

EXPLANATORY MEMORANDUM TO
THE RENEWABLE ENERGY ZONE (DESIGNATION OF AREA)
(SCOTTISH MINISTERS) ORDER 2005

2005 No 3153

1. This explanatory memorandum has been prepared by the Department of Trade and Industry and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 The Order designates that part of the United Kingdom Renewable Energy Zone where Scottish Ministers are to have functions in relation to renewable energy installations. The Order is necessary so that it is clear over which area of the sea Scottish Ministers have competence in respect of renewable energy installations. For the convenience of the Committee a map showing the designated area is attached.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 Under Chapter 2 of Part 2 of the Energy Act 2004 (“the Act”) provision is made for the exploitation of areas outside the territorial sea of the United Kingdom for energy production. Under section 84(4) a Renewable Energy Zone may be designated as the area within which the United Kingdom’s rights to exploit areas for energy production are to be exercisable. The United Kingdom Renewable Energy Zone was designated by the Renewable Energy Zone (Designation of Area) Order 2004 (S.I. 2004/2668).

4.2 Section 84(5) of the Act provides that part of the Renewable Energy Zone may be designated as an area in relation to which the Scottish Ministers are to have functions. Under section 36 of the Electricity Act 1989, as amended by the Energy Act 2004, the Secretary of State has functions in relating to the granting of consent for the construction, extension or operation of generating stations, specifically renewable energy installations including offshore wind farms, and wave and tidal devices, in the Renewable Energy Zone. It is intended to executively devolve these functions in respect of the part of the Renewable Energy Zone designated by this Order to the Scottish Ministers by means of an Order under the Scotland Act 1998. The necessary Order to devolve these functions will be laid before Parliament in due course. In addition, under sections 95, 105 – 108 and 111 of the Act, the Secretary of State must consult the Scottish Ministers on matters such as the setting of safety zones and the decommissioning of installations which are located in the part of the Renewable Energy Zone designated by this Order.

4.3 The outer boundary of the UK Renewable Energy Zone has already been established by the Renewable Energy Zone (Designation of Area) Order 2004. In the North Sea, the Renewable Energy Zone (Designation of Area) (Scottish Ministers)

Order 2005 draws a maritime boundary between England and Scotland, which coincides with the boundary established in the Scottish Adjacent Waters Boundaries Order 1999 (SI 1999/1126), to delineate the area of the Renewable Energy Zone where Scottish Ministers have competence. Off the west coast the Renewable Energy Zone comes to a natural end point, so it has not been necessary to draw a boundary in these waters. A map prepared by the UK Hydrographic Office, showing the area of waters designated by this Order, accompanies this Explanatory Memorandum.

5. Extent

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

6.1 No statement is required.

7. Policy background

7.1 The United Kingdom Government has set a target that 10% of the UK's electricity supplies are to be produced from renewable energy sources by 2010, and aspires to double this figure by 2020. The United Kingdom has substantial renewable energy resources – wind, wave and tidal – beyond its territorial seas. The designation of the Renewable Energy Zone was necessary so that these renewable energy resources can be exploited for the generation of electricity, and thus make a contribution to meeting the Government's renewable energy targets for 2010 and beyond.

7.2 The policy aim has been to extend the existing executively devolved competence of Scottish Ministers as regards the territorial waters adjacent to Scotland further offshore to the Renewable Energy Zone. This provides for a consistency of approach with regard to reserved and devolved competencies in the waters off Scotland as far as the development of renewable energy resources are concerned. The boundary between England and Scotland has been drawn to provide the best synergy with the existing competencies of the Scottish Ministers.

