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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 264**

**The Overhead Lines (Exemption) (Scotland) Regulations 2013**

**Exemptions from section 37(1) of the Act**

3.—(1) Subject to paragraphs (2) and (3) and regulation 6(2), section 37(1) of the Act shall not apply in relation to the installation or keeping installed of—

- (a) an electric line which—
  - (i) connects an electric line installed below ground with apparatus mounted on a pole or structure; and
  - (ii) is attached to the pole or structure throughout its length except where it passes through a fuse or other apparatus;
- (b) a wire or cable (including its casing or coating) which—
  - (i) forms part of electronic communications apparatus (within the meaning given to that expression by paragraph 1 of Schedule 2 to the Telecommunications Act 1984<sup>(1)</sup>); and
  - (ii) is supported, or carried by, or suspended from the supports for an existing line;
- (c) an electric line—
  - (i) which connects two points on an existing line which are no further apart than the maximum distance so as to provide a diversion for the existing line;
  - (ii) is installed for a period not exceeding six months; and
  - (iii) no part of which is within a protected area;
- (d) an electric line attached to a building (other than a scheduled monument, listed building or building in a conservation area) where the building in question crosses a road, railway or watercourse and its principal purpose is not the support of the electric line;
- (e) an electric line—
  - (i) which replaces an existing line (whether or not it is installed in the same position as the existing line in question); and
  - (ii) no part of which is within a protected area; or
- (f) one or more additional poles or structures to support an existing line.

(2) The exemptions in paragraphs (1)(e) and (f) are subject to limitations set out in regulation 4.

(3) The exemptions in paragraphs (1)(c), (e) and (f) are subject to the provisions of regulation 5.

(4) In this regulation—

“building” includes structure;

“conservation area” means an area designated under section 61 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997<sup>(2)</sup> and “listed building” has the same meaning as in section 1(4) of that Act;

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(1) 1984 c.12 as amended by paragraph 2(2) of Schedule 3 to the Communications Act 2003 (c.21).

(2) 1997 c.9.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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“European site” has the meaning given in regulation 8(1) of the Conservation of Habitats and Species Regulations 2010<sup>(3)</sup>;

“maximum distance” means—

- (a) in relation to an electric line which has a nominal voltage less than 66 kilovolts, 500 metres; and
- (b) in relation to any other electric line, 850 metres;

“protected area” means—

- (a) a European site; or
- (b) a site of special scientific interest;

“scheduled monument” has the same meaning as in section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979<sup>(4)</sup>; and

“site of special scientific interest” has the same meaning as in section 58(1) of the Nature Conservation (Scotland) Act 2004<sup>(5)</sup>.

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<sup>(3)</sup> S.I. 2010/490.

<sup>(4)</sup> 1979 c.46.

<sup>(5)</sup> 2004 asp 6. Section 58(1) was relevantly amended by section 37(4)(a) of the Wildlife and Natural Environment (Scotland) Act 2011 (asp 6).