
STATUTORY INSTRUMENTS

2010 No. 413

ELECTRICITY, SCOTLAND

**The Electricity (Exemption from the
Requirement for a Generation Licence)
(Millennium and Kilbraur) (Scotland) Order 2010**

<i>Made</i>	- - - -	<i>22nd February 2010</i>
<i>Laid before Parliament</i>		<i>24th February 2010</i>
<i>Coming into force</i>	- -	<i>31st March 2010</i>

The Secretary of State makes the following Order in exercise of the powers conferred by section 5 of the Electricity Act 1989⁽¹⁾.

In accordance with section 5(2) of that Act the Secretary of State has given notice of the proposal to make the Order. No representations in respect of the proposal have been made.

Citation, commencement and extent

1.—(1) This Order may be cited as the Electricity (Exemption from the Requirement for a Generation Licence) (Millennium and Kilbraur) (Scotland) Order 2010 and shall come into force on 31st March 2010.

(2) This Order extends to Scotland only.

Interpretation

2. In this Order—

“the Act” means the Electricity Act 1989;

“Kilbraur Wind Energy Limited” means the company of that name registered in Scotland with number SC254430;

“Kilbraur Wind Farm” means the onshore wind farm of that name located at Ordnance Survey map reference NC794076, approximately 18 kilometres north of Dornoch;

“Millennium Wind Energy Limited” means the company of that name registered in Scotland with number SC254420;

(1) 1989 c.29; section 5 was substituted by section 29 of the Utilities Act 2000 (c.27).

“Millennium Wind Farm” means the onshore wind farm of that name located at Ordnance Survey map reference NH277080, approximately 35 kilometres north-east of Fort William;
“total system in Scotland” has the same meaning as it has in the Electricity (Class Exemptions from the Requirement for a Licence) Order 2001⁽²⁾.

Exemption from section 4(1)(a) of the Act

3. Exemption is granted from section 4(1)(a) of the Act (prohibition of unlicensed generation of electricity for supply) to—

- (a) Kilbraur Wind Energy Limited in respect of Kilbraur Wind Farm; and
- (b) Millennium Wind Energy Limited in respect of Millennium Wind Farm.

Conditions on exemption

4. The exemption granted by article 3(a) to Kilbraur Wind Energy Limited is subject to compliance with the following conditions—

- (a) that Kilbraur Wind Energy Limited does not hold a licence under section 6(1)(a) of the Act⁽³⁾ (a generation licence);
- (b) that Kilbraur Wind Farm is connected to the total system in Scotland; and
- (c) that, except in circumstances outside the reasonable control of Kilbraur Wind Energy Limited, Kilbraur Wind Farm does not export more than 100 megawatts of electrical power to the total system in Scotland.

5. The exemption granted by article 3(b) to Millennium Wind Energy Limited is subject to compliance with the following conditions—

- (a) that Millennium Wind Energy Limited does not hold a licence under section 6(1)(a) of the Act;
- (b) that Millennium Wind Farm is connected to the total system in Scotland; and
- (c) that, except in circumstances outside the reasonable control of Millennium Wind Energy Limited, Millennium Wind Farm does not export more than 100 megawatts of electrical power to the total system in Scotland.

22nd February 2010

Hunt of Kings Heath
Minister of State,
Department of Energy and Climate Change

(2) [S.I. 2001/3270](#); the definitions of “total system in England and Wales”, “total system in Scotland” and “total system in Great Britain” were substituted for the definition of “total system” by the Electricity (Class Exemption from the Requirement for a Licence) (Amendment) Order 2005 ([S.I. 2005/488](#)), article 3.

(3) Section 6 was substituted by section 30 of the Utilities Act 2000.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order grants exemption from the requirements of section 4(1)(a) of the Electricity Act 1989 (which prohibits the generation of electricity for supply without a licence) to Kilbraur Wind Energy Limited and Millennium Wind Energy Limited, in relation to Kilbraur Wind Farm and Millennium Wind Farm respectively. Both wind farms are located in the Highlands of Scotland, with Kilbraur Wind Farm situated approximately 18 kilometres north of Dornoch and Millennium Wind Farm situated approximately 35 kilometres north-east of Fort William.

A regulatory impact assessment in respect of exemptions from the requirements of section 4(1)(a) of the Electricity Act 1989 was prepared in 2001 and can be obtained from the Department of Energy and Climate Change, Energy Markets Unit, 4th Floor, 3 Whitehall Place, London, SW1A 2AW. Copies have been placed in the libraries of both Houses of Parliament.