

Statutory Document No. 20XX/XXXX



Climate Change Act 2021

CLIMATE CHANGE (ENERGY ACT 2004) (APPLICATION) ORDER 2026

Approved by Tynwald:

Coming into operation in accordance with article 2.

The Council of Ministers makes the following Order under section 31 of the Climate Change Act 2021.

1 Title

This Order is the Climate Change (Energy Act 2004) (Application) Order 2026.

2 Commencement

If approved by Tynwald, this Order comes into operation on the day following that approval¹.

3 Application to the Island of the provisions of the Energy Act 2004

- (1) The following sections of the Energy Act 2004 (an Act of Parliament) are applied to the Island as part of the law of the Island subject to the exceptions, adaptations and modifications specified in articles 4 to 14—
- (a) section 95 (safety zones around renewable energy installations);
 - (b) section 96 (prohibited activities in safety zones);
 - (c) section 97 (offences relating to safety zones);
 - (d) section 98 (supplementary provisions relating to offences under s.97);
 - (e) section 104 (interpretation of chapter 2 of part 2);
 - (f) section 188 (power to impose charges to fund energy functions);
 - (g) section 192 (powers exercisable by statutory instrument);
 - (h) section 195 (timing and location of things done electronically);

¹ By virtue of section 30(4) of the Climate Change Act 2021, the procedure in section 30 (“approval required”) of the Legislation Act 2015 applies in relation to the making of regulations or orders under the Climate Change Act 2021.

- (i) section 196 (general interpretation);
 - (j) section 198 (short title, commencement and extent); and
 - (k) schedule 16 (applications and proposals for notices under section 95).
- (2) A text of the Energy Act 2004 as it applies in the Island, incorporating the exceptions, adaptations and modifications, is set out in the Annex.

4 Amendments to section 95

In section 95 (safety zones around renewable energy installations) —

- (a) omit subsections (1A), (1B), (1C), (1D), (1E), (4), (4A), (4B), (4C);
- (b) in subsection (2), (3) and (7), for “appropriate Minister”, wherever occurring, substitute “Department”;
- (c) in subsection (2), for “he” substitute “it”;
- (d) in subsection (3), for “him”, wherever occurring, substitute “it”;
- (e) in subsection (3)(b), for “his” substitute “its”;
- (f) in subsection (7)(a) —
 - (i) omit the word “himself”;
 - (ii) for “he” substitute “it”; and
- (g) for subsection (10) substitute —
 - “(10) The waters subject to regulation under this section are waters in or adjacent to Island which are between the mean high water mark and the seaward limits of the territorial sea.”

5 Amendments to section 96

In section 96 (prohibited activities in safety zones) —

- (a) in subsections (1) and (3), for “appropriate Minister”, wherever occurring, substitute “Department”;
- (b) for subsection (8) substitute —
 - “(8) Regulations made under this section by the Department are subject to the negative resolution procedure.”

6 Amendments to section 97

In section 97(5) (offences relating to safety zones) —

- (a) in paragraph (a), for “statutory maximum” substitute “level 5 on the standard scale”; and
- (b) in paragraph (b), for “indictment” substitute “information”.

7 Amendments to section 98

In section 98 (supplementary provisions relating to offences under s.97), omit subsections (3), (4) and (5).

8 Amendments to section 104

In section 104 (interpretation of chapter 2 of part 2);

- (a) in subsection (1) —
 - (i) For the definitions of “distribution” and “electric line” substitute —
 - “distribution” has the same meanings as in Part 1 of the 1989 Act;
 - “electric line” has the same meaning as section 20 of the Electricity Act 1996 (of Tynwald);
 - (ii) omit the definition of “Renewable Energy Zone”;
 - (iii) omit the definition of “Scottish part”;
 - (iv) omit the definition of “Scottish waters”;
 - (v) omit the definition of “Welsh waters”;
 - (vi) omit the definition of “Welsh Zone”; and
- (b) omit subsection (6).

9 Amendments to section 188

In section 188 (power to impose charges to fund energy functions) —

- (a) in subsections (1), (4), (7) (10) and (11), for “Secretary of State”, wherever occurring, substitute **“Department”**;
- (b) in subsections (1), (4) and (11), for “him”, wherever occurring, substitute **“it”**;
- (c) in subsection (1), (4) and (10), for “his”, wherever occurring, substitute **“its”**;
- (d) for subsection (2) substitute —
 - (2) The matters in respect of which charges may be imposed under this section include—**
 - (a) the performance of a duty imposed on the Department; and
 - (b) things done in relation to, or to activities carried on in, the territorial sea adjacent to the Island. **”**
- (e) in subsection (7) —
 - (i) omit paragraphs (a), (c), (d), (e), (f), (g), (i), (k) and (l);
 - (ii) in paragraph (j), omit “and 3”;
- (f) in subsection (8) —

- (i) omit paragraphs (a), (b), (d) and (e);
- (ii) in paragraph (g), omit “Renewable Energy Zones and”;
- (g) in subsection (9) —
 - (i) omit the following definitions —
 - (A) “gas”;
 - (B) “offshore installation”;
 - (C) “petroleum”;
 - (D) “pipeline”;
 - (ii) in the definition of “Renewable Energy Zone” and “renewable energy installation”,
 - (A) omit ““Renewable Energy Zones”and”;
 - (B) for “meanings” substitute **“a meaning”**.
- (h) in subsection (11), for “Consolidated Fund” substitute **“General Revenue”**;
- (i) omit subsection (12); and
- (j) omit subsection 13.

