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STATUTORY INSTRUMENTS

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**2009 No. 1739**

**ELECTRICITY**

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

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

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 85 and 192(4)(a) 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 Criminal Jurisdiction (Application to Offshore Renewable Energy Installations etc.) Order 2009.

(2) Articles 1, 2, 3(1) and 4(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;

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(a) 2004 c.20.

“offshore area” means—

- (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) waters in the offshore area that are within a safety zone;

“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 criminal law**

3.—(1) A relevant act that—

- (a) takes place in the English area; and
- (b) would, if it took place in England and Wales, constitute an offence under the law in force in that part of the United Kingdom,

shall be treated for the purposes of that law as taking place in England and Wales.

(2) A relevant act that—

- (a) takes place in the Scottish area; and
- (b) would, if it took place in Scotland, constitute an offence under the law in force in that part of the United Kingdom,

shall be treated for the purposes of that law as taking place in Scotland.

### **Application of police powers**

4.—(1) A constable who is a member of a force in England and Wales shall have on, under or above—

- (a) a renewable energy installation situated in the English area; and
- (b) any waters in the English area that are within a safety zone,

all the powers and privileges that he has in that force.

(2) A constable who is a member of a force in Scotland shall have on, under or above—

- (a) a renewable energy installation situated in the Scottish area; and
- (b) any waters in the Scottish area that are within a safety zone,

all the powers and privileges that he has in that force.

*Judith Simpson*  
Clerk of the Privy Council

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(a) S.I. 2004/2668.

# 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 criminal law respectively to activities taking place on, under or above renewable energy installations or waters within a safety zone situated in those offshore areas (article 3).

Article 4 extends the jurisdiction of the police to these activities.

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 foreseen.

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