas produced by partial combustion or partly by an engine, or gas turbine, so fuelled and partly by an engine, or any turbine, utilising steam produced using heat from the first engine or gas turbine;

“commissioning process” means the process consisting of such procedures and tests as from time to time constitute usual industry standards and practices for commissioning a non-fossil fuel generating station of any description specified in the heading to any of Tables A to G in Schedule 1 to this Order in order—

- (a) to demonstrate that such a non-fossil fuel generating station is—
  - (i) capable of commercial operation; or
  - (ii) in the case of a non-fossil fuel generating station which is the subject of relevant arrangements, capable of commercial operation for the purpose of such arrangements;
- (b) to 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) to 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 judgement, 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;

“connection agreement” means an agreement providing for the connection of any relevant non-fossil fuel generating station to a system of electric lines and electrical plant operated by the public electricity supplier in whose authorised area the station is or will be located;

“declared net capacity”, in the case of a wind generating station, means the declared net capacity ascertained by the application to such a station of the formula specified in subsection (8A) of section 32 of the Act as inserted by regulation 2 of the Electricity Act 1989 (Modifications of Section 32(5) to (8)) Regulations 1990(3);

“hydro generating stations” means generating stations which are driven by any form of water power other than tidal or wave power;

“landfill gas generating stations” means generating stations which are fuelled wholly or partially by gas derived from landfill sites on which, at any time before 22nd July 1993, activities were carried on in pursuance of a licence issued under section 5 of the Control of Pollution Act 1974(4) or in accordance with conditions specified in a resolution passed by the relevant disposal authority pursuant to section 11(3)(e) of the said Act of 1974, but excluding any such station as is partially fuelled by any one or more of the following—

- (a) gas derived from landfill sites of any other description;
- (b) municipal waste;
- (c) industrial waste;
- (d) gas or waste, derived from human sewage; and
- (e) fuel derived from either or both of the types of waste mentioned in sub-paragraphs (b) and (c) above;

“municipal and industrial waste generating stations” means generating stations which are fuelled wholly or partially by any one or more of the following—

- (a) municipal waste;
- (b) industrial waste; and
- (c) fuel derived from either or both of the types of waste mentioned in sub-paragraphs (a) and (b) above,

but excluding any such station as is partially fuelled by either or both of the following—

- (a) gas or waste, derived from human sewage; and
- (b) gas derived from any landfill site which was not a landfill site on which, at any time before 22nd July 1993, activities were carried on in pursuance of a licence issued under section 5 of the Control of Pollution Act 1974 or in accordance with conditions specified in a resolution passed by the relevant disposal authority pursuant to section 11(3)(e) of the said Act of 1974;

“operator” means an operator of any relevant non-fossil fuel generating station;

“the pooling and settlement agreement” means the pooling and settlement agreement to which an operator may be required to become a party by the licence (if any) granted to him under section 6 of the Act;

“premium price arrangement” means an arrangement made before the day on which this Order is made under which a public electricity supplier or a person on behalf of a public electricity supplier agrees to purchase electricity generated by a non-fossil fuel generating station at any time in the period commencing on 21st July 1993 and ending on 31st December 1998 (whether or not the agreement covers other periods) for a fixed price per kilowatt-hour (kWh) and for this purpose—

- (a) where the operator of the generating station in question is a party to the pooling and settlement agreement, an arrangement between that operator and a public electricity

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(3) S.I. 1990/264.

(4) 1974 c. 40; section 5 was amended by the Local Government, Planning and Land Act 1980 (c. 65), Schedule 34, Part II and by the Planning (Consequential Provisions) Act 1990 (c. 11), Schedule 2, paragraph 31(1).

supplier or person on behalf of a public electricity supplier shall be treated as if it is an arrangement to purchase electricity at a fixed price per kilowatt-hour (kWh) if it provides for such payments to be made by either party to the other as shall ensure that the aggregate price receivable by the operator in question under the arrangement and the pooling and settlement agreement for electricity generated in specified periods is equal to a fixed amount specified in the said arrangement; and

- (b) any provision for adjustment of the price by reference to any measure of inflation shall be disregarded;

“relevant arrangements” means arrangements evidence of the making of which is produced to the Director in accordance with paragraph (1) of article 2 of this Order;

“relevant non-fossil fuel generating station” means a generating station of a description specified in the heading to any of Tables A to G in Schedule 1 to this Order and falling within the description of non-fossil fuel generating station specified in paragraph (2) of article 2 of this Order;

“wind generating stations” means generating stations which are driven by wind;

“wind generating stations exceeding 1.6 MW” means wind generating stations each of which has a declared net capacity exceeding 1.6 megawatts and none of which is operated by a person who operates more than 9 other wind generating stations which are the subject of relevant arrangements and for this purpose—

- (a) a person, being a body corporate, shall be treated as operating any generating station operated by a body corporate which is associated with him; and
- (b) a body corporate shall be treated as associated with another body corporate if—
- (i) one of them is a subsidiary of the other; or
  - (ii) both of them are subsidiaries of the same holding company,
- and “holding company” and “subsidiary” shall have the same meaning as in section 736 of the Companies Act 1985<sup>(5)</sup>;

“wind generating stations not exceeding 1.6 MW” means wind generating stations each of which has a declared net capacity not exceeding 1.6 megawatts.