10 Amendments to section 192

In section 192 (powers exercisable by statutory instrument) —

- (a) in the heading, for “instrument” substitute **“document”**;
- (b) in subsection (1) —
 - (i) for “Secretary of State, the Welsh Ministers, or the Treasury” substitute **“Department”**; and
 - (ii) for “instrument” substitute **“document”**;
- (c) For subsection (2) substitute —

“Any other order or regulations under this Act must be laid before Tynwald as soon as practicable after being made, and if Tynwald, at the sitting before which the public document is laid or the next following sitting, resolves that it should be annulled, it ceases to have effect.”
- (d) omit subsections (2A) and (3);
- (e) in subsection (4), for “Subject to subsection (5), every power under this Act to make an Order in Council and every power conferred by this Act on the Secretary of State, the Welsh Ministers, the Scottish Ministers or the Treasury to make an order or regulations” substitute **“Every power conferred by this Act on the Department to make an order or regulations”**;
- (f) omit subsection (5).

11 Amendments to section 195

In section 195 (1), (3) and (4) (timing and location of things done electronically), for “Secretary of State”, wherever occurring, substitute **CA** Department **DA**.

12 Amendments to section 196

In section 196 (general interpretation) —

- (a) in subsection (1), —
 - (i) omit the following definitions —
 - (A) “the 1965 Act;
 - (B) “the 1993 Act”;
 - (C) “affirmative resolution procedure”;
 - (D) “BNFL”;
 - (E) “enactment”;
 - (F) “financial year”;
 - (G) “GEMA”;
 - (H) “the NDA”;
 - (I) “nuclear site licence”;
 - (J) “nuclear transfer scheme”;
 - (K) “pensions, allowances or gratuities”;
 - (L) “securities”;
 - (M) “shares”;
 - (N) “subordinate legislation”;
 - (O) “subsidiary” and “wholly-owned subsidiary”; and
 - (ii) in the definition of “Electronic communications network”, for “Communications Act 2003 (c. 21)” substitute **CA** Communications Act 2021 (of Tynwald) **DA**;
- (b) omit subsection (2).

13 Amendment to section 198

In section 198 (short title, commencement and extent) —

- (a) in the heading, omit “, commencement and extent”;
- (b) omit subsections (2) to (4).

14 Amendments to schedule 16

In schedule 16 (applications and proposals for notices under section 95) —

- (a) for “appropriate Minister” wherever occurring, substitute **CA** Department **DA**;

- (b) in paragraphs 4(2) and (3), 5(2) and (6), 6(3) and (8), for “he”, wherever occurring, substitute **“it”**;
- (c) in paragraph 6(8) for “his”, wherever occurring, substitute **“its”**;
- (d) for “Secretary of State” wherever occurring, substitute **“Department”**;
- (e) for paragraph 6(9) substitute —
 - “9** Sections 2 to 5 of the Inquiries (Evidence) Act 2003 (of Tynwald) shall apply in relation to a public inquiry held under this Schedule as they apply in relation to an inquiry held under that Act. **”**;
- (f) omit paragraph 7(1);
- (g) omit paragraph 8; and
- (h) for paragraph 9 substitute —
 - “9** Regulations made under this Schedule are subject to the negative resolution procedure. **”**.

MADE

M LEWIN

Interim Chief Executive Officer (Isle of Man Government)

ANNEX

[Article 3(2)]

This Annex sets out the text of the Energy Act 2004 (of Parliament) as applied by this Order and as modified where necessary. Words and provisions inserted (whether or not by way of substitution) are shown in underline. Words omitted are shown in ~~strike through~~. Provisions omitted are marked “omitted”.

95 Safety zone around renewable energy installations

- (1) This section applies where—
 - (a) there is a proposal to construct a renewable energy installation in waters subject to regulation under this section, or to extend or to decommission a renewable energy installation situated in such waters;
 - (b) there is a proposal to operate a renewable energy installation on completion of its construction in such waters, or of any extension of it in such waters; or
 - (c) a renewable energy installation is being constructed, extended, operated or decommissioned in such waters
- (1A) Omitted.
- (1B) Omitted.
- (1C) Omitted.
- (1D) Omitted.
- (1E) Omitted.
- (2) If the Department ~~appropriate Minister~~ considers it appropriate to do so for the purpose of securing the safety of—
 - (a) the renewable energy installation or its construction, extension or decommissioning,
 - (b) other installations in the vicinity of the installation or the place where it is to be constructed or extended,
 - (c) individuals in or on the installation or other installations in that vicinity, or
 - (d) vessels in that vicinity or individuals on such vessels,

~~it he~~ may issue a notice declaring that such areas as are specified or described in the notice are to be safety zones for the purposes of this Chapter.
- (3) The power of the Department ~~appropriate Minister~~ to issue a notice under this section shall be exercisable by it him either—
 - (a) on an application made to it him for the purpose by any person; or

