

*This Statutory Instrument has been made in consequence of a defect in [SI 2015/374](#) and is being issued free of charge to all known recipients of that Statutory Instrument.*

*Draft Order laid before Parliament under paragraphs 1, 2 and 3 of Schedule 7 to the Scotland Act 1998, for approval by resolution of each House of Parliament.*

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## DRAFT STATUTORY INSTRUMENTS

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**2019 No.**

# **CONSTITUTIONAL LAW DEVOLUTION, SCOTLAND ELECTRICITY**

## **The Regulatory Reform (Scotland) Act 2014 (Consequential Modifications) Order 2019**

*Made* - - - - **\*\*\*\***

*Coming into force in accordance with article 1(1)*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 104, 112(1) and 113(4) and (5) of the Scotland Act 1998(1).

In accordance with paragraphs 1, 2 and 3 of Schedule 7 to that Act, a draft of this Order has been laid before and approved by a resolution of each House of Parliament.

### **Citation, commencement and extent**

**1.**—(1) This Order may be cited as the Regulatory Reform (Scotland) Act 2014 (Consequential Modifications) Order 2019 and comes into force on the day after the day on which it is made.

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

### **Modification of the Electricity Act 1989**

**2.** In the Electricity Act 1989(2)—

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(1) [1998 c.46](#). Relevant amendments are made to section 104 by the Scotland Act [2012 \(c.11\)](#) section 12 and by section 10(3) of the Scotland Act [2016 \(c.11\)](#).

(2) [1989 c.29](#). For relevant amendments see below.

- (a) in subsection (6) of section 36D(3) (proceedings for questioning certain decisions under section 36), and
- (b) in sub-paragraph (6) of paragraph 5B (proceedings for questioning certain decisions under paragraph 3(2)) of Schedule 8,

for the definition of “relevant waters”, substitute—

““relevant waters” means—

- (a) waters in or adjacent to Great Britain which are between the mean low water mark and the seaward limits of the territorial sea; and
- (b) waters in the area designated by the Renewable Energy Zone (Designation of Area) (Scottish Ministers) Order 2005(4) as the area in which the Scottish Ministers are to have functions.”.

Date

*Name*  
Secretary of State  
Office of the Secretary of State for Scotland

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(3) Section 36D and paragraph 5B of Schedule 8 are inserted into the Electricity Act 1989 by the Regulatory Reform (Scotland) Act 2014 (Consequential Modifications) Order 2015 (S.I. 2015/374).

(4) S.I. 2005/3153.

## EXPLANATORY NOTE

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

This Order, made under the Scotland Act 1998 (c.46), makes two amendments to the Electricity Act 1989 (c.29) (“the 1989 Act”) to extend a statutory appeals procedure to the Scottish part of the Renewable Energy Zone (“REZ”).

Article 2 amends section 36D(6) and paragraph 5B(6) of Schedule 8 to the 1989 Act to substitute a new definition of “relevant waters” to include those waters in the Scottish part of the REZ. Those provisions were inserted into the 1989 Act by the Regulatory Reform (Scotland) Act 2014 (Consequential Modifications) Order 2015 (S.I. 2015/374) to provide for a statutory appeal to the Inner House of the Court of Session. This appeals procedure applies in respect of section 36 consent applications under the 1989 Act for renewable energy installations to be sited in Scottish internal waters and the territorial sea adjacent to Scotland. These amendments now extend the availability of this appeal procedure to those section 36 consent applications in the Scottish part of the REZ.

An impact assessment has not been produced for this instrument as no, or no significant, additional impact on the private, voluntary or public sectors is foreseen.