### **Requirement to make arrangements etc.**

2.—(1) Each public electricity supplier in England and Wales shall, before 20th January 1995, 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 G 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 and falling within the description of non-fossil fuel generating station specified in paragraph (2) of this article will not be less than the amount specified in that Table in relation to him for that period.

(2) The description of non-fossil fuel generating station specified in this paragraph is a non-fossil fuel generating station in respect of which—

- (a) the commissioning process was not satisfactorily completed before 22nd July 1993 disregarding for this purpose the completion of the commissioning process before that date in respect of structures or works for holding or channelling water which have not been used in the period commencing on 1st January 1989 and ending on 21st July 1993 for a purpose directly related to the generation of electricity by a generating station wholly or mainly driven by water; and

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(5) 1985 c. 6; section 736 was substituted by section 144(1) of the Companies Act 1989 (c. 40).

- (b) there is not and has not been a premium price arrangement (other than a relevant arrangement) under which any payment has been or may be made in respect of electricity generated before 1st January 1999 by such station.

3.—(1) Where any relevant arrangements—

- (a) provide that the availability to a public electricity 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,

then, in relation to any day during that or any subsequent specified period ascertained 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 the Table in question in 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 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 (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 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 (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 a Table in Schedule 1 to this Order but so that—

- (a) the first such period shall commence on 1st April 1995 or, where all the arrangements made by the supplier make provision as mentioned in paragraph (1)(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 (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 satisfied either wholly or in part;
- (c) upon the expiry of any specified period ascertained in accordance with this sub-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 the Table shall expire on that date.

*Charles Wardle*  
Parliamentary Under Secretary of State for  
Industry and Energy,  
Department of Trade and Industry

15th December 1994

SCHEDULE 1

Article 2(1)

SPECIFIED AGGREGATE AMOUNTS OF GENERATING CAPACITY

TABLE A

WIND GENERATING STATIONS NOT EXCEEDING 1.6 MW

Name of supplier	Period																		
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Eastern Group Plc	0.000	0.62	0.63	0.70	0.70	0.70	0.70	0.70	0.70	0.70	0.70	0.70	0.70	0.70	0.99	1.05	1.05	1.05	1.000
East Midlands Electricity Plc	0.000	0.06	0.72	0.77	0.77	0.77	0.77	0.77	0.77	0.77	0.77	0.77	0.77	0.77	0.65	1.03	1.03	1.03	1.000
London Electricity Plc	0.000	0.18	0.92	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	1.72	1.03	1.03	1.03	1.000
Manchester Plc	0.000	0.68	1.11	1.14	1.14	1.14	1.14	1.14	1.14	1.14	1.14	1.14	1.14	1.14	1.41	1.02	1.02	1.02	1.000
Midland Electricity Plc	0.000	0.14	0.86	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	1.70	1.03	1.03	1.03	1.000
North Electric Plc	0.000	0.62	1.01	1.04	1.04	1.04	1.04	1.04	1.04	1.04	1.04	1.04	1.04	1.04	1.38	1.02	1.02	1.02	1.000
NORWICH Plc	0.000	0.99	1.61	1.65	1.65	1.65	1.65	1.65	1.65	1.65	1.65	1.65	1.65	1.65	1.60	1.03	1.03	1.03	1.000

In this Table A

- (a) period 1 means 1 April 1995 to 31 March 1996
- period 2 means 1 April 1996 to 31 March 1997
- period 3 means 1 April 1997 to 31 March 1998
- period 4 means 1 April 1998 to 31 March 1999
- period 5 means 1 April 1999 to 31 March 2000
- period 6 means 1 April 2000 to 31 March 2001
- period 7 means 1 April 2001 to 31 March 2002
- period 8 means 1 April 2002 to 31 March 2003
- period 9 means 1 April 2003 to 31 March 2004
- period 10 means 1 April 2004 to 31 March 2005
- period 11 means 1 April 2005 to 31 March 2006
- period 12 means 1 April 2006 to 31 March 2007
- period 13 means 1 April 2007 to 31 March 2008
- period 14 means 1 April 2008 to 31 March 2009
- period 15 means 1 April 2009 to 31 March 2010
- period 16 means 1 April 2010 to 31 March 2011
- period 17 means 1 April 2011 to 31 March 2012
- period 18 means 1 April 2012 to 31 March 2013
- period 19 means 1 April 2013 to 31 March 2014
- (b) capacity amounts are expressed in megawatts (MW).

