

2022 No.

ELECTRICITY, ENGLAND

The Electricity (Individual Exemption from the Requirement for a Transmission Licence) (England) Order 2022

Made - - - - - ***
Laid before Parliament ***
Coming into force [Date XX]

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

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, and consulted with the Scottish Ministers(b), [insert text relating to any representations made in relation to the proposal].

Citation, commencement, extent and application

- 1.—(1) This Order may be cited as the Electricity (Individual Exemption from the Requirement for a Transmission Licence) (England) Order 2022 and comes into force on [date] 2022.
- (2) This Order extends to England and Wales and Scotland.
- (3) This Order applies in relation to England only.

Exemption from section 4(1)(b) of the Electricity Act 1989

- 2.—(1) The Secretary of States grants exemption from section 4(1)(b) of the Act (prohibition on unlicensed transmission of electricity for supply) to East Anglia One Limited in respect of transmission(c) taking place over the transmission system(d) connected to the East Anglia One Offshore Wind Farm.
- (2) The exemption in paragraph (1) of this Article applies for the period beginning with [] 2022 and ending with the earlier of—
- (a) the day after the day on which the transmission system connected to East Anglia One Offshore Wind Farm is transferred to a successful bidder;
- (b) [] 2022.
- (3) In this Article—
- (a) “the Act” means the Electricity Act 1989;

(a) 1989 c. 29; section 5 was substituted by section 29 of the Utilities Act 2000 (c. 27) and amended by section 145(1) and (4) of the Energy Act 2004 (c. 20) (“the 2004 Act”), S.I. 2012/2400 and S.I. 2014/631.

(b) Under article 4 of, and Schedule 3 to, the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (S.I. 1999/1750), functions under section 5(1) of the Electricity Act 1989 (c. 29) (the “1989 Act”) are, in so far as they are exercisable in or as regards Scotland, only exercisable after consultation with the Scottish Ministers.

(c) For the meaning of “transmission”, see section 4(4) of the 1989 Act.

(d) For the meaning of “transmission system”, see section 4(4) of the 1989 Act.

- (b) “East Anglia One Limited” means East Anglia One Limited, a company registered in England and Wales with the company number 07366753;
- (c) “East Anglia One Offshore Wind Farm” means the generating station located approximately 48.3 kilometres from the shore, in the southern North Sea, off the Suffolk coast, its coordinates at its central point being Latitude 52.2282999 and Longitude 2.4935852;
- (d) “successful bidder” means, in relation to the transfer of a transmission system, a person to whom, as a result of a tender exercise, an offshore transmission licence within the meaning of section 6C(5) of the Act^(a) (competitive tenders for offshore transmission licences) has been or is to be granted in respect of that transmission system.

Name
Minister of State

Date Department for Business, Energy and Industrial Strategy

^(a) Section 6C was inserted by section 92 of the 2004 Act.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order grants exemption from the requirement to hold an electricity transmission licence.

Section 4(1)(b) of the Electricity Act 1989 (c. 29) prohibits the transmission of electricity for supply without a licence. The Secretary of State, exercising the powers under section 5(1) of the Electricity Act 1989, grants a time limited exemption from the requirement to hold a transmission licence to East Anglia One Limited in respect of the East Anglia One Offshore Wind Farm.

A full impact assessment has not been produced for this instrument as it is a temporary measure. No significant direct costs to the private, voluntary or public sector are foreseen.

An Explanatory Memorandum has been prepared and is available alongside this instrument at www.legislation.gov.uk.