

**2013 No. 1011**

**ELECTRICITY**

**The Electricity (Exemption from the Requirement for a  
Generation Licence) (Baillie) Order 2013**

<i>Made</i> - - - -	<i>25th April 2013</i>
<i>Laid before Parliament</i>	<i>30th April 2013</i>
<i>Coming into force</i> - -	<i>27th May 2013</i>

The Secretary of State, after consultation with the Scottish Ministers(a), makes the following Order in exercise of the powers conferred by section 5 of the Electricity Act 1989(b).

The Secretary of State has given notice of the proposal to make this Order in accordance with section 5(2) and (3) of that Act. No representations in respect of the proposal have been made.

**Citation and commencement**

1. This Order may be cited as the Electricity (Exemption from the Requirement for a Generation Licence) (Baillie) Order 2013 and comes into force on 27th May 2013.

**Interpretation**

2. In this Order—

“the Act” means the Electricity Act 1989;

“the company” means Baillie Windfarm Limited, a company registered in Scotland with company number SC256692;

“the generating station” means the Baillie onshore wind farm, an electricity generating station whose entrance is located at Ordnance Survey map reference ND 0336 6421, near Thurso in Caithness, Scotland;

“the total system” means all transmission systems and distribution systems, located in Great Britain, of holders of licences under section 6(1)(b) and (c) of the Act(c) (transmission and distribution licences).

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

3.—(1) Subject to paragraph (2), the company is granted exemption from section 4(1)(a) of the Act (prohibition of unlicensed generation of electricity for supply) in respect of the generating station.

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(a) S.I. 1990/1750; article 4 and Schedule 3 provide that functions under section 5(1) of the Act are, in so far as they are exercisable in or as regards Scotland, only exercisable after consultation with the Scottish Ministers.  
(b) 1989 c.29. Section 5 was substituted by section 29 of the Utilities Act 2000 (c.27).  
(c) Section 6 was substituted by section 30 of the Utilities Act 2000.

(2) The exemption granted in paragraph (1) is subject to compliance with the following conditions—

- (a) that the generating station is connected to the total system;
- (b) that, except in circumstances outside the reasonable control of the company, the generating station does not export more than 100 megawatts of electrical power to the total system; and
- (c) that the company does not hold a licence under section 6(1)(a) of the Act.

25th April 2013

*Michael Fallon*  
Minister of State  
Department of Energy and Climate Change

### **EXPLANATORY NOTE**

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

This Order grants exemption from the requirements of section 4(1)(a) of the Electricity Act 1989 (which prohibits the generation of electricity for supply to any premises without a licence) to Baillie Windfarm Limited in relation to the Baillie onshore wind farm, an electricity generating station whose entrance is located at Ordnance Survey map reference ND 0336 6421, near Thurso in Caithness, 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 2001 and can be obtained from the Department of Energy and Climate Change, Energy Markets Unit, 4th Floor, 3 Whitehall Place, London, SW1A 2AW. Copies have been placed in the libraries of both Houses of Parliament.

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