

2010 No. 1908 (S. 4)

LOCAL GOVERNMENT, SCOTLAND

**The Sale of Electricity by Local Authorities (Scotland)
Regulations 2010**

<i>Made</i> - - - -	<i>26th July 2010</i>
<i>Laid before Parliament</i>	<i>27th July 2010</i>
<i>Coming into force</i> - -	<i>18th August 2010</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 170A(3)(a) of the Local Government (Scotland) Act 1973(b).

Citation and commencement

1. These Regulations may be cited as the Sale of Electricity by Local Authorities (Scotland) Regulations 2010 and come into force on 18th August 2010.

Exception from the restriction on selling electricity in section 170A(3) of the Local Government (Scotland) Act 1973

2. For the purpose of section 170A(3) of the Local Government (Scotland) Act 1973, a local authority shall be entitled to sell electricity produced from the following sources—

- (a) wind;
- (b) solar;
- (c) aerothermal;
- (d) geothermal;
- (e) hydrothermal and ocean energy;
- (f) hydropower;
- (g) biomass;
- (h) landfill gas;
- (i) sewage treatment plant gas; and
- (j) biogases.

26th July 2010

Chris Huhne
Secretary of State,
Department of Energy and Climate Change

(a) See section 235 for the definition of “prescribed”.
(b) 1973 c.65.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Pursuant to section 170A(1) and (3) of the Local Government (Scotland) Act 1973 local authorities in Scotland are only entitled to sell electricity produced in association with heat and waste unless regulations provide otherwise. These Regulations provide that local authorities in Scotland can also sell electricity which is produced from the following renewable sources: wind, solar, aerothermal, geothermal, hydrothermal and ocean energy, hydropower, biomass, landfill gas, sewage treatment plant gas, and biogases.

In accordance with section 170A(2) of the Local Government (Scotland) Act 1973, local authorities in Scotland remain subject to the requirements of Part I of the Electricity Act 1989 (1989 c.29).

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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