STATUTORY INSTRUMENTS

2016 No. 21

ELECTRICITY

The Onshore Wind Generating Stations (Exemption) (England and Wales) Order 2016

Made - - - -	*12th January 2016*
Laid before Parliament	*14th January 2016*
Coming into force - -	*1st March 2016*

The Secretary of State for Energy and Climate Change, in exercise of the powers conferred by section 36(4) of the Electricity Act 1989(**1**), makes the following Order:

Citation, commencement and extent

1.—(1) This Order may be cited as the Onshore Wind Generating Stations (Exemption) (England and Wales) Order 2016 and comes into force on 1st March 2016.

(2) This Order extends to England and Wales only.

Interpretation

2. In this Order—

"the 1989 Act" means the Electricity Act 1989; and

"onshore wind generating station" means a generating station which—

(a) generates electricity from wind; and

(b) is situated in England or Wales but not in waters adjacent to England or Wales up to the seaward limits of the territorial sea.

Exemption for onshore wind generating stations

3. Subject to article 4, section 36(1) of the 1989 Act (consent for construction, extension or operation of generating stations) does not apply to an onshore wind generating station.

4. Article 3 does not affect the continuing application of—

(**1**) 1989 c. 29. Relevant amendments to section 36 were made by: the Planning Act 2008 (c. 29) (section 36 and Schedule 2, paragraphs 31, 32(1) to (3)); the Marine and Coastal Access Act 2009 (c. 23) (section 12(7)(a), (8)); and the Energy Act 2004 (c. 20) (section 93(3)). Functions under section 36, in so far as exercisable in or as regards Scotland, transferred to the Scottish Ministers, by S.I. 2006/1040 (articles 2, 3 and 6).