



Energy Act 2023

2023 CHAPTER 52

PART 13

OFFSHORE WIND ELECTRICITY GENERATION, OIL AND GAS

CHAPTER 1

OFFSHORE WIND ELECTRICITY GENERATION

294 Regulations under [section 293](#): consultation and procedure

- (1) The Secretary of State must, before making regulations under [section 293](#), consult—
 - (a) the Marine Management Organisation,
 - (b) the Joint Nature Conservation Committee,
 - (c) Natural England,
 - (d) the Scottish Ministers and Scottish Natural Heritage, so far as the regulations relate to relevant offshore wind activities or protected sites in Scotland,
 - (e) the Welsh Ministers and the Natural Resources Body for Wales, so far as the regulations relate to relevant offshore wind activities or protected sites in Wales,
 - (f) DAERA, so far as the regulations relate to protected sites in Northern Ireland, and
 - (g) such other persons as the Secretary of State considers appropriate.
- (2) Regulations made by the Secretary of State under [section 293](#) are subject to the affirmative procedure.
- (3) The Scottish Ministers must, before making regulations under [section 293](#), consult—
 - (a) the Secretary of State,
 - (b) the Marine Management Organisation, so far as the regulations relate to protected sites in England or the Northern Ireland offshore region,
 - (c) Natural England, so far as the regulations relate to protected sites in England,

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Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Section 294. (See end of Document for details)

- (d) the Joint Nature Conservation Committee, so far as the regulations relate to protected sites in such part of the UK marine area as is beyond the seaward limits of the territorial sea,
 - (e) Scottish Natural Heritage, so far as the regulations relate to protected sites in Scotland,
 - (f) the Welsh Ministers and the Natural Resources Body for Wales, so far as the regulations relate to protected sites in Wales,
 - (g) DAERA, so far as the regulations relate to protected sites in Northern Ireland, and
 - (h) such other persons as they consider appropriate.
- (4) Regulations made by the Scottish Ministers under [section 293](#) are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 ([asp 10](#))).
- (5) The Welsh Ministers must, before making regulations under [section 293](#), consult—
- (a) the Secretary of State,
 - (b) the Marine Management Organisation, so far as the regulations relate to protected sites in England or the Northern Ireland offshore region,
 - (c) Natural England, so far as the regulations relate to protected sites in England,
 - (d) the Joint Nature Conservation Committee, so far as the regulations relate to protected sites in such part of the UK marine area as is beyond the seaward limits of the territorial sea,
 - (e) the Scottish Ministers and Scottish Natural Heritage, so far as the regulations relate to protected sites in Scotland,
 - (f) the Natural Resources Body for Wales, so far as the regulations relate to protected sites in Wales,
 - (g) DAERA, so far as the regulations relate to protected sites in Northern Ireland, and
 - (h) such other persons as they consider appropriate.
- (6) The power of the Welsh Ministers to make regulations under [section 293](#) is exercisable by statutory instrument.
- (7) A statutory instrument containing regulations made by the Welsh Ministers under [section 293](#) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, Senedd Cymru.
- (8) DAERA must, before making regulations under [section 293](#), consult—
- (a) the Secretary of State,
 - (b) the Marine Management Organisation, so far as the regulations relate to protected sites in England or the Northern Ireland offshore region,
 - (c) Natural England, so far as the regulations relate to protected sites in England,
 - (d) the Joint Nature Conservation Committee, so far as the regulations relate to protected sites in such part of the UK marine area as is beyond the seaward limits of the territorial sea,
 - (e) the Scottish Ministers and Scottish Natural Heritage, so far as the regulations relate to protected sites in Scotland,
 - (f) the Welsh Ministers and the Natural Resources Body for Wales, so far as the regulations relate to protected sites in Wales, and
 - (g) such other persons as DAERA considers appropriate.

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- (9) The power of DAERA to make regulations under [section 293](#) is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).
- (10) Regulations may not be made under [section 293](#) by DAERA unless a draft of the regulations has been laid before and approved by a resolution of the Northern Ireland Assembly.
- (11) In this section, “protected site” has the same meaning as in [section 293](#).

Commencement Information

- II** [S. 294](#) in force at 26.12.2023, see [s. 334\(3\)\(j\)](#)

Status:

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Changes to legislation:

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