

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.