
STATUTORY INSTRUMENTS

2020 No. 509

ELECTRICITY, ENGLAND

The Electricity (Individual Exemptions from the Requirement for a Generation Licence) (England) Order 2020

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| <i>Made</i> | - - - - | <i>11th May 2020</i> |
| <i>Laid before Parliament</i> | | <i>14th May 2020</i> |
| <i>Coming into force</i> | - - | <i>5th June 2020</i> |

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

The Secretary of State has given notice of the proposal to make this Order in accordance with section 5(2) and (3) of that Act. No representations in respect of the proposal have been made.

Citation and commencement

1. This Order may be cited as the Electricity (Individual Exemptions from the Requirement for a Generation Licence) (England) Order 2020 and comes into force on 5th June 2020.

Interpretation

2. In this Order—

“the Act” means the Electricity Act 1989;

“licensed generator” means the holder of a licence under section 6(1)(a) of the Act;

“Lostock Sustainable Energy Plant” means the electricity generating station known as Lostock Sustainable Energy Plant on Griffiths Road in Northwich, Cheshire, whose entrance is situated at Ordnance Survey map reference SJ683740;

“Lostock Sustainable Energy Plant Limited” means the company of that name registered in England and Wales with company number 09511491;

“Rookery South Energy Recovery Facility” means the electricity generating station known as Rookery South Energy Recovery Facility at Rookery Pit, off Green Lane, in Stewartby, Bedford, whose entrance is situated at Ordnance Survey map reference TL014411;

(1) 1989 c. 29; section 5 was substituted by section 29 of the Utilities Act 2000 (c. 27). Section 5 has been amended by other instruments, but those amendments are not relevant to this Order.

“Rookery South Limited” means the company of that name registered in England and Wales with company number 07094843;

“the total system” means all transmission systems and distribution systems, located in England and Wales, of holders of licences under section 6(1)(b) and (c) of the Act⁽²⁾.

Exemptions from prohibition of unlicensed generation of electricity for supply

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

- (a) Lostock Sustainable Energy Plant Limited in respect of Lostock Sustainable Energy Plant; and
- (b) Rookery South Limited in respect of Rookery South Energy Recovery Facility.

Conditions on exemptions

4. The exemption granted by article 3(a) of this Order is subject to compliance with the following conditions—

- (a) Lostock Sustainable Energy Plant is connected to the total system;
- (b) Lostock Sustainable Energy Plant does not export more than 100 megawatts of electrical power to the total system, except in circumstances outside the reasonable control of Lostock Sustainable Energy Plant Limited; and
- (c) Lostock Sustainable Energy Plant Limited is not a licensed generator.

5. The exemption granted by article 3(b) of this Order is subject to compliance with the following conditions—

- (a) Rookery South Energy Recovery Facility is connected to the total system;
- (b) Rookery South Energy Recovery Facility does not export more than 100 megawatts of electrical power to the total system, except in circumstances outside the reasonable control of Rookery South Limited; and
- (c) Rookery South Limited is not a licensed generator.

Kwasi Kwarteng
Minister of State

Department for Business, Energy and Industrial
Strategy

11th May 2020

(2) Section 6 was substituted by section 30 of the Utilities Act 2000. Section 6(1)(b) was further substituted by section 136(1) of the Energy Act 2004. Section 6(1)(c) was amended by the Energy Act 2004. Section 6 has been amended by other instruments, but those amendments are not relevant to this Order.

EXPLANATORY NOTE

(This note is not part of the Order)

Article 3 of this Order grants exemptions from the requirements of section 4(1)(a) of the Electricity Act 1989 (which prohibits the generation of electricity for supply to any premises without a licence) in relation to two electricity generating stations in England. The companies granted exemptions are:

- Lostock Sustainable Energy Plant Limited in respect of Lostock Sustainable Energy Plant; and
- Rookery South Limited in respect of Rookery South Energy Recovery Facility.

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 Wholesale Energy Markets Division, Department for Business, Energy and Industrial Strategy, 1 Victoria Street, London SW1H 0ET. Copies have been placed in the libraries of both Houses of Parliament.