

---

STATUTORY INSTRUMENTS

---

**2016 No. 602**

**The Energy Act 2016 (Commencement No. 1  
and Savings Provisions) Regulations 2016**

**Savings**

- 4.—(1) The coming into force of section 78 does not affect the continuing application of—
- (a) section 36(1) of the Electricity Act 1989 (“the 1989 Act”)(1),
  - (b) section 36C of the 1989 Act (variation of consents under section 36)(2), and
  - (c) section 90 of the Town and Country Planning Act 1990(3) (deemed planning permission),
- in the case of an onshore wind generating station in respect of which Condition 1 or Condition 2 is satisfied.
- (2) Condition 1 is that consent under section 36(1) of the 1989 Act was granted before 1st March 2016.
- (3) Condition 2 is that—
- (a) an application for consent under section 36(1) of the 1989 Act was refused before 1st March 2016; and
  - (b) that decision is quashed by order of a court.

---

(1) 1989 c. 29. Relevant amendments to section 36 were made by: the Planning Act 2008 (c. 29) (Schedule 2, paragraphs 31, 32(1) to (3)); the Marine and Coastal Access Act 2009 (c. 23) (section 12(7)(a), (8)); and the Energy Act 2004 (c. 20) (sections 93(1) and (3)).

(2) Section 36C was inserted into the Electricity Act 1989 (c. 29) by the Growth and Infrastructure Act 2013 (c. 27) (section 20).

(3) 1990 c. 8. Relevant amendments to section 90 were made by: the Growth and Infrastructure Act 2013 (c. 27) (section 21); the Environment Act 1995 (c. 25) (Schedule 10, paragraph 32(4)).