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Name of supplier	Period																		
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
SEEBOROUGH Plc	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
South Electric Plc	0.000	1.467	2.382	2.442	2.442	2.442	2.442	2.442	2.442	2.442	2.442	2.442	2.442	2.442	2.442	2.442	2.442	2.442	2.442
South Wales Electricity Plc	0.000	0.414	0.672	0.690	0.690	0.690	0.690	0.690	0.690	0.690	0.690	0.690	0.690	0.690	0.690	0.690	0.690	0.690	0.690
South Western Electricity Plc	0.000	0.674	1.094	1.123	1.123	1.123	1.123	1.123	1.123	1.123	1.123	1.123	1.123	1.123	1.123	1.123	1.123	1.123	1.123
Yorkshire Electricity Group Plc	0.000	0.970	1.574	1.616	1.616	1.616	1.616	1.616	1.616	1.616	1.616	1.616	1.616	1.616	1.616	1.616	1.616	1.616	1.616

In this Table A

- (a) period 1 means 1 April 1995 to 31 March 1996
- period 2 means 1 April 1996 to 31 March 1997
- period 3 means 1 April 1997 to 31 March 1998
- period 4 means 1 April 1998 to 31 March 1999
- period 5 means 1 April 1999 to 31 March 2000
- period 6 means 1 April 2000 to 31 March 2001
- period 7 means 1 April 2001 to 31 March 2002
- period 8 means 1 April 2002 to 31 March 2003
- period 9 means 1 April 2003 to 31 March 2004
- period 10 means 1 April 2004 to 31 March 2005
- period 11 means 1 April 2005 to 31 March 2006
- period 12 means 1 April 2006 to 31 March 2007
- period 13 means 1 April 2007 to 31 March 2008
- period 14 means 1 April 2008 to 31 March 2009
- period 15 means 1 April 2009 to 31 March 2010
- period 16 means 1 April 2010 to 31 March 2011
- period 17 means 1 April 2011 to 31 March 2012
- period 18 means 1 April 2012 to 31 March 2013
- period 19 means 1 April 2013 to 31 March 2014
- (b) capacity amounts are expressed in megawatts (MW).



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**TABLE B**

WIND GENERATING STATIONS EXCEEDING 1.6 MW

Name of supplier	Period																			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	
Eastern Group Plc	0.000	6.780	18.830	30.990	39.990	49.990	59.990	69.990	79.990	89.990	99.990	109.990	119.990	129.990	139.990	149.990	159.990	169.990	179.990	189.990
East Midlands Electricity Plc	0.000	4.454	12.374	21.132	29.132	37.132	45.132	53.132	61.132	69.132	77.132	85.132	93.132	101.132	109.679	117.759	125.620	133.379	141.000	148.000
London Electricity Plc	0.000	4.949	13.749	22.592	31.592	40.592	49.592	58.592	67.592	76.592	85.592	94.592	103.592	112.592	121.643	130.843	139.695	148.420	157.000	165.000
Manchester Plc	0.000	2.870	7.974	13.463	19.463	25.463	31.463	37.463	43.463	49.463	55.463	61.463	67.463	73.463	79.593	85.489	91.403	97.244	103.000	108.000
Midlands Electricity Plc	0.000	4.800	13.336	21.154	29.154	37.154	45.154	53.154	61.154	69.154	77.154	85.154	93.154	101.154	109.354	117.818	126.674	135.409	144.000	152.000
North Electric Plc	0.000	2.623	7.287	12.734	18.734	24.734	30.734	36.734	42.734	48.734	54.734	60.734	66.734	72.734	78.734	84.734	90.734	96.734	102.734	108.734
NORWICH BOARD	0.000	1.157	11.549	22.257	32.257	42.257	52.257	62.257	72.257	82.257	92.257	102.257	112.257	122.257	132.257	142.257	152.257	162.257	172.257	182.257
SEEBOROUGH BOARD	0.000	1.412	12.112	23.112	34.112	45.112	56.112	67.112	78.112	89.112	100.112	111.112	122.112	133.112	144.112	155.112	166.112	177.112	188.112	199.112

