

2001 No. 3642

ELECTRICITY, ENGLAND AND WALES

**The Electricity Act 1989 (Requirement of Consent for
Offshore Wind and Water Driven Generating Stations)
(England and Wales) Order 2001**

Made - - - - - 7th November 2001

Laid before Parliament 9th November 2001

Coming into force - - 1st December 2001

The Secretary of State, in exercise of the powers conferred on her by sections 36(2) and (3) and 111(2) of the Electricity Act 1989(a), hereby makes the following Order:—

1. This Order may be cited as the Electricity Act 1989 (Requirement of Consent for Offshore Wind and Water Driven Generating Stations) (England and Wales) Order 2001, shall extend to England and Wales only and shall come into force on 1st December 2001.

2.—(1) In the case of generating stations which are wholly or mainly driven by wind or water and are situated in waters within or adjacent to England and Wales (provided that the waters are not within an area in which development requires planning permission under the Town and Country Planning Act 1990(b)) up to the seaward limits of the territorial sea, 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 one megawatt.

(2) In this article the expressions “development” and “planning permission” bear the same meanings as in the Town and Country Planning Act 1990.

7th November 2001

Patricia Hewitt
Secretary of State for Trade and Industry,
Department of Trade and Industry

(a) 1989 c. 29.
(b) 1990 c. 8.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 36 of the Electricity Act 1989 (c. 29) provides that a generating station with a capacity of more than 50 megawatts (“the permitted capacity”) shall not be constructed, extended or operated except in accordance with a consent granted by the Secretary of State. Under section 36 the Secretary of State may by order alter the permitted capacity. This Order reduces the permitted capacity to one megawatt in the case of offshore generating stations wholly or mainly driven by wind or water.

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