STATUTORY INSTRUMENTS

2009 No. 1743

ELECTRICITY

The Civil Jurisdiction (Application to Offshore Renewable Energy Installations etc.) Order 2009

Made - - - -	*8th July 2009*
Laid before Parliament	*15th July 2009*
Laid before the Scottish Parliament	*15th July 2009*
Coming into force	
Articles 1, 2, 3(a), 4 and 5(1)	*5th August 2009*
Remainder	*1st November 2009*

At the Court at Buckingham Palace, the 8th day of July 2009

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by sections 87 and 192(4)(b) of the Energy Act 2004**(a)** is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation and commencement

1.—(1) This Order may be cited as the Civil Jurisdiction (Application to Offshore Renewable Energy Installations etc.) Order 2009.

(2) Articles 1, 2, 3(a), 4 and 5(1) of this Order shall come into force on 5th August 2009 and all other articles thereof shall come into force on 1st November 2009.

Interpretation

2. In this Order —

"the Act" means the Energy Act 2004;

"co-ordinate" means a co-ordinate on the Ordnance Survey of Great Britain 1936 Datum;

"line", in relation to any list of co-ordinates in this Order, means a loxodromic line;

"offshore area" means—

(**a**) 2004 c.20.

(a) tidal waters and parts of the sea in or adjacent to Great Britain up to the seaward limits of the territorial sea;

(b) waters in the Renewable Energy Zone as designated by the Renewable Energy Zone (Designation of Area) Order 2004(**a**);

"relevant act" means an act or omission taking place on, under or above—

(a) a renewable energy installation situated in the offshore area, or

(b) the offshore area in relation to a related line;

"the English area" means such of the offshore area adjacent to England and Wales which lies to the south of the Scottish border;

"the Scottish area" means such of the offshore area adjacent to Scotland which lies to the north of the Scottish border;

"the Scottish border" has the meaning in the Schedule to this Order.

Application of English and Scottish civil law

3. Subject to the provisions of any Order made under section 85 of the Act with respect to the application of criminal law and to article 4—

(a) the law in force in England and Wales shall apply for the determination of questions arising out of relevant acts taking place in the English area; and

(b) the law in force in Scotland shall apply for the determination of questions arising out of relevant acts taking place in the Scottish area.

Exclusions

4. Article 3 does not apply to—

(a) sections 9(1) and (2) of the Race Relations Act 1976(**b**);

(b) the Trade Union and Labour (Consolidation) Act 1992(**c**) except the provisions of that Act extended to a person in offshore employment by virtue of orders made under section 287 of that Act(**d**).

Jurisdiction

5.—(1) The High Court shall have such jurisdiction for the determination of any questions arising out of a relevant act which, under article 3(a) above, fall to be determined in accordance with the law in force in England and Wales as it would have if the relevant act had taken place in England or Wales.

(2) The Court of Session shall have such jurisdiction for the determination of any questions arising out of a relevant act which, under article 3(b) above, fall to be determined in accordance with the law in force in Scotland as it would have if the relevant act had taken place in Scotland.

Judith Simpson
Clerk of the Privy Council

(**a**) S.I. 2004/2668.
(**b**) 1976 C.74.
(**c**) 1992 C.52.
(**d**) The Employment Relations (Offshore Employment) Order 2000 (S.I. 2000/1828); following the consolidation of the original enabling powers the Employment Protection (Offshore Employment) Order 1976 (S.I. 1976/766) had effect as if made under section 287 of the Trade Union and Labour Relations (Consolidation) Act 1992.

SCHEDULE

Article 2

Meaning of Scottish border

The Scottish border means—

(a) in the North Sea a series of lines joining, in the Point Number order given, the co-ordinates described under the headings "Latitude" and "Longitude":