In this Table B

- (a) period 1 means 1 April 1995 to 31 March 1996
- period 2 means 1 April 1996 to 31 March 1997
- period 3 means 1 April 1997 to 31 March 1998
- period 4 means 1 April 1998 to 31 March 1999
- period 5 means 1 April 1999 to 31 March 2000
- period 6 means 1 April 2000 to 31 March 2001
- period 7 means 1 April 2001 to 31 March 2002
- period 8 means 1 April 2002 to 31 March 2003
- period 9 means 1 April 2003 to 31 March 2004
- period 10 means 1 April 2004 to 31 March 2005
- period 11 means 1 April 2005 to 31 March 2006
- period 12 means 1 April 2006 to 31 March 2007
- period 13 means 1 April 2007 to 31 March 2008
- period 14 means 1 April 2008 to 31 March 2009
- period 15 means 1 April 2009 to 31 March 2010
- period 16 means 1 April 2010 to 31 March 2011
- period 17 means 1 April 2011 to 31 March 2012
- period 18 means 1 April 2012 to 31 March 2013
- period 19 means 1 April 2013 to 31 March 2014
- (b) capacity amounts are expressed in megawatts (MW).

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Name of supplier	Period																		
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
South Electric Plc	6.13	7.04	8.09	8.09	8.09	8.09	8.09	8.09	8.09	8.09	8.09	8.09	8.09	11.95	7.04	3.86	2.52	3.00	0.00
South Wales Electricity Plc	0.00	1.73	2.81	5.10	5.10	5.10	5.10	5.10	5.10	5.10	5.10	5.10	5.10	7.37	5.29	3.24	3.14	7.00	0.00
South Western Electricity Plc	0.00	2.82	7.83	7.31	7.31	7.31	7.31	7.31	7.31	7.31	7.31	7.31	7.31	7.49	6.48	6.39	6.24	6.00	0.00
Yorkshire Electricity Group Plc	0.00	1.05	1.27	1.96	1.96	1.96	1.96	1.96	1.96	1.96	1.96	1.96	1.96	1.96	9.07	6.69	10.57	10.34	6.00

In this Table B

- (a) period 1 means 1 April 1995 to 31 March 1996
- period 2 means 1 April 1996 to 31 March 1997
- period 3 means 1 April 1997 to 31 March 1998
- period 4 means 1 April 1998 to 31 March 1999
- period 5 means 1 April 1999 to 31 March 2000
- period 6 means 1 April 2000 to 31 March 2001
- period 7 means 1 April 2001 to 31 March 2002
- period 8 means 1 April 2002 to 31 March 2003
- period 9 means 1 April 2003 to 31 March 2004
- period 10 means 1 April 2004 to 31 March 2005
- period 11 means 1 April 2005 to 31 March 2006
- period 12 means 1 April 2006 to 31 March 2007
- period 13 means 1 April 2007 to 31 March 2008
- period 14 means 1 April 2008 to 31 March 2009
- period 15 means 1 April 2009 to 31 March 2010
- period 16 means 1 April 2010 to 31 March 2011
- period 17 means 1 April 2011 to 31 March 2012
- period 18 means 1 April 2012 to 31 March 2013
- period 19 means 1 April 2013 to 31 March 2014
- (b) capacity amounts are expressed in megawatts (MW).

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**TABLE C**  
**HYDRO GENERATING STATIONS**

Name of supplier	Period																		
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Eastern Group Plc	0.008	0.48	1.93	1.93	1.98	1.98	1.98	1.98	1.98	1.98	1.98	1.98	1.98	1.95	1.45	1.05	1.05	1.05	1.05
East Midlands Electricity Plc	0.005	0.31	1.26	1.26	1.30	1.30	1.30	1.30	1.30	1.30	1.30	1.30	1.30	1.28	0.95	0.43	0.43	0.43	0.43
London Electricity Plc	0.006	0.35	1.40	1.40	1.44	1.44	1.44	1.44	1.44	1.44	1.44	1.44	1.44	1.43	1.06	0.43	0.43	0.43	0.43
Manchester Plc	0.013	0.20	0.81	0.81	0.84	0.84	0.84	0.84	0.84	0.84	0.84	0.84	0.84	0.82	0.61	0.22	0.22	0.22	0.22
Midland Electricity Plc	0.036	0.34	1.36	1.36	1.40	1.40	1.40	1.40	1.40	1.40	1.40	1.40	1.40	1.38	1.02	0.43	0.43	0.43	0.43
North Electric Plc	0.003	0.18	0.74	0.74	0.76	0.76	0.76	0.76	0.76	0.76	0.76	0.76	0.76	0.75	0.56	0.20	0.20	0.20	0.20
NORTH Plc	0.005	0.29	1.18	1.18	1.21	1.21	1.21	1.21	1.21	1.21	1.21	1.21	1.21	1.20	0.89	0.43	0.43	0.43	0.43
SEEBOROUGH Plc	0.003	0.29	1.17	1.17	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.18	0.88	0.43	0.43	0.43	0.43

