
STATUTORY INSTRUMENTS

2021 No. 510

ELECTRICITY

The Electricity (Individual Exemption from
the Requirement for a Generation Licence)
(Kype Muir Extension Wind Farm) Order 2021

<i>Made</i>	- - - -	<i>27th April 2021</i>
<i>Laid before Parliament</i>		<i>28th April 2021</i>
<i>Coming into force</i>	- -	<i>20th May 2021</i>

The Secretary of State makes the following Order in exercise of the powers conferred by section 5(1) of the Electricity Act 1989(1).

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

Citation, commencement and extent

1.—(1) This Order may be cited as the Electricity (Individual Exemption from the Requirement for a Generation Licence) (Kype Muir Extension Wind Farm) Order 2021 and comes into force on 20th May 2021.

(2) This Order extends to England and Wales and Scotland.

Interpretation

2. In this Order—

“the Act” means the Electricity Act 1989;

“Banks Renewables (Harting Rig Wind Farm) Limited” means the company of that name registered in England and Wales with company number 08791006;

“Kype Muir Extension Wind Farm” means the electricity generating station known as Kype Muir Extension Wind Farm, south of Strathaven in Lanarkshire, Scotland, whose entrance is situated at Ordnance Survey map reference NS710378;

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

(2) Under article 4 of, and Schedule 3 to, the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (S.I. 1999/1750), functions under section 5(1) of the Electricity Act 1989 are, in so far as they are exercisable in or as regards Scotland, only exercisable after consultation with the Scottish Ministers.

“the total system” means all transmission systems and distribution systems, located in Great Britain, of holders of licenses under section 6(1)(b) and (c) of the Act(3).

Exemptions from prohibition of unlicensed generation of electricity for supply

3. Exemption is granted from section 4(1)(a) of the Act (prohibition of unlicensed generation of electricity for supply) to Banks Renewables (Harting Rig Wind Farm) Limited in respect of Kype Muir Extension Wind Farm.

Conditions on exemption

4. The exemption granted by article 3 of this Order is subject to compliance with the following conditions—

- (a) Kype Muir Extension Wind Farm is connected to the total system;
- (b) Kype Muir Extension Wind Farm does not export more than 100 megawatts of electrical power to the total system, except in circumstances outside the reasonable control of Banks Renewables (Harting Rig Wind Farm) Limited; and
- (c) Banks Renewables (Harting Rig Wind Farm) Limited does not hold a licence under section 6(1)(a) of the Act in relation to Kype Muir Extension Wind Farm.

Anne-Marie Trevelyan

Minister of State

Department for Business, Energy and Industrial
Strategy

27th April 2021

(3) Section 6 was substituted by section 30 of the Utilities Act 2000 and section 6(1)(b) was further substituted by section 136(1) of the Energy Act 2004 (c. 20).

EXPLANATORY NOTE

(This note is not part of the Order)

Article 3 of this Order grants an 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) in relation to an electricity generating station in Great Britain. Banks Renewables (Harting Rig Wind Farm) Limited is granted an exemption in respect of Kype Muir Extension Wind Farm, an electricity generating station whose entrance is situated at Ordnance Survey map reference NS710378, south of Strathaven in Lanarkshire, 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 for Business, Energy and Industrial Strategy, Wholesale Energy Markets Division, Abbey, 3rd Floor, 1 Victoria Street, London SW1H 0ET. Copies have been placed in the libraries of both Houses of Parliament.