



Energy Act 2004

2004 CHAPTER 20

PART 2

SUSTAINABILITY AND RENEWABLE ENERGY SOURCES

CHAPTER 2

OFFSHORE PRODUCTION OF ENERGY

Supplementary provisions of Chapter 2 of Part 2

104 Interpretation of Chapter 2 of Part 2

(1) In this Chapter—

“construct”, in relation to an installation or an electric line or in relation to a generating station so far as it is to comprise renewable energy installations, includes—

- (a) placing it in or upon the bed of any waters;
- (b) attaching it to the bed of any waters;
- (c) assembling it;
- (d) commissioning it; and
- (e) installing it;

and “construction” is to be construed accordingly;

“decommission”, in relation to an installation or an electric line, includes—

- (a) removing it from the bed of any waters;
- (b) demolishing it; and
- (c) dismantling it;

“distribution” and “electric line” have the same meanings as in Part 1 of the 1989 Act;

“extend” and “extension”—

Status: Point in time view as at 05/10/2004. This version of this provision has been superseded.

Changes to legislation: Energy Act 2004, Section 104 is up to date with all changes known to be in force on or before 03 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) in relation to a generating station, have the same meanings as in Part 1 of the 1989 Act; and
 - (b) in relation to an installation, have the same meanings as in relation to a generating station;
 - “installation” includes artificial island, structure and device;
 - “master” includes—
 - (a) in relation to a hovercraft, the captain;
 - (b) in relation to any submersible apparatus, the person in charge of the apparatus; and
 - (c) in relation to an installation in transit, the person in charge of the transit operation;
 - “renewable energy installation” is to be construed in accordance with subsections (3) to (5);
 - “Renewable Energy Zone” has the meaning given by section 84(4);
 - “safety zone” means an area which is a safety zone for the purposes of this Chapter by virtue of section 95;
 - “Scottish part”, in relation to a Renewable Energy Zone, means so much of that Zone as is designated under section 84(5);
 - “Scottish waters” means—
 - (a) the internal waters of the United Kingdom that are in or are adjacent to Scotland; or
 - (b) so much of the territorial sea of the United Kingdom as is adjacent to Scotland;
 - “submersible apparatus” has the meaning given by section 88(4) of the Merchant Shipping Act 1995 (c. 21);
 - “supply”, in relation to electricity, has the same meaning as in Part 1 of the 1989 Act;
 - “transmission”, in relation to electricity, has the same meaning as in Part 1 of the 1989 Act;
 - “vessel” includes—
 - (a) a hovercraft;
 - (b) any submersible apparatus; and
 - (c) an installation in transit.
- (2) References in this Chapter to the production of energy from water include, in particular, references to its production from currents and tides.
- (3) In this Chapter “renewable energy installation” means—
- (a) an offshore installation used for purposes connected with the production of energy from water or winds;
 - (b) an installation in the course of construction at a place where it is to be used as an offshore installation within paragraph (a);
 - (c) an installation that has ceased to be an installation within paragraph (a) while remaining an offshore installation (whether or not at the same place);
 - (d) an installation that is being decommissioned at a place where it has been an installation within paragraph (a) or (c);
 - (e) an installation in transit to or from a place where it is to be, or has been, used for purposes that would make it, or made it, an installation within paragraph (a);

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- (f) an installation in transit to or from a place where it is to be, or was, an installation within paragraph (c).
- (4) In subsection (3) “offshore installation” means an installation which is situated in waters where—
 - (a) it permanently rests on, or is permanently attached to, the bed of the waters; and
 - (b) it is not connected with dry land by a permanent structure providing access at all times for all purposes.
- (5) The purposes referred to in subsection (3)(a) include, in particular—
 - (a) the transmission, distribution and supply of electricity generated using water or winds; and
 - (b) the doing of anything (whether by way of investigations, trials or feasibility studies or otherwise) with a view to ascertaining whether the generation of electricity in that manner is, in a particular case, practicable or commercially viable, or both.
- (6) Provision made by or under this Chapter in relation to places outside the United Kingdom—
 - (a) so far as it applies to individuals, applies to them whether or not they are British citizens; and
 - (b) so far as it applies to bodies corporate, applies to them whether or not they are incorporated under the law of a part of the United Kingdom.

Commencement Information

II [S. 104](#) in force at 5.10.2004 by [S.I. 2004/2575](#), art. 2(1), [Sch. 1](#)

Status:

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