

The Renewable Energy (Alderney) (Amendment) Ordinance, 2013

THE STATES OF ALDERNEY, in pursuance of their Resolution of the 20th March, 2013, and in exercise of the powers conferred on them by sections 2, 7, and 30 of the Renewable Energy (Alderney) Law, 2007^a and of all other powers enabling them in that behalf, hereby order:-

Amendment of the 2008 Ordinance.

1. The 2008 Ordinance^b is amended as follows.

References to operation, deployment or use of a renewable energy system etc.

2. (1) In sections 4(2)(b), 4(7), 5(4)(c) and (d), 9(5) and 35(2) of the 2008 Ordinance, for the words "the operation, deployment or use" or "the proposed operation, deployment or use" substitute "the operation, deployment, use or decommissioning".

- (2) In section 5(1)(b) of the 2008 Ordinance for the words -

- (a) "deployed, operated or used" substitute "deployed, operated, used or decommissioned", and
- (b) "deployment, operation or use" substitute "deployment, operation, use or decommissioning".

^a Order in Council No. XII of 2008 as amended by Alderney Ordinance No. XIV of 2008 and Order in Council No. XXII of 2012.

^b Alderney Ordinance No. XIV of 2008 as amended by Order in Council No. XIII of 2010.

(3) In section 6(1)(d) of the 2008 Ordinance, for the words "operation, deployment and use" substitute "operation, deployment, use and decommissioning".

(4) In section 7(1)(a)(i) of the 2008 Ordinance, for the words "operated, deployed, used or managed" substitute "operated, deployed, used, managed or decommissioned".

(5) In sections 11(3) and 14(1) of the 2008 Ordinance, after the words "deployment, use" insert ", decommissioning".

References to plant, structures, apparatus etc.

3. (1) In sections 4(2)(b)(ii)(B), 6(1)(e)(ii)(B), 11(2)(d) and (e)(ii), 11(3)(b) and 14(6) and paragraphs (a), (d) and (e) of Schedule 2 of the 2008 Ordinance for the words "other plant, structures, apparatus, lines or cables necessary to operate, deploy, use or manage that system for the generation or supply of energy" substitute "related plant or apparatus".

(2) In section 6(1)(e)(ii)(C) and where last occurring in section 6(1)(e) of the 2008 Ordinance, for the words ", plant, structures, apparatus, lines or cables" substitute "or related plant or apparatus".

(3) In section 14(7) of the 2008 Ordinance for the words ", plant, structures, apparatus, lines or cables" substitute "and any related plant or apparatus".

References to environmental impact assessment.

4. For any reference in the 2008 Ordinance to "environmental impact assessment" substitute "environmental statement".

Penalties for offences.

5. For any reference in the 2008 Ordinance to -
- (a) "in the case of a first offence" substitute "on summary conviction", and
 - (b) "in the case of a second or subsequent offence under the same provision" substitute "on conviction on indictment".

Amendment of section 1.

6. In section 1 of the 2008 Ordinance (exemptions for certain activities)-
- (a) in subsection (1), for the words "or managed" substitute ", managed or decommissioned", and
 - (b) in subsection (2) -
 - (i) for the all words before paragraph (a) substitute -

"The prohibition in section 1 of the Law shall not apply to any renewable energy activity, where it is carried out in relation to a renewable energy system where any part of that system or any related plant or apparatus is, or is to be, located within Alderney waters and where such system -", and

- (i) in paragraph (b), for the words "1½kilowatts" substitute "20 kilowatts".

Amendment of section 3.

7. In section 3(c) of the 2008 Ordinance (power to make regulations to exempt activities etc.), for subparagraph (i) substitute -

- "(i) renewable energy activities, and,".

Amendment of section 6.

8. In section 6 (determination of applications) of the 2008 Ordinance -

- (a) in subsection (1)(d)(iii), for the words "in Alderney waters" substitute "within Alderney or Alderney waters", and
- (b) in subsection (2)(a)(i), omit the word "ensure".

Amendment of section 7.

9. In section 7 (consultation) of the 2008 Ordinance, at the end of subsection (1)(a)(i) add the following item -

- "(D) the department of the States of Guernsey or other person from time to time responsible for licensing under Part II of the Food and Environment Protection Act 1985 as extended to the Bailiwick of Guernsey,".

Amendment of section 11.

10. At the end of section 11(1)(b) (conditions of licence) of the 2008 Ordinance add the following -

"or

- (c) the approval by the Commission, the States or any committee of the States, prior to the carrying on of the renewable energy activity of -
 - (i) a decommissioning programme in relation to the decommissioning of the renewable energy system and any related plant or apparatus, or
 - (ii) arrangements to ensure that such decommissioning is carried out in accordance with such an approved programme including financial arrangements to ensure the provision of satisfactory security to cover the cost of such decommissioning."

Amendment of section 13.

11. In section 13(6) (revocation or suspension of licence) of the 2008 Ordinance, for the words "section 11(2)(d) and (e)" substitute "section 11(1)(c) or 11(2)(d) or (e)".

Amendment of section 21.

12. In section 21 (action taken in an emergency) of the 2008 Ordinance -

- (a) for each reference to "vessel" or "vessels" substitute

"ship",

(b) for subsection (1)(a)(ii) substitute -

"(ii) any related plant or apparatus, or",
and

(c) in subsection (2)(c) for the words "plant, structures, apparatus, lines or cables" substitute "renewable energy system, related plant or apparatus".

Amendment of section 24.

13. In section 24 (investigations by inspectors) of the 2008 Ordinance -

(a) in subsection (1)(b), for the words "take into account under section 6(1)" substitute "have regard to under section 6", and

(b) at the beginning of subsection (1)(c) insert "the matters".

Amendment of section 26.

14. In section 26 (powers conferred by Chairman of Court of Alderney's warrant) of the 2008 Ordinance, subsection (3) is repealed.

Amendment of section 35.

15. In section 35 (interpretation) of the 2008 Ordinance the definitions of "**national waters of Alderney**", "**renewable energy activities**" and "**ship**" are repealed.

Amendment of Schedule 2.

16. In Schedule 2 (matters to be included in a decommissioning programme) of the 2008 Ordinance, in subparagraph (d) for the words "placement of" substitute "placement".

Interpretation.

17. (1) In this Ordinance -

"**2008 Ordinance**" means the Renewable Energy (Alderney) Ordinance, 2008,

"**enactment**" means any Law, Ordinance or subordinate legislation, and

"**subordinate legislation**" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any enactment and having legislative effect.

(2) The Interpretation (Guernsey) Law, 1948^c applies to the interpretation of this Ordinance.

(3) Any reference in this Ordinance to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

Citation and commencement.

18. This Ordinance may be cited as the Renewable Energy (Alderney)

^c Ordres en Conseil Vol. XIII, p. 355.

(Amendment) Ordinance, 2013 and shall come into force on the date it is approved by the States of Alderney.