

# Overhead Lines (Exemption) (England and Wales) Regulations 2009/640

## reg. 3 Exemptions from section 37(1) of the Act



Law In Force

Version 2 of 2

28 December 2017 - Present

### Subjects

Energy; Planning; Utilities

### 3.— Exemptions from section 37(1) of the Act

(1) Section 37(1) of the Act shall not apply in relation to—

(a) the installation or keeping installed of an electric line which—

(i) connects an electric line installed below ground with apparatus mounted on a pole or structure; and

(ii) is attached to the pole or structure throughout its length except where it passes through a fuse or other apparatus;

(b) the installation or keeping installed of a wire or cable (including its casing or coating) which forms part of electronic communications apparatus (within the meaning given to that expression in [the electronic communications code set out in [Schedule 3A to the Communications Act 2003](#)]<sup>1 2</sup>) and which is supported, or carried by, or suspended from the supports for an existing line;

(c) the installation or keeping installed, subject to the provisions of [regulation 5](#), for a period not exceeding six months of an electric line (no part of which is within a European site or an SSSI) which connects two points on an existing line which are no further apart than the maximum distance so as to provide a diversion for the existing line;

(d) the installation or keeping installed of an electric line attached to a building (other than a scheduled monument, listed building or building in a conservation area) where the building in question crosses a road, railway or watercourse and its principal purpose is not the support of the electric line;

(e) the installation or keeping installed, subject to the limitations in [regulation 4](#) and the provisions of [regulation 5](#), of an electric line (no part of which is within a European site or an SSSI) which replaces an existing line whether or not it is installed in the same position as the existing line in question; or

(f) the installation or keeping installed, subject to the limitations in [regulation 4](#) and the provisions of [regulation 5](#), of one or more additional poles to support an existing line.

(2) In this regulation—

“*building*” includes structure;

“*conservation area*” and “*listed building*” have the same meanings as in [section 91 of the Planning \(Listed Buildings and Conservation Areas\) Act 1990](#);

“*European site*” has the same meaning as in [regulation 10 of the Conservation \(Natural Habitats, &c.\) Regulations 1994](#)<sup>3</sup>;

“*the maximum distance*” means—

(a) in relation to an electric line which has a nominal voltage less than 66 kilovolts, 500 metres; and

(b) in relation to any other electric line, 850 metres;

“*scheduled monument*” has the same meaning as in section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979; and

“*SSSI*” means a site of special scientific interest notified under sections 28 to 28D of the Wildlife and Countryside Act 1981<sup>4</sup>.

## Notes

- 1 Words substituted by Communications Act 2003 and the Digital Economy Act 2017 (Consequential Amendments to Secondary Legislation) Regulations 2017/1011 Sch.4 para.35(2) (December 28, 2017, the day on which 2017 c.30 s.4 and Sch.1 come fully into force)
- 2 The definition of “electronic communications apparatus” was substituted by paragraph 2(2) of Schedule 3 to the Communications Act 2003 (c.21).
- 3 Regulation 10 was amended in relation to England by S.I. 2000/192, regulation 2(1), (2)(a) and (2)(b), and in relation to England and Wales by S.I. 2007/1843, regulation 5(1), (9)(a) and (9)(b).
- 4 Sections 28 to 28D were substituted by section 75(1) of and paragraph 1 of Schedule 9 to the Countryside and Rights of Way Act 2000 (c.37) and amended by section 105(1) of and Schedule 11, paragraph 79 to the Natural Environment and Rural Communities Act 2006 (c.16).

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