
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply in relation to applications to the Secretary of State for Energy in England and Wales and the Secretary of State for Scotland in Scotland for consent under section 36 of the Electricity Act 1989 (“the 1989 Act”) to construct, extend, operate or change the manner of operation of a generating station, or under section 37 of the 1989 Act to instal or keep installed an electric line above ground.

Regulations 4 and 5 re-enact provisions in the Electricity (Publication of Applications) Regulations 1957 (“the 1957 Regulations”) and the Electricity (Publication Applications) (Scotland) Regulations 1958 (“the 1958 Regulations”) which relate to the publication of applications under section 2 of the Electric Lighting Act 1909 and under section 10(b) of the Electric Lighting (Clauses) Act 1899, replaced by sections 36 and 37 respectively. New provision is made for publication of an application under section 36 in the London Gazette or Edinburgh Gazette and in national newspapers, and that notice of an application under section 37 shall refer to a map.

Regulation 6 extends the provisions in the 1957 Regulations and the 1958 Regulations relating to service of notice of applications to include service on the Nature Conservancy Council where the land in question is a site of special scientific interest.

By paragraph 2(1) of Schedule 8 to the 1989 Act, notice of an application for consent under section 36 or section 37 is to be served on the relevant planning authority. Regulation 8 of these Regulations makes provision for any objection by that authority to any such application to be served on the Secretary of State within four months and two months respectively of the application. Regulation 9 disapplies the requirement to serve notice under paragraph 2(1) of Schedule 8 in respect of applications for consent under section 37 where the electric line is of a nominal voltage of less than 132 kilovolts and where consultation has already taken place on the proposed where consultation has already taken place on the proposed application.

Provision is made in regulation 11 for fees payable on applications for consent. Regulation 12 revokes the 1957 Regulations and the 1958 Regulations but provides that they will continue to apply to applications made before these Regulations come into force.