- (b) where no such application is made, on ~~its~~ his own initiative.
- (4) Omitted.
- (4A) Omitted.
- (4B) Omitted.
- (4C) Omitted.
- (5) An area may be declared to be a safety zone only if it is an area of waters around or adjacent to a place where a renewable energy installation is to be, or is being, constructed, extended, operated or decommissioned; but a safety zone may extend to waters outside the waters subject to regulation under this section.
- (6) A notice under this section —
 - (a) must identify the renewable energy installation, or proposed renewable energy installation, by reference to which it is issued;
 - (b) must specify the date on which it is to come into force, or the means by which that date is to be determined;
 - (c) may contain provision by virtue of which the area of a safety zone varies from time to time by reference to factors specified in, or determinations made in accordance with, the provisions of the notice;
 - (d) may contain provision imposing prohibitions on the carrying on in a safety zone of activities specified in, or determined in accordance with, the provisions of the notice, or for the imposition of such prohibitions;
 - (e) may contain provision granting permission for vessels to enter or remain in a safety zone or for persons to carry on prohibited activities, or for the grant of such permissions;
 - (f) may confer discretions, with respect to the making of determinations for the purposes of such a notice, on such persons as may be specified or described in the notice;
 - (g) may modify or revoke a previous notice; and
 - (h) may make different provision in relation to different cases.
- (7) Where a notice is issued under this section or a determination is made for the purposes of such a notice, the Department ~~appropriate Minister~~ must either —
 - (a) ~~himself~~ publish the notice or determination in such manner as it ~~he~~ considers appropriate for bringing it, as soon as is reasonably practicable, to the attention of persons likely to be affected by it; or
 - (b) secure that it is published in that manner —
 - (i) by the applicant for the notice; or

- (ii) in the case of a determination made by a person other than the Department ~~appropriate Minister~~, by the applicant for the notice or by the person who made the determination.
- (8) References in this section to a determination for the purposes of a notice include references to a determination made for those purposes in accordance with the notice, or with regulations under section 96—
- (a) to impose a prohibition;
 - (b) to grant a permission; or
 - (c) to impose conditions in relation to a permission.
- (9) Schedule 16 (which makes provision about the procedure for the declaration of safety zones) has effect.
- ~~(10) The waters subject to regulation under this section are—~~
- ~~(a) waters in or adjacent to Great Britain which are between the mean low water mark and the seaward limits of the territorial sea; and~~
 - ~~(b) waters within a Renewable Energy Zone.~~
- (10) The waters subject to regulation under this section are waters in or adjacent to Island which are between the mean high water mark and the seaward limits of the territorial sea.

96 Prohibited activities in safety zones

- (1) A vessel is not to enter or remain in a safety zone except where permission for it to do so is granted—
- (a) by or in accordance with provision contained in a notice under section 95; or
 - (b) by or in accordance with provision contained in regulations made by the Department ~~appropriate Minister~~.
- (2) A person must not carry on an activity wholly or partly in a safety zone if his doing so is prohibited by or in accordance with provision contained in a notice under section 95.
- (3) Subsection (2) does not apply to the extent that carrying on the activity is permitted—
- (a) by or in accordance with provision contained in such a notice; or
 - (b) by or in accordance with provision contained in regulations made by the Department ~~appropriate Minister~~.
- (4) The provision that may be made with respect to permissions for the purposes of this section includes—
- (a) provision for the permissions to apply in relation only to such times and such periods as may be specified or described in that provision; and

- (b) provision for the permissions to apply only to such vessels, such persons and such purposes as may be specified or described in that provision.
- (5) The provision that may be made with respect to a permission for the purposes of this section includes provision imposing conditions in relation to a permission.
- (6) The conditions may include—
 - (a) conditions imposing obligations in relation to a vessel, or individuals on it, that must be satisfied while the vessel is in the safety zone; and
 - (b) conditions imposing obligations as to the manner in which any activity to which the permission relates is to be carried on.
- (7) Regulations under this section may confer discretions, with respect to the granting or imposition in accordance with the regulations of permissions or conditions, on such persons as may be specified or described in the regulations.
- ~~(8) Regulations under this section—~~
 - ~~(a) if made by the Secretary of State or the Welsh Ministers, are subject to the negative resolution procedure;~~
 - ~~(b) if made by the Scottish Ministers, are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).~~
- (8) Regulations made under this section by the Department are subject to the negative resolution procedure.

97 Offences relating to safety zones

- (1) Where a vessel enters or remains in a safety zone in contravention of section 96(1), the vessel's owner and her master are each guilty of an offence.
- (2) Where—
 - (a) a vessel enters or remains in a safety zone with a permission granted for the purposes of section 96, and
 - (b) there is a contravention of a condition of that permission in relation to the vessel or individuals on the vessel,the vessel's owner and her master are each guilty of an offence.
- (3) A person who carries on an activity wholly or partly in a safety zone in contravention of section 96(2) is guilty of an offence.
- (4) Where—
 - (a) a person carries on an activity wholly or partly in a safety zone with a permission granted for the purposes of section 96, and

- (b) there is a contravention of a condition of that permission in relation to the carrying on of that activity,
- that person is guilty of an offence
- (5) A person guilty of an offence under this section shall be liable—
 - (a) on summary conviction, to a fine not exceeding level 5 on the standard scale~~the statutory maximum~~;
 - (b) on conviction on information indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.
- (6) In proceedings against a person as the owner of a vessel for an offence under subsection (1) or (2), it is a defence for him to show that the existence of the safety zone—
 - (a) was not known to the master of the vessel in question at the time of the offence; and
 - (b) would not have become known to the master had he made reasonable inquiries before that time.
- (7) In any other proceedings against a person for an offence under this section, it is a defence for that person to show that the existence of the safety zone—
 - (a) was not known to him at the time of the offence; and
 - (b) would not have become known to him had he made reasonable inquiries before that time.
- (8) It is also a defence in proceedings against a person for an offence under this section for that person to show that he took all reasonable steps to prevent the contravention in question.