Point No.	Latitude	Longitude
1.	55° 48′ 42″ N	2° 01′ 54″ W
2.	55° 49′ 47″ N	1° 59′ 58″ W
3.	55° 50′ 40″ N	1° 58′ 09″ W
4.	55° 50′ 44″ N	1° 57′ 55″ W
5.	55° 53′ 17″ N	1° 48′ 28″ W
6.	55° 53′ 27″ N	1° 47′ 54″ W
7.	55° 55′ 01″ N	1° 43′ 32″ W
8.	55° 56′ 00″ N	1° 40′ 35″ W
9.	55° 56′ 30″ N	1° 38′ 54″ W
10.	55° 58′ 01″ N	1° 33′ 49″ W
11.	56° 01′ 54″ N	1° 26′ 02″ W
12.	56° 11′ 41″ N	1° 11′ 20″ W
13.	56° 22′ 16″ N	0° 55′ 04″ W
14.	56° 23′ 39″ N	0° 50′ 28″ W
15.	56° 27′ 10″ N	0° 38′ 41″ W
16.	56° 27′ 40″ N	0° 35′ 11″ W
17.	56° 30′ 12″ N	0° 17′ 09″ W
18.	56° 32′ 41″ N	0° 01′ 51″ E
19.	56° 33′ 38″ N	0° 13′ 13″ E
20.	56° 34′ 39″ N	0° 26′ 10″ E
21.	56° 36′ 13″ N	0° 47′ 53″ E
22.	56° 36′ 26″ N	0° 57′ 24″ E
23.	56° 36′ 32″ N	1° 10′ 34″ E
24.	56° 36′ 37″ N	1° 30′ 00″ E
25.	56° 36′ 39″ N	2° 00′ 00″ E
26.	56° 36′ 33″ N	2° 30′ 00″ E
27.	56° 36′ 31″ N	2° 36′ 26″ E

(b) in the Solway Firth a series of lines joining, in the Point Number order given, the co-ordinates described under the headings "Latitude" and "Longitude"—

Point No.	Latitude	Longitude
1.	54° 59′ 05″ N	3° 03′ 33″ W
2.	54° 58′ 18″ N	3° 04′ 55″ W
3.	54° 56′ 59″ N	3° 08′ 29″ W
4.	54° 57′ 41″ N	3° 10′ 58″ W
5.	54° 57′ 39″ N	3° 14′ 05″ W
6.	54° 56′ 22″ N	3° 20′ 48″ W

7.	54° 54′ 34″ N	3° 27′ 55″ W
8.	54° 49′ 11″ N	3° 32′ 23″ W
9.	54° 46′ 44″ N	3° 38′ 12″ W
10.	54° 37′ 50″ N	3° 50′ 47″ W
11.	54° 37′ 33″ N	3° 51′ 05″ W

(c) in the Irish Sea a series of lines—

(i) joining, in the Point Number given, the co-ordinates described under the headings "Latitude" and "Longitude"

Point No.	Latitude	Longitude
1.	54° 37′ 33″ N	3° 51′ 05″ W
2.	54° 36′ 56″ N	3° 52′ 05″ W
3.	54° 36′ 07″ N	3° 53′ 52″ W
4.	54° 33′ 13″ N	4° 00′ 11″ W
5.	54° 32′ 47″ N	4° 01′ 07″ W
6.	54° 31′ 51″ N	4° 03′ 09″ W
7.	54° 30′ 00″ N	4° 04′ 25″ W

(ii) then following the seaward limit of the United Kingdom Territorial Sea adjacent to Scotland until the position 55° 26′ 39″ N, 6° 34′ 45″ W.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order divides Great Britain territorial waters (including tidal waters) and waters within the Renewable Energy Zone (designated under section 84 of the Energy Act 2004) into English and Scottish parts for the purpose of applying English and Scottish civil law respectively to activities taking place on, under or above renewable energy installations or certain electric lines situated in those offshore areas (article 3).

Article 4 describes the enactments to which article 3 does not apply.

Article 5 confers jurisdiction on the High Court in England and Wales and the Court of Session in Scotland for the determination of questions arising out of relevant acts.

The co-ordinates listed as point numbers in the Schedule to the Order coincide with the England/Scotland internal waters, territorial sea and fishing boundaries, as set out in the Scottish Adjacent Waters Boundaries Order 1999 (S.I. 1999/1126).

This Order has been laid in the Scottish Parliament in accordance with section 88 of the Energy Act 2004. The later coming into force date for the provisions applying Scottish law reflects the fact that procedure in the Scottish Parliament is delayed during recess and does not count towards the 21 day period.

An Impact Assessment has not been produced for this instrument as no impact on the private or voluntary sectors is forseen.

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