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STATUTORY INSTRUMENTS

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**2023 No. 981**

**ELECTRICITY, SCOTLAND**

**The Electricity (Individual Exemption from the Requirement for a Transmission Licence) (Moray East) (Scotland) Order 2023**

*Made* - - - - *7th September 2023*  
*Laid before Parliament* *11th September 2023*  
*Coming into force* - - *9th October 2023*

The Secretary of State makes this 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 section 5(2) and (3) of that Act and has consulted with the Scottish Ministers(2), and has considered any representations made.

**Citation, commencement, extent and application**

1.—(1) This Order may be cited as the Electricity (Individual Exemption from the Requirement for a Transmission Licence) (Moray East) (Scotland) Order 2023 and comes into force on 9th October 2023.

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

(3) This Order applies in relation to Scotland only.

**Exemption from section 4(1)(b) of the Electricity Act 1989**

2.—(1) The Secretary of State grants exemption from section 4(1)(b) of the Act (prohibition on unlicensed transmission of electricity for supply) to Moray Offshore Windfarm (East) Limited in respect of transmission(3) taking place over the transmission system(4) connected to the Moray East Offshore Wind Farm.

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(1) 1989 c. 29; section 5 was substituted by section 29 of the Utilities Act 2000 (c. 27) and amended by section 145(1) and (4) of the Energy Act 2004 (c. 20), S.I. 2012/2400 and S.I. 2014/631.

(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 (the “1989 Act”) are, in so far as they are exercisable in or as regards Scotland, only exercisable after consultation with the Scottish Ministers.

(3) For the meaning of “transmission”, see section 4(4) of the 1989 Act.

(4) For the meaning of “transmission system”, see section 4(4) of the 1989 Act.

(2) The exemption in paragraph (1) of this article applies for the period beginning with 9th October 2023 and ending with the earlier of—

- (a) the day after the day on which the transmission system connected to Moray East Offshore Wind Farm is transferred to a successful bidder;
- (b) 31st March 2024.

(3) In this article—

- (a) “the Act” means the Electricity Act 1989;
- (b) Moray East Offshore Wind Farm means the generating station located in the Moray Firth, in the Northeast of Scotland with its central point being approximately Latitude 58°10'01” and Longitude 2°41'55”;
- (c) Moray Offshore Windfarm (East) Limited means Moray Offshore Windfarm (East) Limited, a company registered in England and Wales with company number 07101438;
- (d) “successful bidder” means, in relation to the transfer of a transmission system, a person to whom, as a result of a tender exercise, an offshore transmission licence within the meaning of section 6C(5)(5) of the Act (competitive tenders for offshore transmission licences) has been or is to be granted in respect of that transmission system.

7th September 2023

*Andrew Bowie*  
Minister for Nuclear and Networks  
Department for Energy Security and Net Zero

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(5) Section 6C was inserted by section 92 of the Energy Act 2004.

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## EXPLANATORY NOTE

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

This Order grants exemption from the requirement to hold an electricity transmission licence.

Section 4(1)(b) of the Electricity Act 1989 (c. 29) prohibits the transmission of electricity for supply without a licence. The Secretary of State, exercising the powers under section 5(1) of the Electricity Act 1989, grants a time limited exemption from the requirement to hold a transmission licence to Moray Offshore Windfarm (East) Limited in respect of the Moray East Offshore Wind Farm.

A full impact assessment has not been produced for this instrument as it is a temporary measure. No, or no significant, impact on the private, voluntary or public sector is foreseen.