98 Offences relating to safety zones

- (1) Where the commission of an offence under section 97 is due—
 - (a) in the case of an offence under subsection (1) or (2) of that section, to an act or omission of a person other than the owner or master of the vessel in question, or
 - (b) in the case of an offence under subsection (3) or (4) of that section, to an act or omission of a person other than the person carrying on the activity in question,
- that person is also guilty of that offence and shall be liable to be proceeded against and dealt with accordingly.
- (2) Where an offence under section 97 is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—

- (a) a director, manager, secretary or other similar officer of the body corporate, or
 - (b) a person who was purporting to act in any such capacity,
- he (as well as the body corporate) is guilty of that offence and shall be liable to be proceeded against and dealt with accordingly.
- (3) Omitted.
 - (4) Omitted.
 - (5) Omitted.
 - (6) In this section “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

104 Interpretation of chapter 2 of part 2

- (1) In this Chapter—
 - “construct”, in relation to an installation or an electric line or in relation to a generating station so far as it is to comprise renewable energy installations, includes—
 - (a) placing it in or upon the bed of any waters;
 - (b) attaching it to the bed of any waters;
 - (c) assembling it;
 - (d) commissioning it; and
 - (e) installing it;
 - and “construction” is to be construed accordingly;
 - “decommission”, in relation to an installation or an electric line, includes—
 - (a) removing it from the bed of any waters;
 - (b) demolishing it; and
 - (c) dismantling it;
 - “distribution” has the same meanings as in Part 1 of the 1989 Act;
 - “electric line” has the same meaning as section 20 of the Electricity Act 1996 (of Tynwald);
 - ~~“distribution” and “electric line” have the same meanings as in Part 1 of the 1989 Act;~~
 - “extend” and “extension”—
 - (a) in relation to a generating station, have the same meanings as in Part 1 of the 1989 Act; and
 - (b) in relation to an installation, have the same meanings as in relation to a generating station;
- “installation” includes artificial island, structure and device;
- “master” includes—

- (a) in relation to a hovercraft, the captain;
- (b) in relation to any submersible apparatus, the person in charge of the apparatus; and
- (c) in relation to an installation in transit, the person in charge of the transit operation;

“renewable energy installation” is to be construed in accordance with subsections (3) to (5);

~~“Renewable Energy Zone” has the meaning given by section 84(4);~~

“safety zone” means an area which is a safety zone for the purposes of this Chapter by virtue of section 95;

~~“Scottish part”, in relation to a Renewable Energy Zone, means so much of that Zone as is designated under section 84(5);~~

~~“Scottish waters” means —~~

- ~~(a) — the internal waters of the United Kingdom that are in or are adjacent to Scotland;~~
~~or~~
- ~~(b) — so much of the territorial sea of the United Kingdom as is adjacent to Scotland;~~

“submersible apparatus” has the meaning given by section 88(4) of the Merchant Shipping Act 1995 (c. 21);

“supply”, in relation to electricity, has the same meaning as in Part 1 of the 1989 Act;

“transmission”, in relation to electricity, has the same meaning as in Part 1 of the 1989 Act;

“vessel” includes —

- (a) a hovercraft;
- (b) any submersible apparatus; and
- (c) an installation in transit.

~~“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;~~

~~“Welsh zone” has the meaning given in section 158 of the Government of Wales Act 2006.~~

- (2) References in this Chapter to the production of energy from water include, in particular, references to its production from currents and tides.
- (3) In this Chapter “renewable energy installation” means—
 - (a) an offshore installation used for purposes connected with the production of energy from water or winds;
 - (b) an installation in the course of construction at a place where it is to be used as an offshore installation within paragraph (a);
 - (c) an installation that has ceased to be an installation within paragraph (a) while remaining an offshore installation (whether or not at the same place);
 - (d) an installation that is being decommissioned at a place where it has been an installation within paragraph (a) or (c);

- (e) an installation in transit to or from a place where it is to be, or has been, used for purposes that would make it, or made it, an installation within paragraph (a);
 - (f) an installation in transit to or from a place where it is to be, or was, an installation within paragraph (c).
- (4) In subsection (3) “offshore installation” means an installation which is situated in waters where—
- (a) it permanently rests on, or is permanently attached to, the bed of the waters; and
 - (b) it is not connected with dry land by a permanent structure providing access at all times for all purposes.
- (5) The purposes referred to in subsection (3)(a) include, in particular—
- (a) the transmission, distribution and supply of electricity generated using water or winds; and
 - (b) the doing of anything (whether by way of investigations, trials or feasibility studies or otherwise) with a view to ascertaining whether the generation of electricity in that manner is, in a particular case, practicable or commercially viable, or both.
- (6) Omitted.

