



Marine and Coastal Access Act 2009

2009 CHAPTER 23

PART 1

THE MARINE MANAGEMENT ORGANISATION

CHAPTER 2

TRANSFER OF FUNCTIONS TO THE MMO

Generating and renewable energy installations

13 Safety zones: functions under section 95 of the Energy Act 2004

- (1) The functions of the Secretary of State specified in subsection (2) are transferred to the MMO.
- (2) Those functions are any functions of the Secretary of State under section 95 of the Energy Act 2004 (c. 20) (safety zones around renewable energy installations), so far as relating to any renewable energy installation that meets the requirements of subsections (3) and (4).
- (3) The renewable energy installation must be in waters subject to regulation under section 95 of the Energy Act 2004, other than—
 - (a) any area of Scottish waters,^{F1}...
 - (b) any area of waters in a Scottish part of a Renewable Energy Zone.
 - [^{F2}(c) any area of the Welsh inshore region, or
 - (d) any area of the Welsh offshore region.]
- (4) The renewable energy installation must have a capacity such that the construction or extension of the installation would not be a nationally significant infrastructure project (within the meaning given by sections 14 and 15 of the Planning Act 2008 (c. 29)).

Changes to legislation: *Marine and Coastal Access Act 2009, Section 13 is up to date with all changes known to be in force on or before 21 April 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*

- (5) In accordance with subsection (1), any reference in the following provisions to the Secretary of State is to be read, so far as relating to the exercise of any function falling within subsection (2), as a reference to the MMO—
- (a) section 95 of the Energy Act 2004,
 - (b) Schedule 16 to that Act (procedure for declaring safety zones),
- but this is subject to the exceptions in subsection (6).
- (6) Those exceptions are the following provisions of Schedule 16 to the Energy Act 2004 (which relate to regulations made by the Secretary of State)—
- paragraph 3(2)(b);
 - in paragraph 4(1), the words preceding paragraph (a);
 - paragraph 4(1)(b);
 - paragraph 4(2);
 - paragraph 6(2)(b) and (6).
- (7) In section 95 of the Energy Act 2004, after subsection (1) insert—
- “(1A) This section is subject to section 13 of the Marine and Coastal Access Act 2009 (which transfers certain functions of the Secretary of State to the Marine Management Organisation).”.
- (8) In this section, the following expressions have the same meaning as in section 95 of the Energy Act 2004—
- “renewable energy installation”;
 - “Renewable Energy Zone”;
 - “Scottish part”, in relation to a Renewable Energy Zone;
 - “Scottish waters”.

Textual Amendments

- F1** Word in s. 13(3)(a) omitted (1.4.2019) by virtue of Wales Act 2017 (c. 4), s. 71(4), **Sch. 6 para. 78(a)** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 5(b)
- F2** S. 13(3)(c)(d) inserted (1.4.2019) by Wales Act 2017 (c. 4), s. 71(4), **Sch. 6 para. 78(b)** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 5(b)

Commencement Information

- I1** S. 13 in force at 1.4.2010 by S.I. 2010/298, art. 2, **Sch. para. 5** (with art. 4(2))

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Changes and effects yet to be applied to :

- s. 13(7) omitted by [2016 c. 11 s. 62\(20\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 72A(2A) inserted by [2023 c. 55 s. 232\(2\)\(d\)](#)
- s. 72A(6)(a) words in s. 72A(6) renumbered as s. 72A(6)(a) by [2023 c. 55 s. 232\(2\)\(f\)\(i\)](#)
- s. 72A(6)(a) words inserted by [2023 c. 55 s. 232\(2\)\(f\)\(ii\)](#)
- s. 72A(6)(b) and word inserted by [2023 c. 55 s. 232\(2\)\(f\)\(iii\)](#)
- Sch. 6 para. 1(2)(da) inserted by [2023 c. 55 Sch. 8 para. 31\(2\)\(a\)](#)