

SCHEDULE 4

Protection of UK-wide Interests

PART 4

Electricity infrastructure payments

Interpretation

25.—(1) In this Part—

“agreement” means an agreement between the manager and a relevant person which grants rights to that person—

- (a) in, under or over any part of the Scottish foreshore, Scottish coastal waters or the Scottish zone, and
- (b) in connection with the transmission or distribution of electricity, or participation in the operation of an electricity interconnector;

“appropriate person” means—

- (a) such person as the Treasury and the Scottish Ministers may agree, or
- (b) if no person is agreed, such person as may be nominated, on the joint application of the Treasury and the Scottish Ministers, by the Royal Institution of Chartered Surveyors;

“market value”, in relation to an agreement, means the best consideration in money or money’s worth which can reasonably be obtained, having regard to all the circumstances of the case but ignoring for that purpose any element of monopoly value which may exist;

“payment” means—

- (a) a payment which is first required on or after the transfer date, or
- (b) an increase in a payment which takes effect on or after the transfer date regardless of when the payment was first required;

“relevant person” means a person who—

- (a) is required to have a licence by virtue of paragraph (b), (bb), or (d) of section 4(1) of the Electricity Act 1989⁽¹⁾, or
- (b) would be so required but for an exemption under section 5 of that Act; and

“territorial sea” means the UK territorial sea but does not include any part of Scotland.

(2) Terms used in this Part which are also used in Part 1 of the Electricity Act 1989 have the same meaning as in that Act.

(1) 1989 c.29; paragraph (bb) of section 4(1) was inserted by section 28(2) of the Utilities Act 2000 (c.27) and paragraphs (b) and (d) of that section were inserted respectively by sections 135(2) and 145(2) of the Energy act 2004 (c.20).