188 Power to impose charges to fund energy functions

- (1) The ~~Department~~ ~~Secretary of State~~ may by regulations make provision requiring the payment to ~~it~~ ~~him~~ of charges in respect of any of the following—
- (a) services or facilities provided or made available by ~~it~~ ~~him~~ in the carrying out of ~~its~~ ~~his~~ relevant energy functions;
 - (b) the consideration or supervision by ~~it~~ ~~him~~, for purposes connected with the carrying out of any of those functions, of any matter;
 - (c) the issue by ~~it~~ ~~him~~, in the carrying out of those functions, of a licence;
 - (d) the doing of anything else which is done by ~~it~~ ~~him~~ —
 - (i) in the carrying out of any of those functions; or
 - (ii) for purposes which are incidental to, or otherwise connected with, the carrying out of any of those functions.
- ~~(2) The matters in respect of which charges may be imposed under this section include—~~
- ~~(a) the performance of a duty imposed on the Secretary of State; and~~
 - ~~(b) things done in relation to, or to activities carried on in, the territorial sea adjacent to the United Kingdom or an area designated under section 1(7) of the Continental Shelf Act 1964 (c. 29).~~

- (2) The matters in respect of which charges may be imposed under this section include—
- (a) the performance of a duty imposed on the Department; and
 - (b) things done in relation to, or to activities carried on in, the territorial sea adjacent to the Island.
- (3) The persons who may be made liable for charges imposed by regulations under this section are—
- (a) any of the persons to whom, or on whose application, the service or facility in question is provided or made available;
 - (b) any of the persons on whose application the matter in question is considered, or to whom that matter relates;
 - (c) any of the persons whose activities are supervised;
 - (d) any of the persons to whom, or on whose application, the licence in question is issued;
 - (e) any of the persons on whose application the other thing is done.
- (4) In exercising ~~its~~ ~~his~~ powers under this section to fix the amount of the charge to be paid by a person of a particular description, the Department Secretary of State may fix any amount that appears to ~~it~~ ~~him~~ to be appropriate having regard to the costs that the Department Secretary of State is likely to incur in the carrying out—
- (a) in relation to persons of that description, or
 - (b) in a manner that benefits persons of that description,
- of the relevant energy functions in respect of which the charge is imposed.
- (5) The provision that may be made by regulations under this section includes—
- (a) provision specifying the times at which charges imposed under such regulations become due;
 - (b) provision specifying the manner in which they are to be paid; and
 - (c) provision for charges that must be paid periodically in respect of any matter.
- (6) Regulations under this section are subject to the negative resolution procedure.
- (7) The references in this section to the ~~Department Secretary of State's~~ relevant energy functions are references to the powers and duties of the ~~Department Secretary of State~~ by or under any of the following—
- (a) ~~the Pipe-lines Act 1962 (c. 58);~~
 - (b)
 - (c) ~~the Energy Act 1976 (c. 76);~~

- (d) ~~so much of Part 2 of the Food and Environment Protection Act 1985 (c. 48) as has effect in connection with anything specified in subsection (8);~~
- (e) ~~the Gas Act 1986 (c. 44);~~
- (f) ~~the 1989 Act;~~
- (g) ~~the Gas Act 1995 (c. 45);~~
- (h)
- (i) ~~so much of the Pollution Prevention and Control Act 1999 (c. 24) as has effect in connection with anything specified in subsection (8);~~
- (j) Chapters 2 ~~and 3~~ of Part 2 of this Act;
- (k) ~~Chapters 2 to 4 of Part 3 of this Act;~~
- (l) ~~so much of any EU instrument as has effect in connection with anything specified in subsection (8).~~

(m)

(n)

(8) The matters mentioned in subsection (7) are—

- (a) ~~the carrying out of exploration for petroleum;~~
- (b) ~~the winning or production of petroleum;~~
- (c) the generation, transmission, distribution or supply of electricity;
- (d) ~~the conveyance, supply, storage or processing of gas;~~
- (da)
- (db)
- (e) ~~pipelines for the conveyance of petroleum that are situated in Great Britain;~~
- (f)
- (g) ~~Renewable Energy Zones and~~ renewable energy installations;
- (h) the protection of the environment from activities carried on in connection with anything mentioned in the preceding paragraphs.

(9) In this section—

“application” includes a requirement, and cognate expressions are to be construed accordingly;

“gas” has the same meaning as in the Gas Act 1986 (c. 44);

“issue”, in relation to a licence, includes grant and serve, and also refuse, modify, revoke and renew, and cognate expressions are to be construed accordingly;

“licence” includes an authorisation, consent, approval, exemption, certificate or notice;

“offshore installation” has the same meaning as in Part 4 of the Petroleum Act 1998 (c. 17);

“petroleum” has the same meaning as in Part 1 of that Act;

~~“pipeline” means a pipeline within the meaning of Part 3 of that Act or a pipe line within the meaning of the Pipe lines Act 1962 (c. 58);~~

~~“Renewable Energy Zone” and “renewable energy installation” have the same meanings as in Chapter 2 of Part 2 of this Act;~~

~~“supervision”, in relation to activities, includes the carrying out of an inspection of any premises or thing used or apparently used in connection with those activities.~~

- (10) The power to make regulations under this section—
 - (a) is in addition to every other power to impose charges in connection with the carrying out by the Department ~~Secretary of State~~ of its ~~his~~ relevant energy functions; and
 - (b) is to be disregarded in construing those other powers.
- (11) The Department ~~Secretary of State~~ must pay sums received by it ~~him~~ by virtue of regulations under this section into the General Revenue ~~Consolidated Fund~~.
- (12) Omitted.
- (13) Omitted.