In this Table C

- (a) period 1 means 1 April 1995 to 31 March 1996
- period 2 means 1 April 1996 to 31 March 1997
- period 3 means 1 April 1997 to 31 March 1998
- period 4 means 1 April 1998 to 31 March 1999
- period 5 means 1 April 1999 to 31 March 2000
- period 6 means 1 April 2000 to 31 March 2001
- period 7 means 1 April 2001 to 31 March 2002
- period 8 means 1 April 2002 to 31 March 2003
- period 9 means 1 April 2003 to 31 March 2004
- period 10 means 1 April 2004 to 31 March 2005
- period 11 means 1 April 2005 to 31 March 2006
- period 12 means 1 April 2006 to 31 March 2007
- period 13 means 1 April 2007 to 31 March 2008
- period 14 means 1 April 2008 to 31 March 2009
- period 15 means 1 April 2009 to 31 March 2010
- period 16 means 1 April 2010 to 31 March 2011
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- period 19 means 1 April 2013 to 31 March 2014
- (b) capacity amounts are expressed in megawatts (MW).

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Name of supplier	Period																		
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
South Electric Plc	0.00	0.43	0.74	0.74	0.79	0.79	0.79	0.79	0.79	0.79	0.79	0.79	0.77	0.31	0.04	0.04	0.04	0.04	0.04
South Wales Electricity Plc	0.00	0.12	0.49	0.49	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.37	0.01	0.01	0.01	0.01
South Western Electricity Plc	0.00	0.20	0.80	0.80	0.82	0.82	0.82	0.82	0.82	0.82	0.82	0.82	0.82	0.81	0.60	0.02	0.02	0.02	0.02
Yorkshire Electricity Group Plc	0.00	0.28	1.15	1.15	1.18	1.18	1.18	1.18	1.18	1.18	1.18	1.18	1.17	0.86	0.03	0.03	0.03	0.03	0.03

In this Table C

- (a) period 1 means 1 April 1995 to 31 March 1996
- period 2 means 1 April 1996 to 31 March 1997
- period 3 means 1 April 1997 to 31 March 1998
- period 4 means 1 April 1998 to 31 March 1999
- period 5 means 1 April 1999 to 31 March 2000
- period 6 means 1 April 2000 to 31 March 2001
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- period 11 means 1 April 2005 to 31 March 2006
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- period 14 means 1 April 2008 to 31 March 2009
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- period 17 means 1 April 2011 to 31 March 2012
- period 18 means 1 April 2012 to 31 March 2013
- period 19 means 1 April 2013 to 31 March 2014
- (b) capacity amounts are expressed in megawatts (MW).

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**TABLE D**

**LANDFILL GAS GENERATING STATIONS**

Name of supplier	Period																				
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19		
Eastern Group Plc	0.40	0.74	1.00	0.13	0.41	0.82	1.19	1.83	1.98	3.19	3.90	5.04	8.99	7.96	7.30	7.01	1.25	2.25	0.19	0.00	0.00
East Midlands Electricity Plc	0.26	7.90	6.57	3.76	7.10	7.21	7.21	7.16	5.94	5.90	5.23	4.79	6.60	3.82	3.17	0.12	5.00	0.00	0.00	0.00	0.00
London Electricity Plc	0.29	7.44	7.30	4.52	7.89	8.01	7.01	7.01	7.96	6.60	5.56	5.81	5.32	5.11	7.91	4.18	0.13	0.00	0.00	0.00	0.00
Manchester Plc	0.17	2.15	4.23	6.36	4.58	4.65	4.65	4.61	7.83	8.80	8.37	6.09	2.96	3.53	0.11	0.08	0.00	0.00	0.00	0.00	0.00
Midlands Electricity Plc	0.28	8.28	7.08	4.29	7.66	7.77	7.77	7.72	6.40	7.36	8.63	7.16	9.96	3.88	0.18	3.13	5.00	0.00	0.00	0.00	0.00
North Electric Plc	0.15	2.88	6.87	7.98	6.18	6.24	6.24	6.24	9.21	8.50	8.48	6.08	2.82	2.71	2.48	4.10	0.07	4.00	0.00	0.00	0.00
NORWICH Plc	0.41	1.57	4.13	5.31	6.63	5.73	4.73	4.68	6.54	8.51	4.88	4.47	6.29	3.76	0.15	0.11	0.00	0.00	0.00	0.00	0.00
SEEBOROUGH Plc	0.04	1.19	6.06	2.24	2.55	6.65	4.65	4.60	7.48	5.44	9.82	3.42	3.24	7.75	0.15	7.11	5.00	0.00	0.00	0.00	0.00

In this Table D

- (a) period 1 means 1 April 1995 to 31 March 1996
- period 2 means 1 April 1996 to 31 March 1997
- period 3 means 1 April 1997 to 31 March 1998
- period 4 means 1 April 1998 to 31 March 1999
- period 5 means 1 April 1999 to 31 March 2000
- period 6 means 1 April 2000 to 31 March 2001
- period 7 means 1 April 2001 to 31 March 2002
- period 8 means 1 April 2002 to 31 March 2003
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- period 19 means 1 April 2013 to 31 March 2014
- (b) capacity amounts are expressed in megawatts (MW).