8. Impact

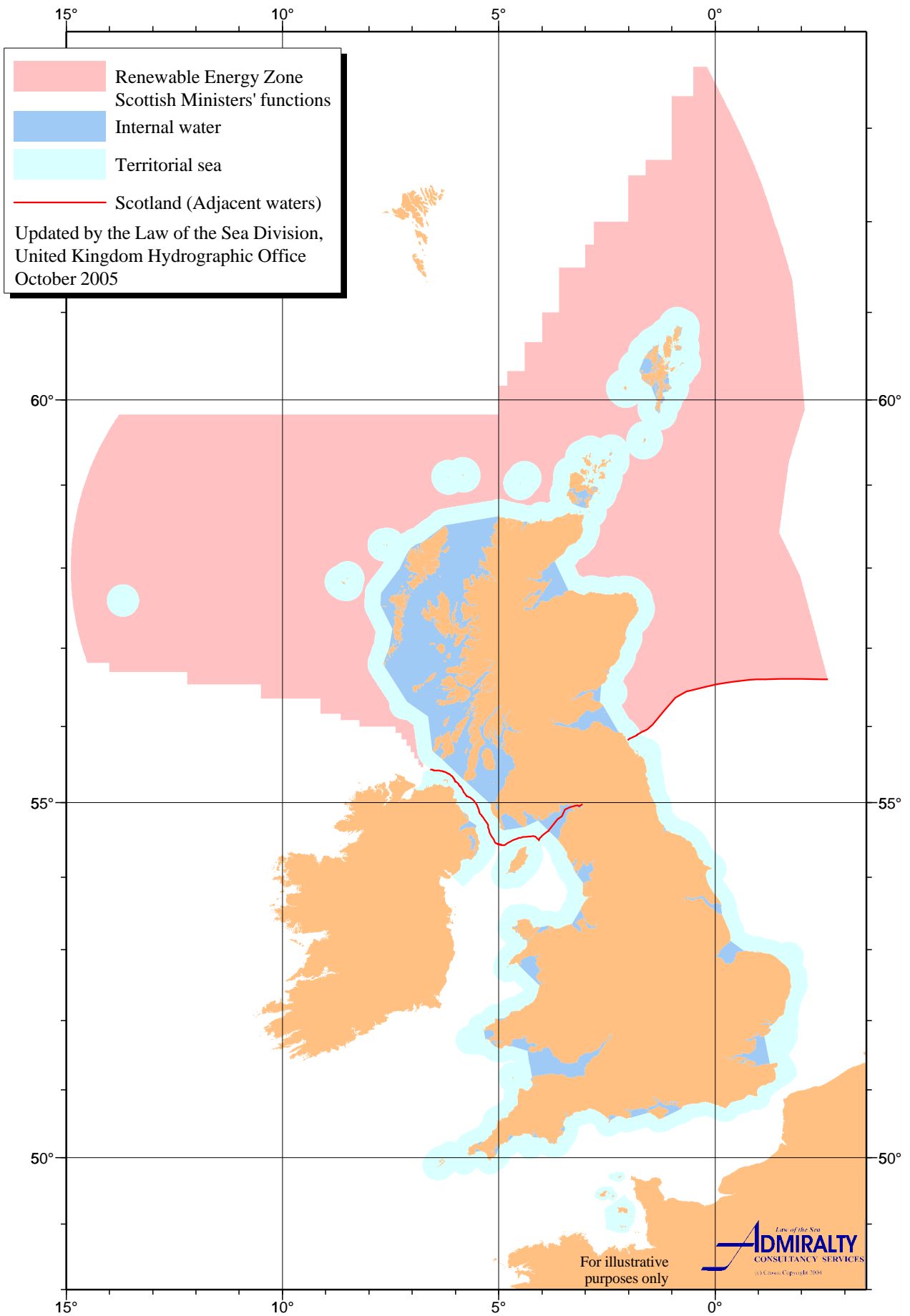
8.1 A Regulatory Impact Assessment has not been prepared for this instrument. It is constitutional in nature and has no impact on business, charities or voluntary bodies.

8.2 The impact on the public sector is to divide responsibilities for development of the Renewable Energy Zone between the Scottish Executive on the one hand and United Kingdom Government Departments on the other. The Scottish Executive has been consulted about the proposals and is content.

9. Contact

Cathy Allen at the Department of Trade and Industry Tel 020 215 0479 or e-mail: cathy.allen@dti.gsi.gov.uk can answer any queries regarding the instrument.

Renewable Energy Zone - Scottish Ministers' functions



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