192 Powers exercisable by statutory document ~~instrument~~

- (1) Every power conferred by this Act on the Department ~~Secretary of State, the Welsh Ministers or the Treasury~~ to make an order or regulations is a power exercisable by statutory document ~~instrument~~.
- ~~(2) Where—~~
 - ~~(a) this Act provides for an Order in Council, order or regulations made by the Secretary of State or the Treasury to be subject to the negative resolution procedure, and~~
 - ~~(b) a draft of the Order in Council, order or regulations has not been required, in accordance with subsection (3) or any other enactment, to be laid before Parliament and approved by a resolution of each House, or by a resolution of the House of Commons,~~

~~the statutory instrument containing the Order in Council, order or regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.~~
- (2) Any other order or regulations under this Act must be laid before Tynwald as soon as practicable after being made, and if Tynwald, at the sitting before which the public document is laid or the next following sitting, resolves that it should be annulled, it ceases to have effect.
- (2A) Omitted.
- (3) Omitted.

- (4) ~~Subject to subsection (5), every power under this Act to make an Order in Council and every power conferred by this Act on the Secretary of State the Welsh Ministers, the Scottish Ministers or the Treasury to make an order or regulations~~ Every power conferred by this Act on the Department to make an order or regulations includes power —
- (a) to make different provision for different cases (including different provision in respect of different areas);
 - (b) to make provision subject to such exemptions and exceptions as the person exercising the power thinks fit; and
 - (c) to make such incidental, supplemental, consequential and transitional provision as that person thinks fit.
- (5) Omitted.

195 Timing and location of things done electronically

- (1) The ~~Department~~ Secretary of State may, by order, make provision specifying, for the purposes of any enactment or subordinate legislation contained in or made under this Act, the manner of determining —
- (a) the times at which things done under that enactment or subordinate legislation by means of electronic communications networks are done; and
 - (b) the places at which such things are so done, and at which things transmitted by means of such networks are received.
- (2) The provision made by subsection (1) may include provision as to the country or territory in which an electronic address is to be treated as located.
- (3) An order made by the ~~Department~~ Secretary of State may also make provision about the manner of proving in any legal proceedings —
- (a) that something done by means of an electronic communications network satisfies the requirements of an enactment or subordinate legislation contained in or made under this Act for the doing of that thing; and
 - (b) the matters mentioned in subsection (1)(a) and (b).
- (4) An order under this section may provide for such presumptions to apply (whether conclusive or not) as the ~~Department~~ Secretary of State considers appropriate.
- (5) An order under this section is subject to the negative resolution procedure.

196 General interpretation

- (6) In this Act —
- ~~“the 1965 Act” means the Nuclear Installations Act 1965 (c. 57);~~

~~“the 1989 Act” means the Electricity Act 1989 (c. 29);~~
~~“the 1993 Act” means the Radioactive Substances Act 1993 (c. 12);~~
~~“affirmative resolution procedure” is to be construed in accordance with section 192(3);~~
~~“BNFL” means the Nuclear Fuels Company (within the meaning of the Atomic Energy Authority Act 1971 (c. 11));~~
~~“contravention” includes a failure to comply, and cognate expressions are to be construed accordingly;~~
~~“documents” includes accounts, drawings, written representations and records of any description;~~
~~“electronic communications network” has the same meaning as in the Communications Act 2003 (c. 21);~~
~~“enactment” (except in Chapter 5 of Part 2) includes Acts of the Scottish Parliament and Northern Ireland legislation;~~
~~“financial year” means a period of twelve months ending with 31st March;~~
~~“GEMA” means the Gas and Electricity Markets Authority;~~
~~“modification” includes omission, addition or alteration, and cognate expressions are to be construed accordingly;~~
~~“the NDA” means the Nuclear Decommissioning Authority established by section 1;~~
~~“negative resolution procedure” is to be construed in accordance with section 192(2);~~
~~“nuclear site licence” has the same meaning as in the 1965 Act;~~
~~“nuclear transfer scheme” means a scheme under section 38;~~
~~“pensions, allowances or gratuities” is to be construed in accordance with subsection (2);~~
~~“securities”, in relation to a body corporate, includes shares, debentures, debenture stock, bonds and other securities of the body corporate, whether or not constituting a charge on the assets of the body corporate;~~
~~“shares” includes stock;~~
~~“subordinate legislation” has the same meaning as in the Interpretation Act 1978 (c. 30);~~
~~“subsidiary” and “wholly owned subsidiary” have the meanings given by section 1159 of the Companies Act 2006;~~
~~“the UKAEA” means the United Kingdom Atomic Energy Authority~~

(7) Omitted.

