



Wales Act 2017

2017 CHAPTER 4

PART 2

LEGISLATIVE AND EXECUTIVE COMPETENCE: FURTHER PROVISION

Planning for electricity generating stations

40 **Generating stations and public rights of navigation**

- (1) Section 36A of the Electricity Act 1989 (declarations extinguishing etc public rights of navigation) is amended as set out in subsections (2) to (5).
- (2) In subsection (1)—
 - (a) for ““the Secretary of State or the Scottish Ministers”” substitute “ the appropriate authority ”;
 - (b) for ““he or (as the case may be) they”” substitute “ the appropriate authority ”.
- (3) In subsection (2), for ““The Secretary of State or the Scottish Ministers”” substitute “ The appropriate authority ”.
- (4) In subsection (6)—
 - (a) for ““the Secretary of State or the Scottish Ministers”” substitute “ the appropriate authority ”;
 - (b) for ““him or them””, in both places, substitute “ the appropriate authority ”.
- (5) In subsection (7), after ““In this section—”” insert—

““appropriate authority”” has the same meaning as in section 36;”.
- (6) Section 36B of that Act (duties in relation to navigation) is amended as set out in subsections (7) to (10).
- (7) In subsection (1)—
 - (a) for ““Neither the Secretary of State nor the Scottish Ministers may”” substitute “ The appropriate authority may not ”;

Changes to legislation: *Wales Act 2017, Section 40 is up to date with all changes known to be in force on or before 29 May 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) View outstanding changes*

- (b) for ““he considers, or (as they case may be) they consider,”” substitute “ the appropriate authority considers ”.
- (8) In subsection (2), for ““both of the Secretary of State and of the Scottish Ministers”” substitute “ of the appropriate authority ”.
- (9) In subsection (3), for ““the Secretary of State or (as the case may be) the Scottish Ministers”” substitute “ the appropriate authority ”.
- (10) In subsection (4)(a), for ““the Secretary of State and the Scottish Minister have exercised or will exercise their powers”” substitute “ the appropriate authority has exercised or will exercise its powers ”.
- (11) Section 100 of the Energy Act 2004 (further provision relating to public rights of navigation) is amended as set out in subsections (12) to (14).
- (12) In subsection (1) omit ““the consenting authority””.
- (13) In subsections (3), (6) and (7), for ““the consenting authority”” substitute “ the appropriate authority ”.
- (14) In subsection (8), after ““In this section—”” insert—
 - “““appropriate authority”” has the same meaning as in section 36 of the Electricity Act 1989;”.

Commencement Information

II S. 40 in force at 1.4.2019 by [S.I. 2017/1179](#), [reg. 5\(a\)](#)

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Changes and effects yet to be applied to :

- specified provision(s) transitional and savings provisions for commencing S.I. 2017/1179 by [S.I. 2018/278](#) reg. 2Sch.