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Name of supplier	Period																		
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
South Electric Plc	0.36	0.75	2.05	0.32	0.79	4.94	1.94	1.94	1.87	0.19	0.14	7.20	6.60	7.34	5.13	3.23	4.17	0.00	0.00
South Wales Electricity Plc	0.10	4.90	2.55	2.63	2.76	2.80	2.80	2.80	2.78	2.31	2.29	2.03	4.86	5.79	10.32	0.06	0.04	0.00	0.00
South Western Electricity Plc	0.16	3.10	4.16	3.28	7.50	2.56	4.56	4.56	4.53	7.76	3.74	3.31	2.03	2.91	7.52	10.10	0.07	0.00	0.00
Yorkshire Electricity Group Plc	0.24	4.46	5.98	6.16	7.47	7.57	6.57	6.52	7.41	6.38	4.76	4.36	4.19	0.74	0.15	0.11	0.00	0.00	0.00

In this Table D

- (a) period 1 means 1 April 1995 to 31 March 1996
- period 2 means 1 April 1996 to 31 March 1997
- period 3 means 1 April 1997 to 31 March 1998
- period 4 means 1 April 1998 to 31 March 1999
- period 5 means 1 April 1999 to 31 March 2000
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- period 17 means 1 April 2011 to 31 March 2012
- period 18 means 1 April 2012 to 31 March 2013
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- (b) capacity amounts are expressed in megawatts (MW).

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**TABLE E**  
MUNICIPAL AND INDUSTRIAL WASTE GENERATING STATIONS

Name of supplier	Period																		
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Eastern Group Plc	0.000	0.000	1.928	2.943	3.136	3.136	3.136	3.136	3.136	3.136	3.136	3.136	3.136	3.136	3.136	3.136	3.136	3.136	3.136
East Midlands Electricity Plc	0.000	0.008	4.937	1.700	2.768	2.768	2.768	2.768	2.768	2.768	2.768	2.768	2.768	2.768	2.768	2.768	2.768	2.768	2.768
London Electricity Plc	0.000	0.009	4.361	1.667	2.187	2.187	2.187	2.187	2.187	2.187	2.187	2.187	2.187	2.187	2.187	2.187	2.187	2.187	2.187
Manchester Plc	0.000	0.005	4.731	1.407	1.028	1.028	1.028	1.028	1.028	1.028	1.028	1.028	1.028	1.028	1.028	1.028	1.028	1.028	1.028
Midland Electricity Plc	0.000	0.009	1.531	1.077	2.461	2.461	2.461	2.461	2.461	2.461	2.461	2.461	2.461	2.461	2.461	2.461	2.461	2.461	2.461
North Electric Plc	0.000	0.005	0.001	4.231	2.181	2.181	2.181	2.181	2.181	2.181	2.181	2.181	2.181	2.181	2.181	2.181	2.181	2.181	2.181
NORWICH Plc	0.000	0.007	9.276	1.520	2.317	2.317	2.317	2.317	2.317	2.317	2.317	2.317	2.317	2.317	2.317	2.317	2.317	2.317	2.317
SEEBOROUGH Plc	0.000	0.007	8.321	1.323	2.073	2.073	2.073	2.073	2.073	2.073	2.073	2.073	2.073	2.073	2.073	2.073	2.073	2.073	2.073

In this Table E

- (a) period 1 means 1 April 1995 to 31 March 1996
- period 2 means 1 April 1996 to 31 March 1997
- period 3 means 1 April 1997 to 31 March 1998
- period 4 means 1 April 1998 to 31 March 1999
- period 5 means 1 April 1999 to 31 March 2000
- period 6 means 1 April 2000 to 31 March 2001
- period 7 means 1 April 2001 to 31 March 2002
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- period 17 means 1 April 2011 to 31 March 2012
- period 18 means 1 April 2012 to 31 March 2013
- period 19 means 1 April 2013 to 31 March 2014
- (b) capacity amounts are expressed in megawatts (MW).

