



Marine and Coastal Access Act 2009

2009 CHAPTER 23

PART 4 U.K.

MARINE LICENSING

CHAPTER 2 U.K.

EXEMPTIONS AND SPECIAL CASES

Special provisions in certain cases

79 Special procedure for applications relating to certain electricity works U.K.

- (1) This section has effect in cases where a person who proposes to carry on an activity must first make both—
 - (a) an application for a marine licence to carry on that activity (the “marine licence application”), and
 - (b) a related application for a generating station consent (the “generating station application”).
- (2) A “related application for a generating station consent” is an application for a consent under section 36 of the Electricity Act (consent for construction etc of generating stations) in relation to—
 - (a) the activity for which the marine licence is required, or
 - (b) other works to be undertaken in connection with that activity.
- (3) In any case where—
 - (a) both the marine licence application and the generating station application have been made,
 - (b) the generating station authority decides (with the agreement of the Welsh Ministers, if they are the marine licence authority and the Secretary of State is

Status: Point in time view as at 01/04/2019.

Changes to legislation: Marine and Coastal Access Act 2009, Section 79 is up to date with all changes known to be in force on or before 16 July 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)

the generating station authority) that the two applications are to be considered together, and

- (c) the generating station authority has given notice of that decision to the applicant,

the two applications are to be considered together.

(4) Subsection (5) applies in any case where—

- (a) one of the applications has been received but not the other,
- (b) the generating station authority decides (with the agreement of the Welsh Ministers, if they are the marine licence authority and the Secretary of State is the generating station authority) that the two applications are to be considered together, and
- (c) the generating station authority has given notice of that decision to the applicant.

(5) In any such case—

- (a) the application that has been received is not to be considered until the other application has also been received,
- (b) the two applications are to be considered together, and
- (c) the condition in subsection (3)(b) is to be regarded as satisfied by virtue of subsection (4)(b),

but this is subject to any provision that may be made by virtue of subsection (6)(c) or (d) [^{F1}or (6A)(b)].

(6) [^{F2}Subject to subsection (6B),] the Secretary of State may by order do any of the following—

- (a) make provision falling within subsection (7) for cases where subsection (3) applies;
- (b) make provision falling within subsection (7) for cases where subsection (5) applies;
- (c) make provision falling within subsection (7) or (8) for cases where the generating station authority (with the agreement of the Welsh Ministers, if they are the marine licence authority and the Secretary of State is the generating station authority) comes to the conclusion that the marine licence application is not going to be made;
- (d) make provision falling within subsection (7) or (8) for cases where the generating station authority comes to the conclusion that the generating station application is not going to be made.

[^{F3}(6A) The Welsh Ministers may by regulations—

- (a) make provision falling within subsection (7) for cases where—
- (i) the Welsh Ministers are both the marine licence authority and the generating station authority, and
- (ii) they have decided that the two applications are to be considered together and have given notice of that decision to the applicant;
- (b) make provision falling within subsection (7) or (8) for cases where—
- (i) the Welsh Ministers are both the marine licence authority and the generating station authority, and
- (ii) they have concluded that one of the applications is not going to be made.

Status: Point in time view as at 01/04/2019.

Changes to legislation: Marine and Coastal Access Act 2009, Section 79 is up to date with all changes known to be in force on or before 16 July 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)

- (6B) The Secretary of State may not make provision under this section for cases where the Welsh Ministers are both the marine licence authority and the generating station authority.]
- (7) The provision that may be made by virtue of this subsection is—
- (a) provision that such procedural provisions of this Part as are specified in the order are not to apply to the marine licence application;
 - (b) provision that such procedural provisions of the Electricity Act as are so specified are to apply to that application instead;
 - (c) provision modifying the provisions of the Electricity Act in their application by virtue of paragraph (b).
- (8) The provision that may be made by virtue of this subsection is provision modifying—
- (a) such procedural provisions of this Part as are specified in the order, or
 - (b) such procedural provisions of the Electricity Act as are specified in the order.
- (9) In this section—
- “the Electricity Act” means the Electricity Act 1989 (c. 29);
- “generating station authority” means—
- (a) the Secretary of State, in any case where the generating station application falls (or would fall) to be determined by the Secretary of State;
 - (b) the Scottish Ministers, in any case where the generating station application falls (or would fall) to be determined by the Scottish Ministers;
 - (c) [^{F4}the Welsh Ministers, in any case where the generating station application falls (or would fall) to be determined by the Welsh Ministers;]
- “the marine licence authority” means—
- (a) the Secretary of State, in any case where the marine licence application falls (or would fall) to be made to the Secretary of State;
 - (b) the Scottish Ministers, in any case where the marine licence application falls (or would fall) to be made to the Scottish Ministers;
 - (c) the Welsh Ministers, in any case where the marine licence application falls (or would fall) to be made to the Welsh Ministers;
- “procedural provisions” means any provisions for or in connection with the procedure for determining an application.

Textual Amendments

- F1** Words in s. 79(5) inserted (1.4.2019) by [Wales Act 2017 \(c. 4\), s. 71\(4\), Sch. 6 para. 81\(2\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 5\(b\)](#)
- F2** Words in s. 79(6) inserted (1.4.2019) by [Wales Act 2017 \(c. 4\), s. 71\(4\), Sch. 6 para. 81\(3\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 5\(b\)](#)
- F3** S. 79(6A)(6B) inserted (1.4.2019) by [Wales Act 2017 \(c. 4\), s. 71\(4\), Sch. 6 para. 81\(4\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 5\(b\)](#)
- F4** Words in s. 79(9) inserted (1.4.2019) by [Wales Act 2017 \(c. 4\), s. 71\(4\), Sch. 6 para. 81\(5\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 5\(b\)](#)

Status: Point in time view as at 01/04/2019.

Changes to legislation: Marine and Coastal Access Act 2009, Section 79 is up to date with all changes known to be in force on or before 16 July 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)

Commencement Information

- I1** S. 79 partly in force; s. 79 in force for specified purposes at Royal Assent see s. 324(1)(c)
- I2** S. 79 in force at 6.4.2011 in so far as not already in force by [S.I. 2011/556](#), **art. 3(2)(a)**

Status:

Point in time view as at 01/04/2019.

Changes to legislation:

Marine and Coastal Access Act 2009, Section 79 is up to date with all changes known to be in force on or before 16 July 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.