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STATUTORY INSTRUMENTS

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**1997 No. 1185**

**DEREGULATION**

**The Deregulation (Non-Fossil Fuel) Order 1997**

*Made* - - - - - *25th March 1997*

*Coming into force* - - - - - *22nd April 1997*

Whereas:

- (a) the Secretary of State is of the opinion that a certain provision of the Electricity Act 1989<sup>(1)</sup> which is the subject of this Order imposes a burden affecting persons in the carrying on of a trade, business, profession or otherwise and that by amending the provision concerned it is possible to remove the burden without removing any necessary protection;
- (b) he has consulted such organisations as appear to him to be representative of interests substantially affected by his proposals and such other persons as he considers appropriate;
- (c) it appears to the Secretary of State that it is appropriate, following the consultation, to proceed with the making of this Order;
- (d) a document setting out the Secretary of State's proposals has been laid before Parliament as required by section 3 of the Deregulation and Contracting Out Act 1994<sup>(2)</sup> and the period for Parliamentary consideration under section 4 of that Act has expired;
- (e) a draft of this Order has been laid before Parliament and has been approved by resolution of each House of Parliament.

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by section 1 of the Deregulation and Contracting Out Act 1994, hereby makes the following Order:—

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Deregulation (Non-Fossil Fuel) Order 1997 and shall come into force 28 days after the day on which it is made.

(2) This Order does not extend to Northern Ireland.

**Amendment of the Electricity Act 1989**

2.—(1) In section 33 of the Electricity Act 1989 (fossil fuel levy), after subsection (7) insert—

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(1) 1989 c. 29.  
(2) 1994 c. 40.

“(7A) In this section, references to qualifying arrangements, in relation to a public electricity supplier, are to any arrangements in relation to which each of the following is the case—

- (a) the supplier has produced evidence of the making of them to the Director in pursuance of an order under section 32 above;
- (b) they were made jointly with one or more other public electricity suppliers or are arrangements for isolated supply; and
- (c) they satisfy such other requirements as may be prescribed.

(7B) For the purposes of subsection (7A)(b) above, arrangements are for isolated supply if the electricity generated in pursuance of them is supplied only over a system of electric lines and electrical plant which—

- (a) is operated by a public electricity supplier,
- (b) is located on an island, and
- (c) is not connected directly or indirectly to any system operated by another public electricity supplier.”.

(2) In consequence of the amendment made by paragraph (1) above, the definition of “qualifying arrangements” in subsection (8) of that section is hereby repealed.

25th March 1997

*Fraser of Carmyllie,*  
Minister for Energy,  
Department of Trade and Industry

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

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## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends section 33(8) of the Electricity Act 1989 to add a new class of qualifying arrangements under that section. It provides that arrangements which are not made jointly can qualify where the electricity is supplied over an isolated system.