
WELSH STATUTORY INSTRUMENTS

2019 No. 293 (W. 71)

ELECTRICITY, WALES

The Electricity (Offshore Generating Stations) (Safety Zones) (Application Procedures and Control of Access) (Amendment) (Wales) Regulations 2019

<i>Made</i>	- - - -	<i>18 February 2019</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>20 February 2019</i>
<i>Coming into force</i>	- -	<i>1 April 2019</i>

The Welsh Ministers, in exercise of the powers conferred on them by sections 96 and 192 of, and paragraph 4(1) of Schedule 16 to, the Energy Act 2004(1) make the following Regulations:

Title and commencement

1. The title of these Regulations is the Electricity (Offshore Generating Stations) (Safety Zones) (Application Procedures and Control of Access) (Amendment) (Wales) Regulations 2019 and they come into force on 1 April 2019.

Amendments to the Electricity (Offshore Generating Stations) (Safety Zones) (Application Procedures and Control of Access) Regulations 2007

2.—(1) The Electricity (Offshore Generating Stations) (Safety Zones) (Application Procedures and Control of Access) Regulations 2007(2) are amended as follows.

(2) In regulation 5 (service of notice of application for a safety zone notice), for paragraph (c) substitute—

“(c) the Welsh Ministers, in the case of a safety zone proposed or located wholly or partly in Welsh waters(3), except where the Welsh Ministers are the appropriate Minister;”.

(3) In regulation 9 (vessels and activities permitted in safety zones), after paragraph (1)(a) insert—

(1) 2004 c. 20 (“the 2004 Act”). See section 95(1A)(b) for the definition of “appropriate Minister” and paragraph 4(4) of Schedule 16 for the definition of “prescribed”. Section 96 was amended by section 62(7) and (8) of the Scotland Act 2016 (c. 11) (“the 2016 Act”) and section 41(5) of the Wales Act 2017 (c. 4) (“the 2017 Act”). Section 192 was amended by section 62(16) of the 2016 Act and paragraph 60 of Schedule 6 to the 2017 Act. Schedule 16 was amended by section 62(18) and (19) of the 2016 Act and paragraph 61 of Schedule 6 to the 2017 Act.

(2) S.I. 2007/1948, to which there are amendments not relevant to these Regulations.

(3) See section 104 of the 2004 Act for the definition of “Welsh waters”.

- “(aa) (in the case of a safety zone in respect of which the Welsh Ministers are the appropriate Minister) belonging to, or acting under the authority of, a government department, the Environment Agency⁽⁴⁾, the Natural Resources Body for Wales⁽⁵⁾ or the Scottish Environment Protection Agency⁽⁶⁾, and engaged in—
- (i) the provision of services for,
 - (ii) the transport of persons or goods to or from, or
 - (iii) the inspection of,
- any existing or proposed renewable energy installation in that safety zone;”.

18 February 2019

Julie James
Minister for Housing and Local Government,
one of the Welsh Ministers

(4) The Environment Agency was established by section 1 of the Environment Act 1995 (c. 25).

(5) The Natural Resources Body for Wales was established by article 3 of S.I. 2012/1903 (W. 230).

(6) The Scottish Environment Protection Agency was established by section 20 of the Environment Act 1995.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Electricity (Offshore Generating Stations) (Safety Zones) (Application Procedures and Control of Access) Regulations 2007 (S.I. 2007/1948) (“the 2007 Regulations”) as a consequence of section 41 of the Wales Act 2017 (c. 4), which comes into force on 1 April 2019.

Section 41 amends sections 95 and 96 of the Energy Act 2004 (c. 20) (“the 2004 Act”) so that the Welsh Ministers will, from 1 April 2019, have functions in relation to declaring safety zones around offshore renewable energy installations (with a capacity of up to 350 megawatts) in Welsh waters. “Welsh waters” means so much of the internal waters and territorial sea of the United Kingdom as are adjacent to Wales, and the Welsh zone. The Welsh zone has the meaning given in section 158 of the Government of Wales Act 2006 (c. 32).

The 2007 Regulations set out information required to accompany a safety zone application, as well as procedural requirements that need to be met. They also make provision for exemptions to the prohibition set out in section 96 of the 2004 Act on entry into and activities in a safety zone.

These Regulations make minor amendments to the 2007 Regulations to reflect the change in responsibilities for declaring safety zones in Welsh waters.

The Welsh Ministers’ Code of Practice on the carrying out of regulatory impact assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.