

1990 No. 265

**ELECTRICITY**

**The Electricity (Imported Capacity) Regulations 1990**

<i>Made</i> - - - -	<i>14th February 1990</i>
<i>Laid before Parliament</i>	<i>16th February 1990</i>
<i>Coming into force</i>	<i>31st March 1990</i>

The Secretary of State, in exercise of the powers conferred by sections 32(9)(b), 60 and 64(1)(a) of the Electricity Act 1989(b), and of all other enabling powers, hereby makes the following Regulations:-

**Citation and commencement**

1. These Regulations may be cited as the Electricity (Imported Capacity) Regulations 1990 and shall come into force on 31st March 1990.

**Interpretation**

2. In these Regulations-

“the Act” means the Electricity Act 1989;

“contract capacity” means the wattage specified in a contract for the purchase of eligible electricity generated outside the United Kingdom;

“eligible electricity” means electricity generated outside the United Kingdom in prescribed circumstances;

“interconnector” means a system of electric lines and electrical plant by means of which electricity generated outside the United Kingdom may be conveyed to the United Kingdom;

“interconnector capacity” means the highest wattage of electricity which can be conveyed indefinitely by means of an interconnector without causing damage to it, measured-

(a) in the case of an interconnector between an alternating current system and a direct current system, on the alternating current side of the relevant converter-transformer; or

(b) in the case of an interconnector between two alternating current systems, at the first substation in the United Kingdom;

“relevant converter-transformer” means-

(a) in relation to an interconnector having one converter-transformer located in the United Kingdom and another converter-transformer located outside the United Kingdom, the converter-transformer located in the United Kingdom; and

(b) in relation to an interconnector having only one converter-transformer, that converter-transformer;

“prescribed circumstances” means the circumstances prescribed in regulation 3 of these Regulations.

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(a) See the definition of “prescribed”.

(b) 1989 c.29.

### **Prescribed circumstances**

3. The circumstances in which electricity generated outside the United Kingdom shall be treated for the purposes of section 32(5)(a) of the Act as generated by a non-fossil fuel generating station are—

- (a) that there is a contract for the purchase, at any wattage specified in the contract, of electricity generated by a particular non-fossil fuel generating station or a non-fossil fuel generating station of a particular description; and
- (b) that there is also a contract for the conveyance of that wattage of that electricity to the United Kingdom by means of an interconnector.

### **Prescribed extent: single contracts**

4.—(1) This regulation applies where there is one contract only for the purchase of eligible electricity to be conveyed to the United Kingdom by means of a particular interconnector.

(2) Where the contract capacity is equal to or less than the interconnector capacity, the whole of the contract capacity shall be treated for the purposes of section 32(5)(a) of the Act as generated by a non-fossil fuel generating station.

(3) Where the contract capacity is greater than the interconnector capacity, only that part of the contract capacity which is equal to the interconnector capacity shall be treated for the purposes of section 32(5)(a) of the Act as generated by a non-fossil fuel generating station.

### **Prescribed extent: multiple contracts**

5.—(1) This regulation applies where there are two or more contracts for the purchase of eligible electricity to be conveyed to the United Kingdom by means of a particular interconnector.

(2) Where the aggregate of the contract capacities is equal to or less than the interconnector capacity, the whole of each of the contract capacities shall be treated for the purposes of section 32(5)(a) of the Act as generated by a non-fossil fuel generating station.

(3) Subject to paragraphs (4) and (5) of this regulation, where the aggregate of the contract capacities is greater than the interconnector capacity—

- (a) a capacity equal to the interconnector capacity shall be apportioned between the contracts in the ratio which each contract capacity bears to the aggregate of the contract capacities; and
- (b) in relation to each contract, the capacity so apportioned to the contract shall be treated for the purposes of section 32(5)(a) of the Act as generated by a non-fossil fuel generating station.

(4) Paragraph (3) of this regulation shall not apply where the terms of the contracts for the purchase of eligible electricity, and of any related contracts for the conveyance of that electricity to the United Kingdom by means of an interconnector, are such that the wattage of electricity to be conveyed at any particular time is equal to or less than the interconnector capacity.

(5) In the circumstances described in paragraph (4) of this regulation the aggregate of the contract capacities shall be taken to be equal to the interconnector capacity, and accordingly paragraph (2) of this regulation shall apply.

14th February 1990

*John Wakeham*  
Secretary of State for Energy

## EXPLANATORY NOTE

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

These Regulations set out the circumstances in which, and the extent to which, electricity generated outside the United Kingdom is to be treated, for the purposes of section 32(5)(a) of the Electricity Act 1989, as generated by a non-fossil fuel generating station.

The prescribed circumstances are that there is a contract for the purchase, at a wattage specified in the contract, of electricity generated by a particular non-fossil fuel generating station; and that there is a contract for the conveyance of that wattage of that electricity to the United Kingdom by means of an interconnector.

The prescribed extent is limited to the capacity of the interconnector being used or, if less, the capacity specified in the contract.

An interconnector is defined (in regulation 2) as a system of electric lines and electrical plant by means of which electricity generated outside the United Kingdom may be conveyed to the United Kingdom.