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Name of supplier	Period																			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	
South Electric Plc	0.000	0.000	1.170	1.238	0.299	0.299	0.299	0.299	0.299	0.299	0.299	0.299	0.299	0.299	0.299	1.290	0.605	0.699	0.451	
South Wales Electricity Plc	0.000	0.000	0.303	0.883	0.463	0.463	0.463	0.463	0.463	0.463	0.463	0.463	0.463	0.463	0.463	0.463	5.163	1.580	0.480	0.410
South Western Electricity Plc	0.000	0.000	0.379	1.210	0.178	0.178	0.178	0.178	0.178	0.178	0.178	0.178	0.178	0.178	0.178	0.178	0.178	0.178	0.178	0.178
Yorkshire Electricity Group Plc	0.000	0.000	0.738	1.127	0.183	0.183	0.183	0.183	0.183	0.183	0.183	0.183	0.183	0.183	0.183	0.183	0.183	0.183	0.183	0.183

In this Table E

- (a) period 1 means 1 April 1995 to 31 March 1996
- period 2 means 1 April 1996 to 31 March 1997
- period 3 means 1 April 1997 to 31 March 1998
- period 4 means 1 April 1998 to 31 March 1999
- period 5 means 1 April 1999 to 31 March 2000
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- period 18 means 1 April 2012 to 31 March 2013
- period 19 means 1 April 2013 to 31 March 2014
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**TABLE F**  
**BIOMASS GENERATING STATIONS**

Name of supplier	Period																		
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Eastern Group Plc	0.04	0.04	0.97	4.42	14.22	14.22	14.22	14.22	14.22	14.22	14.22	14.22	14.18	0.18	0.24	7.24	7.24	7.24	0.00
East Midlands Electricity Plc	0.02	0.02	7.55	2.34	2.34	2.34	2.34	2.34	2.34	2.34	2.34	2.34	2.34	2.31	2.31	2.79	2.79	2.79	0.00
London Electricity Plc	0.03	0.03	7.28	11.38	11.38	11.38	11.38	11.38	11.38	11.38	11.38	11.38	11.38	11.35	11.35	11.03	11.03	11.03	0.00
Manchester Plc	0.01	7.22	3.02	6.02	6.02	6.02	6.02	6.02	6.02	6.02	6.02	6.02	6.02	6.00	3.79	8.79	8.79	8.79	0.00
Midland Electricity Plc	0.02	9.02	7.06	21.06	19.06	19.06	19.06	19.06	19.06	19.06	19.06	19.06	19.06	19.04	10.04	007.00	7.00	7.00	0.00
North Electric Plc	0.01	6.85	5.50	25.50	25.50	25.50	25.50	25.50	25.50	25.50	25.50	25.50	25.50	25.48	6.48	6.64	3.64	3.64	0.00
NORWICH Plc	0.02	3.11	8.72	8.72	8.72	8.72	8.72	8.72	8.72	8.72	8.72	8.72	8.72	8.69	8.69	2.60	2.60	2.60	0.00
SEEBOROUGH Plc	0.02	3.04	3.61	8.61	8.61	8.61	8.61	8.61	8.61	8.61	8.61	8.61	8.61	8.59	8.59	2.57	2.57	2.57	0.00

In this Table F

- (a) period 1 means 1 April 1995 to 31 March 1996
- period 2 means 1 April 1996 to 31 March 1997
- period 3 means 1 April 1997 to 31 March 1998
- period 4 means 1 April 1998 to 31 March 1999
- period 5 means 1 April 1999 to 31 March 2000
- period 6 means 1 April 2000 to 31 March 2001
- period 7 means 1 April 2001 to 31 March 2002
- period 8 means 1 April 2002 to 31 March 2003
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- period 19 means 1 April 2013 to 31 March 2014
- (b) capacity amounts are expressed in megawatts (MW).

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Name of supplier	Period																		
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
South Electric Plc	10.03	7.03	7.02	8.2	8.7	2.8	7.2	8.7	2.8	7.2	8.7	2.8	7.2	8.7	2.8	7.2	8.7	2.8	7.2
South Wales Electricity Plc	10.01	10.01	12.54	8.63	3.63	3.63	3.63	3.63	3.63	3.63	3.63	3.63	3.63	3.62	3.62	3.08	5.08	5.08	3.00
South Western Electricity Plc	10.01	7.01	7.15	6.91	7.91	7.91	7.91	7.91	7.91	7.91	7.91	7.91	7.91	7.90	6.90	1.76	7.76	7.76	7.00
York Electricity Group Plc	10.02	5.02	5.97	6.51	8.51	8.51	8.51	8.51	8.51	8.51	8.51	8.51	8.51	8.48	7.48	2.54	2.54	2.54	2.00

In this Table F

- (a) period 1 means 1 April 1995 to 31 March 1996
- period 2 means 1 April 1996 to 31 March 1997
- period 3 means 1 April 1997 to 31 March 1998
- period 4 means 1 April 1998 to 31 March 1999
- period 5 means 1 April 1999 to 31 March 2000
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- period 17 means 1 April 2011 to 31 March 2012
- period 18 means 1 April 2012 to 31 March 2013
- period 19 means 1 April 2013 to 31 March 2014
- (b) capacity amounts are expressed in megawatts (MW).

