
STATUTORY INSTRUMENTS

2003 No. 2830

The Norfolk Offshore Wind Farm Order 2003

PART III

MISCELLANEOUS AND GENERAL

Power to operate and use works

15. The undertaker may operate and use the authorised works as a system for generating and transmitting electricity.

Disapplication of section 36 of the Electricity Act 1989

16. The provisions of section 36 of the Electricity Act 1989 shall not apply in relation to the authorised works.

Obstruction and misuse of works

17. Any person who without reasonable excuse—

- (a) obstructs another person from constructing or maintaining any of the authorised works under the powers conferred by this Order;
- (b) makes fast to any part of the authorised works; or
- (c) in any other way interferes with any of the authorised works or their operation;

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Temporary exclusion zones

18.—(1) Subject to paragraph (5) any person who, without reasonable excuse during the construction, replacement, removal or decommissioning of any of the authorised works navigates a vessel within an area extending 500 metres from any part of that work shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) An exclusion zone shall not come into effect until—

- (a) 7 days after the publication of a notice to mariners specifying the location and extent of the exclusion zone, the date of its commencement and its intended duration; and
- (b) the undertaker has taken such other steps as the Secretary of State may require to notify shipping of the proposed exclusion zone.

(3) The exclusion zone shall terminate on completion of the construction, replacement, removal or decommissioning, (as the case may be) of the authorised works.

(4) As soon as reasonably practicable following the termination of an exclusion zone the undertaker shall—

- (a) publish notice of the termination by means of a notice to mariners; and

(b) take such other steps as the Secretary of State may require to notify shipping of the termination of the exclusion zone.

(5) Paragraph (1) shall not apply to a person navigating a vessel for the purpose of, or in connection with, the construction, maintenance or operation of the authorised works.

(6) In this article “exclusion zone” means an area in which navigation is excluded under paragraph (1);

For protection of Environment Agency

19. Schedule 2 to this Order shall have effect.

For protection of Cromer Lighthouse

20. Schedule 3 to this Order shall have effect.

Certification of plans etc.

21. The undertaker shall, as soon as practicable after the making of this Order, submit copies of the sections and the works plans to the Secretary of State for certification that they are true copies, respectively, of the sections and the works plans referred to in this Order; and a document so certified shall be admissible in any proceedings as evidence of the contents of the document of which it is a copy.

Transfer of powers

22.—(1) The undertaker may enter into, and carry into effect, agreements for the transfer to another person of all or any of the powers conferred on the undertaker by this Order.

(2) The exercise of any powers of this Order by any other person in accordance with an agreement under paragraph (1) shall be subject to the same obligations and liabilities under this Order as would apply if that power were exercised by the undertaker.

(3) Not later than 21 days after entering into any such agreement the undertaker shall give written notice to the Secretary of State and to Trinity House stating the name and address of the person to whom the powers are being transferred and the date when the transfer is to take effect (which shall not be earlier than the date of the receipt of the notice by whichever of the Secretary of State or Trinity House is the last to receive notice).

Crown rights

23.—(1) Nothing in this Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown, and in particular, nothing in this Order authorises the undertaker to take, use, enter upon or in any manner interfere with any land, hereditaments, or rights of whatsoever description (including any part of the shore or bed of the sea or any river, channel, creek, bay or estuary)—

- (a) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those Commissioners; or
- (b) belonging to a government department or held in trust for Her Majesty for the purposes of a government department without the consent in writing of that government department.

(2) A consent under paragraph (1) may be given unconditionally or subject to such conditions or upon such terms as may be considered necessary or appropriate.