198 Short title, commencement and extent

- (1) This Act may be cited as the Energy Act 2004.
- (2) Omitted.
- (3) Omitted.
- (4) Omitted.

SCHEDULE 16

APPLICATIONS AND PROPOSALS FOR NOTICES UNDER SECTION 95

Interpretation

- 1 In this Schedule references to a safety zone notice are references to a notice under section 95.
- 2 In this Schedule “relevant renewable energy installation”, in relation to an application for a safety zone notice or a proposal by the Department ~~appropriate Minister~~ to issue such a notice, means the renewable energy installation by reference to which the notice applied for or proposed would fall to be issued.

Requirements for applications

- 3 (1) An application for a safety zone notice must describe, by way of a map—
 - (a) the place where the relevant renewable energy installation is to be, or is being, constructed, extended, operated or decommissioned; and
 - (b) the waters in relation to which any declaration applied for will establish a safety zone.
- (2) The application must also—
 - (a) describe the other provisions the application asks to be included in the notice applied for; and
 - (b) include such other information as may be prescribed by regulations made by the Department ~~appropriate Minister~~.
- (3) An application is not allowed to be made orally.

Objections to an application

- 4 (1) The Department ~~appropriate Minister~~ by regulations make provision for securing—
 - (a) that, in the prescribed circumstances, notice of an application is published in the prescribed manner;
 - (b) that, in the prescribed circumstances and in any other case where the Department ~~appropriate Minister~~ so directs, notice of an application is served on the persons who are prescribed or are specified in the direction;
 - (c) that every notice published or served in pursuance of the regulations states the period within which objections to the application may be made, and the manner in which any objections are to be made;

- (d) that the period so stated is not less than the prescribed period after the publication or service of the notice;
 - (e) that, where such a notice requires objections to be sent to a person other than the Department ~~appropriate Minister~~, the recipient of the objections is required to send copies of them to the Department ~~appropriate Minister~~.
- (2) The regulations may provide that the Department ~~appropriate Minister~~ may give such directions dispensing with the requirements of the regulations as it ~~he~~ considers appropriate.
- (3) Where objections, or copies of objections, to an application have been sent to the Department ~~appropriate Minister~~ in compliance with the regulations, the Department ~~appropriate Minister~~ —
- (a) must consider those objections, together with all other material considerations, with a view to determining whether a public inquiry should be held with respect to the application; and
 - (b) if it ~~he~~ thinks it appropriate to do so, must cause a public inquiry to be held, either in addition to or instead of any other hearing or opportunity of stating objections to the application.
- (4) In this paragraph “prescribed” means prescribed by regulations under this paragraph.

Objections in other cases

- 5 (1) This paragraph applies where—
- (a) the Department ~~appropriate Minister~~ is proposing to issue a safety zone notice without an application having been made; or
 - (b) the Department ~~appropriate Minister~~, in response to an application but without the holding of a public inquiry, is proposing to issue a safety zone notice in terms that are materially different from those applied for.
- (2) The Department ~~appropriate Minister~~ must—
- (a) publish notice of the proposal in such manner as it ~~he~~ considers appropriate for bringing it, as soon as is reasonably practicable, to the attention of persons likely to be affected by it; and
 - (b) serve notice of the proposal on such persons as it ~~he~~ considers appropriate.
- (3) The notice that is published or served must describe, by way of a map—
- (a) the place where the relevant renewable energy installation is to be, or is being, constructed, extended, operated or decommissioned; and
 - (b) the waters in relation to which any declaration proposed will establish a safety zone;

and it must also describe the other provisions that the ~~Department appropriate Minister~~ proposes to include in the safety zone notice.

- (4) That notice must also—
 - (a) state the period within which objections to the proposal may be made; and
 - (b) the manner in which any objections are to be made.
- (5) The period for making objections must not be shorter than the minimum period which would be applicable, in accordance with regulations under paragraph 4, if the notice were being published in respect of an application for a safety zone notice.
- (6) Where objections or copies of objections to the proposal have been sent to the ~~Department appropriate Minister~~, it he—
 - (a) must consider those objections, together with all other material considerations, with a view to determining whether a public inquiry should be held with respect to the proposal; and
 - (b) if it he thinks it appropriate to do so, must cause a public inquiry to be held, either in addition to or instead of any other hearing or opportunity of stating objections to the proposal.

Public inquiries

- 6 (1) This paragraph applies where a public inquiry is to be held.
- (2) In the case of an inquiry to be held in respect of an application—
 - (a) the ~~Department appropriate Minister~~ must inform the applicant that it is to be held; and
 - (b) the applicant must, in two successive weeks, publish a notice in one or more local newspapers circulating in one or more areas determined in accordance with regulations made by the ~~Department appropriate Minister~~.
- (3) In the case of an inquiry in respect of a proposal of the ~~Department appropriate Minister~~, it he must publish a notice in such manner as it he considers appropriate for bringing the inquiry to the attention of persons likely to be affected by the proposal.
- (4) A notice that is published under sub-paragraph (2) or (3) must contain—
 - (a) a statement of the fact that the application or proposal has been made; and
 - (b) a description of the application or proposal.
- (5) The notice must also set out—

