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Scotland Act 1998, Cross Heading: Head D – Energy. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 5

#### RESERVED MATTERS

#### PART II

#### SPECIFIC RESERVATIONS

#### *Head D – Energy*

##### *D1. Electricity*

##### Section D1.

Generation, transmission, distribution and supply of electricity.

The subject-matter of Part II of the Electricity Act 1989.

##### *[<sup>F1</sup>Exceptions]*

The subject-matter of Part I of the Environmental Protection Act 1990.

*[<sup>F2</sup>The provision of consumer advocacy and advice by, or by agreement with, a public body or the holder of a public office, but not any related compulsory levy on persons supplying, generating, transmitting or distributing electricity. ]*

##### **Textual Amendments**

**F1** Heading in Sch. 5 Pt. II Section D1 substituted (23.5.2016) by [Scotland Act 2016 \(c. 11\)](#) , **ss. 50(6)(a)** , [72\(7\)](#)

**F2** Words in Sch. 5 Pt. II Section D1 inserted (23.5.2016) by [Scotland Act 2016 \(c. 11\)](#) , **ss. 50(6)(b)** , [72\(7\)](#)

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##### *D2. Oil and gas*

##### Section

Oil and gas, including—

- (a) the ownership of, exploration for and exploitation of deposits of oil and natural gas,
- (b) the subject-matter of section 1 of the Mineral Exploration and Investment Grants Act 1972 (contributions in connection with mineral exploration) so far as relating to exploration for oil and gas,
- (c) offshore installations and pipelines,

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- (d) the subject-matter of the Pipe-lines Act 1962 (including section 5 (deemed planning permission)) so far as relating to pipelines within the meaning of section 65 of that Act,
- (e) the application of Scots law and the jurisdiction of the Scottish courts in relation to offshore activities,
- (f) pollution relating to oil and gas exploration and exploitation, but only outside controlled waters (within the meaning of section 30A(1) of the Control of Pollution Act 1974),
- (g) the subject-matter of Part II of the Food and Environment Protection Act 1985 so far as relating to oil and gas exploration and exploitation, but only in relation to activities outside such controlled waters,
- (h) restrictions on navigation, fishing and other activities in connection with offshore activities,
- (i) liquefaction of natural gas, and
- (j) the conveyance, shipping and supply of gas through pipes.

#### *Exceptions*

The subject-matter of—

- (a) sections 10 to 12 of the Industry Act 1972 (credits and grants for construction of ships and offshore installations),
- (b) the Offshore Petroleum Development (Scotland) Act 1975, other than sections 3 to 7, and
- (c) Part I of the Environmental Protection Act 1990.

[<sup>F3</sup>The granting and regulation of licences to search and bore for and get petroleum that, at the time of the grant of the licence, is within the Scottish onshore area, except for any consideration payable for such licences.

Access to land for the purpose of searching or boring for or getting petroleum under such a licence.]

The manufacture of gas.

The conveyance, shipping and supply of gas other than through pipes.

[<sup>F4</sup>The provision in relation to gas of consumer advocacy and advice by, or by agreement with, a public body or the holder of a public office, but not any related compulsory levy on persons supplying gas to premises or conveying gas through pipes.]

#### *[<sup>F5</sup>Interpretation*

The Scottish onshore area is the area of Scotland that is within the baselines established by any Order in Council under section 1(1)(b) of the Territorial Sea Act 1987 (extension of territorial sea).

“Petroleum” means petroleum within the meaning given by section 1 of the Petroleum Act 1998 in its natural state in strata.]

#### **Textual Amendments**

- F3** Words in Sch. 5 Pt. II s. D2 inserted (9.2.2018) by [Scotland Act 2016 \(c. 11\)](#), **ss. 47(2), 72(4)(c)**; [S.I. 2018/163, reg. 2\(a\)](#)
- F4** Words in Sch. 5 Pt. II Section D2 inserted (23.5.2016) by [Scotland Act 2016 \(c. 11\)](#), **ss. 50(7), 72(7)**
- F5** Words in Sch. 5 Pt. II s. D2 inserted (9.2.2018) by [Scotland Act 2016 \(c. 11\)](#), **ss. 47(3), 72(4)(c)**; [S.I. 2018/163, reg. 2\(a\)](#)

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*D3. Coal*

Section D3.

Coal, including its ownership and exploitation, deep and opencast coal mining and coal mining subsidence.

*Exceptions*

The subject-matter of—

- (a) Part I of the Environmental Protection Act 1990, and
- (b) sections 53 (environmental duties in connection with planning) and 54 (obligation to restore land affected by coal-mining operations) of the Coal Industry Act 1994.

*D4. Nuclear energy*

Section D4.

Nuclear energy and nuclear installations, including—

- (a) nuclear safety, security and safeguards, and
- (b) liability for nuclear occurrences.

[<sup>F6</sup>The Office for Nuclear Regulation.]

*Exceptions*

The subject-matter of—

- (a) Part I of the Environmental Protection Act 1990, and
- (b) the Radioactive Substances Act 1993.

**Textual Amendments**

- F6** Words in Sch. 5 Pt. II s. D4 inserted (10.3.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), **Sch. 12 para. 72**; S.I. 2014/251, **art. 3(f)(iii)**

**Textual Amendments**

- F6** Words in Sch. 5 Pt. II s. D4 inserted (10.3.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), **Sch. 12 para. 72**; S.I. 2014/251, **art. 3(f)(iii)**

*D5. Energy conservation*

Section D5.

The subject-matter of the Energy Act 1976, other than section 9.

*Exception*

The encouragement of energy efficiency other than by prohibition or regulation.

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