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STATUTORY INSTRUMENTS

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**2003 No. 2380**

**ELECTRICITY, ENGLAND AND WALES**

**The Electricity (Exemption from the Requirement for a  
Generation Licence) (England and Wales) Order 2003**

<i>Made</i>	- - - -	<i>12th September 2003</i>
<i>Laid before Parliament</i>		<i>16th September 2003</i>
<i>Coming into force</i>	- -	<i>8th October 2003</i>

The Secretary of State, in exercise of the powers conferred on her by section 5 of the Electricity Act 1989(1) and after giving notice under and considering any representations in accordance with section 5(2) of that Act, hereby makes the following Order—

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Electricity (Exemption from the Requirement for a Generation Licence) (England and Wales) Order 2003 and shall come into force on 8th October 2003.

(2) This Order does not extend to Scotland.

**Interpretation**

2. In this Order—

“the Act” means the Electricity Act 1989;

“licensed generator” means the holder of a licence under section 6(1)(a)(2) of the Act;

“licensed transmitter” means the holder of a licence under section 6(1)(b) of the Act;

“National Wind Power” means NWP Offshore Limited registered in England and Wales with number 2904841;

“North Hoyle generation station” means the offshore wind farm known as North Hoyle Offshore Wind Farm situated in the Irish Sea approximately 7 kilometres from Rhyl, Wales; and

“total system” means the transmission system in England and Wales of the licensed transmitter and all distribution systems in England and Wales.

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(1) 1989 c. 29; section 5 was substituted by section 29 of the Utilities Act 2000 (c. 27).

(2) Section 6 was substituted by section 30 of the Utilities Act 2000.

**Exemption from section 4(1)(a) of the Act**

3. Exemption is granted from section 4(1)(a) of the Act to National Wind Power in respect of the North Hoyle generating station.

**Conditions on exemption**

4.—(1) The exemption granted by article 3 to National Wind Power is subject to compliance with the conditions specified in paragraph (2) below.

- (a) (2) (a) National Wind Power is not a licensed generator.
- (b) The North Hoyle generating station is connected to the total system and is not normally capable of exporting more electrical power than 100 megawatts to the total system, disregarding power temporarily provided in excess of 100 megawatts due to technical circumstances outside the reasonable control of National Wind Power.

*Stephen Timms*  
Minister of State for Energy, E-Commerce and  
Postal Services,  
Department of Trade and Industry

12th September 2003

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## EXPLANATORY NOTE

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

This Order grants an exemption from the requirements of section 4(1) of the Electricity Act 1989 (which prohibits the generation of electricity without a licence or exemption) to NWP Offshore Limited in respect of the plant known as North Hoyle Offshore Wind Farm. The Order does not extend to Scotland.

A regulatory impact assessment in respect of exemptions from the requirements of section 4(1)(a) of the Electricity Act 1989 was prepared in October 2001 and can be obtained from Energy Markets Unit, Bay 226, Department of Trade and Industry, 1 Victoria Street, London SW1H 0ET. Copies have been placed in the libraries of both Houses of Parliament.