- (a) a place where a copy of the application or proposal, and of the map referred to in it, can be inspected; and
 - (b) the place, date and time of the public inquiry.
- (6) The place set out in accordance with sub-paragraph (5)(a) in the case of an inquiry in respect of an application for a safety zone notice must be the place determined in accordance with regulations made by the ~~Department~~ appropriate Minister.
- (7) If it appears to the ~~Department~~ appropriate Minister, in the case of an inquiry in respect of such an application, that further notification of the inquiry should be given (in addition to the published notice) in order to secure that the matters set out in the published notice are sufficiently made known to persons who are likely to be affected by the application—
- (a) the ~~Department~~ appropriate Minister may direct the applicant to take such further steps for that purpose (whether by the service of notices, advertisement or otherwise) as may be specified in the direction; and
 - (b) that person must comply with the direction.
- (8) If it appears to the ~~Department~~ appropriate Minister, in the case of an inquiry in respect of a proposal of ~~its~~ his, that further notification of the inquiry should be given (in addition to the published notice) in order to secure that the matters set out in the published notice are sufficiently made known to persons who are likely to be affected by the proposal, ~~it~~ he must take such further steps for that purpose (whether by the service of notices, advertisement or otherwise) as he considers appropriate.
- (9) Sections 2 to 5 of the Inquiries (Evidence) Act 2003 (of Tynwald) shall apply in relation to a public inquiry held under this Schedule as they apply in relation to an inquiry held under that Act.
- ~~(9) The following provisions—~~
- ~~(a) subsections (2) to (5) of section 250 of the Local Government Act 1972 (c. 70) (which relates to evidence at inquiries and the costs of inquiries), and~~
 - ~~(b) subsections (2) to (8) of section 210 of the Local Government (Scotland) Act 1973 (c. 65) (which makes similar provision for Scotland),~~
- ~~shall apply in relation to a public inquiry held under this Schedule as they apply in relation to a local inquiry which a Minister causes to be held under subsection (1) of that section.~~
- (10) For the purposes of this paragraph a public inquiry under sub-paragraph (6) of paragraph 5 in a case where that paragraph applies by virtue of sub-paragraph (1)(b) of that paragraph—
- (a) is a public inquiry in respect of a proposal of the ~~Department~~ appropriate Minister; and
 - (b) is not a public inquiry in respect of an application.

Use of additional inspectors for an inquiry

- 7 (1) Omitted.

- (2) At any time after appointing a person to hold the inquiry (“the lead inspector”), the Department ~~Secretary of State~~ may direct him—
 - (a) to consider such matters relating to the conduct of the inquiry as are specified in the direction; and
 - (b) to make recommendations to the Department ~~Secretary of State~~ about those matters.
- (3) After considering the recommendations of the lead inspector, the Department ~~Secretary of State~~ may—
 - (a) appoint for the purposes of the inquiry such number of additional inspectors as he thinks appropriate; and
 - (b) direct that each additional inspector must consider such of the matters to which the inquiry relates as are allocated to him by the lead inspector.
- (4) An additional inspector must—
 - (a) comply with every direction as to procedural matters given to him by the lead inspector; and
 - (b) report to the lead inspector on every matter allocated to him.
- (5) It is to be for the lead inspector to report to the Department ~~Secretary of State~~ on the consideration of both—
 - (a) the matters which he considered himself; and
 - (b) the matters the consideration of which was allocated to additional inspectors.
- (6) The power of the Department ~~Secretary of State~~ to give directions to the lead inspector may be exercised on one or more different occasions after the appointment of the lead inspector.
- (7) Accordingly—
 - (a) the recommendations that may be made by the lead inspector following such a direction include, in particular, a recommendation for varying the number of additional inspectors; and
 - (b) the power of the Department ~~Secretary of State~~ to appoint an additional inspector includes power to revoke such an appointment.
- (8) A direction by any person under this paragraph may be varied or revoked by a subsequent direction by that person.

Combined notices

8 Omitted.

Parliamentary control of regulations

9 Regulations under this Schedule are subject to the negative resolution procedure.

~~9 Regulations under this Schedule~~

- ~~(a) if made by the Secretary of State or the Welsh Ministers, are subject to the negative resolution procedure;~~
- ~~(b) if made by the Scottish Ministers, are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).~~

*EXPLANATORY NOTE**(This note is not part of the Order)*

This Order applies, as part of the law of the Island, the following sections of the Energy Act 2004 (of Parliament) —

- (a) section 95 (safety zones around renewable energy installations);
- (b) section 96 (prohibited activities in safety zones);
- (c) section 97 (offences relating to safety zones);
- (d) section 98 (supplementary provisions relating to offences under s.97);
- (e) section 104 (interpretation of chapter 2 of part 2);
- (f) section 188 (power to impose charges to fund energy functions);
- (g) section 192 (powers exercisable by statutory instrument);
- (h) section 195 (timing and location of things done electronically);
- (h) section 196 (general interpretation);
- (i) section 198 (short title, commencement and extent); and
- (j) schedule 16 (applications and proposals for notices under section 95).

The Annex to the Order sets out the text of the Energy Act 2004 (of Parliament) as they apply to the Island.