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**TABLE G**  
**BIOMASS GPC GENERATING STATIONS**

Name of supplier	Period																		
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Eastern Group Plc	0.000	0.000	0.752	2.612	2.612	2.612	2.612	2.612	2.612	2.612	2.612	2.612	2.612	2.612	2.612	11.853	1.447	0.757	0.000
East Midlands Electricity Plc	0.000	0.000	0.498	1.715	1.715	1.715	1.715	1.715	1.715	1.715	1.715	1.715	1.715	1.715	1.715	1.218	0.950	0.498	0.000
London Electricity Plc	0.000	0.000	0.553	1.906	1.906	1.906	1.906	1.906	1.906	1.906	1.906	1.906	1.906	1.906	1.906	1.353	0.056	0.553	0.000
Manchester Plc	0.000	0.000	0.321	1.105	1.105	1.105	1.105	1.105	1.105	1.105	1.105	1.105	1.105	1.105	1.105	0.783	0.612	0.321	0.000
Midland Electricity Plc	0.000	0.000	0.536	1.848	1.848	1.848	1.848	1.848	1.848	1.848	1.848	1.848	1.848	1.848	1.848	1.312	0.024	0.536	0.000
North Electric Plc	0.000	0.000	0.293	1.014	1.014	1.014	1.014	1.014	1.014	1.014	1.014	1.014	1.014	1.014	1.014	0.717	0.560	0.293	0.000
NORWICH Plc	0.000	0.000	0.464	1.601	1.601	1.601	1.601	1.601	1.601	1.601	1.601	1.601	1.601	1.601	1.601	1.136	0.887	0.464	0.000
SEEBOROUGH Plc	0.000	0.000	0.459	1.582	1.582	1.582	1.582	1.582	1.582	1.582	1.582	1.582	1.582	1.582	1.582	1.123	0.876	0.459	0.000

In this Table G

- (a) period 1 means 1 April 1995 to 31 March 1996
- period 2 means 1 April 1996 to 31 March 1997
- period 3 means 1 April 1997 to 31 March 1998
- period 4 means 1 April 1998 to 31 March 1999
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Name of supplier	Period																		
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
South Electric Plc	0.000	0.000	0.682	2.362	2.362	2.362	2.362	2.362	2.362	2.362	2.362	2.362	2.362	2.362	2.362	2.362	2.362	2.362	2.362
South Wales Electricity Plc	0.000	0.000	1.193	0.667	0.667	0.667	0.667	0.667	0.667	0.667	0.667	0.667	0.667	0.667	0.667	0.667	0.667	0.473	0.193
South Western Electricity Plc	0.000	0.000	0.315	0.086	0.086	0.086	0.086	0.086	0.086	0.086	0.086	0.086	0.086	0.086	0.086	0.086	0.086	0.770	0.602
Yorkshire Electricity Group Plc	0.000	0.000	0.453	0.563	0.563	0.563	0.563	0.563	0.563	0.563	0.563	0.563	0.563	0.563	0.563	0.563	0.563	1.109	0.860

In this Table G

- (a) period 1 means 1 April 1995 to 31 March 1996
- period 2 means 1 April 1996 to 31 March 1997
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- period 16 means 1 April 2010 to 31 March 2011
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- period 19 means 1 April 2013 to 31 March 2014
- (b) capacity amounts are expressed in megawatts (MW).

SCHEDULE 2

Article 3(1)

CONDITIONS PRECEDENT

The requirements referred to in article 3(1)(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 has entered into, and there has come into force, a connection agreement;

(4) that the operator 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 has become a party to the pooling and settlement agreement;

(6) that the commissioning process has been satisfactorily completed.

### SCHEDULE 3

Article 3(2)

#### TERMINATION EVENTS

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

(1) the operator 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 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 (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.

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#### 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 January 1995.

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 industrial waste or biomass)

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specified in the headings to the Tables and falling within the description of such stations specified in Article 2(2). 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 I 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.

A compliance cost assessment has been prepared, a copy of which has been placed in the library of each House of Parliament. Copies of the assessment may be obtained free of charge by postal application to the Department of Trade and Industry Palace Street Library, Room 2, LG. 4, 1 Palace Street, London SW1E 5HE.