

**2010 No. 1910**

**LOCAL GOVERNMENT, ENGLAND AND WALES**

**The Sale of Electricity by Local Authorities (England and  
Wales) Regulations 2010**

<i>Made</i> - - - -	<i>26th July 2010</i>
<i>Laid before Parliament</i>	<i>27th July 2010</i>
<i>Laid before the National Assembly for Wales</i>	<i>27th July 2010</i>
<i>Coming into force</i> - -	<i>18th August 2010</i>

The Secretary of State, in relation to England, and the Welsh Ministers, in relation to Wales, make the following Regulations in exercise of the powers conferred by section 11(3)(a) of the Local Government (Miscellaneous Provisions) Act 1976(b).

**Citation and commencement**

1. These Regulations may be cited as the Sale of Electricity by Local Authorities (England and Wales) Regulations 2010 and come into force on 18th August 2010.

**Exception from the restriction on selling electricity in section 11(3) of the Local Government (Miscellaneous Provisions) Act 1976**

2. For the purpose of section 11(3) of the Local Government (Miscellaneous Provisions) Act 1976, a local authority shall be entitled to sell electricity produced from the following sources—

- (a) wind;
- (b) solar;
- (c) aerothermal;
- (d) geothermal;
- (e) hydrothermal and ocean energy;
- (f) hydropower;
- (g) biomass;
- (h) landfill gas;

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(a) See section 11(7) for the definition of “prescribed”.

(b) 1976 c.57. The functions of the Secretary of State under section 11 are, so far as exercisable in relation to Wales, vested in the Welsh Ministers. Those functions were transferred to the National Assembly for Wales constituted by the Government of Wales Act 1998 (c.38) by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2; see entry in Schedule 1 for the Local Government (Miscellaneous Provisions) Act 1976. The functions were subsequently transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c.32).

- (i) sewage treatment plant gas; and
- (j) biogases.

26th July 2010

*Chris Huhne*  
Secretary of State,  
Department of Energy and Climate Change

23rd July 2010

*Jane Davidson*  
Minister for Environment, Sustainability and Housing,  
one of the Welsh Ministers

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

Pursuant to section 11(1) and (3) of the Local Government (Miscellaneous Provisions) Act 1976 local authorities in England and Wales are only entitled to sell electricity produced in association with heat unless regulations provide otherwise. These Regulations provide that local authorities can also sell electricity which is produced from the following renewable sources: wind, solar, aerothermal, geothermal, hydrothermal and ocean energy, hydropower, biomass, landfill gas, sewage treatment plant gas, and biogases.

In accordance with section 11(2) of the Local Government (Miscellaneous Provisions) Act 1976, local authorities remain subject to the requirements of Part I of the Electricity Act 1989 (1989 c.29).

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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£4.00