



# Growth and Infrastructure Act 2013

## 2013 CHAPTER 27

### *Other infrastructure provisions*

#### **20 Variation of consents under Electricity Act 1989**

- (1) The Electricity Act 1989 is amended as follows.
- (2) After section 36B insert—

#### **“36C Variation of consents under section 36**

- (1) The person for the time being entitled to the benefit of a section 36 consent may make an application to the appropriate authority for the consent to be varied.
- (2) Regulations may make provision about the variation of a section 36 consent, including in particular provision about—
  - (a) the making and withdrawal of applications;
  - (b) fees;
  - (c) publicity and consultation requirements;
  - (d) rights to make representations;
  - (e) public inquiries;
  - (f) consideration of applications.
- (3) Regulations under subsection (2) may provide for any statutory provision applicable to the grant of a section 36 consent to apply with specified modifications to the variation of a section 36 consent.
- (4) On an application for a section 36 consent to be varied, the appropriate authority may make such variations to the consent as appear to the authority to be appropriate, having regard (in particular) to—
  - (a) the applicant’s reasons for seeking the variation;
  - (b) the variations proposed;

- (c) any objections made to the proposed variations, the views of consultees and the outcome of any public inquiry.
- (5) Regulations may make provision treating, for prescribed purposes, a section 36 consent varied under this section as granted in its varied form when the original consent was granted (rather than when the variation was made).
- (6) In this section—
- “the appropriate authority” means—
- (a) the Scottish Ministers, in a case where the section 36 consent relates to a generating station (or proposed generating station) in Scotland;
  - (b) the Marine Management Organisation, in a case where the section 36 consent was granted by it;
  - (c) the Secretary of State, in any other case;
- “regulations” means regulations made by—
- (a) the Scottish Ministers, in the case of section 36 consents relating to generating stations (or proposed generating stations) in Scotland;
  - (b) the Secretary of State, in any other case;
- “Scotland” has the same meaning as in section 32(2) (see section 32(3));
- “section 36 consent” means a consent granted under section 36 (construction, extension or operation of generating station), whenever granted;
- “statutory provision” means a provision of or made under an Act, whenever passed or made; and for this purpose “Act” includes an Act of the Scottish Parliament.”
- (3) In section 106 (regulations and orders)—
- (a) after subsection (1) insert—
 

“(1ZA) Subsection (1) does not apply to the power conferred on the Scottish Ministers by section 36C.”;
  - (b) after subsection (2) insert—
 

“(3) Regulations made by the Scottish Ministers under section 36C are subject to the negative procedure.”