

**2020 No. 123**

**ELECTRICITY**

**ENVIRONMENTAL PROTECTION**

**The Electricity Works (Miscellaneous Temporary Modifications)  
(Coronavirus) (Scotland) Regulations 2020**

*Made - - - - at 10.00 a.m. on 14th April 2020*

*Laid before the Scottish Parliament at 11.45 a.m. on 14th April 2020*

*Coming into force - - - - 24th April 2020*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a), sections 36(8), 36C(2), 60(2) and (3) and paragraph 1(3) of schedule 8 of the Electricity Act 1989(b) and all other powers enabling them to do so.

**Citation, commencement and extent**

**1.—**(1) These Regulations may be cited as the Electricity Works (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2020 and come into force on 24 April 2020.

(2) These Regulations extend to Scotland only.

**Amendment of the Electricity (Applications for Consent) Regulations 1990**

**2.—**(1) The Electricity (Applications for Consent) Regulations 1990(c) are amended as follows.

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- (a) 1972 c.68 (“the 1972 Act”). The 1972 Act was repealed by section 1 of the European Union (Withdrawal) Act 2018 (c.16) (“the 2018 Act”) with effect from exit day (see section 20 of the 2018 Act), but saved, subject to modifications, until IP completion day by section 1A of that Act. Section 1A of the 2018 Act was inserted by the European Union (Withdrawal Agreement) Act 2020 (c.1) (“the 2020 Act”), and defines “IP completion day” by reference to section 39(1) to (5) of the 2020 Act. Section 2(2) was amended by the Scotland Act 1998 (c.46), schedule 8, paragraph 15(3), the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1)(a), and Part 1 of the schedule of the European Union (Amendment) Act 2008 (c.7). Functions relating to the assessment of the effects of certain electricity works projects on the environment are exercisable concurrently by the Scottish Ministers and Minister of the Crown by virtue of S.I. 1999/1750, article 3 and schedule 2.
- (b) 1989 c.29. The functions of the Secretary of State under section 36(8) were transferred to the Scottish Ministers by virtue of S.I. 2006/1040, article 3. The functions of the Secretary of State under sections 60(2) and (3), and paragraph 1(3) of schedule 8 were transferred to the Scottish Ministers by virtue of S.I. 1999/1750, article 2 and schedule 1.
- (c) S.I. 1990/455 as relevantly amended by S.S.I. 2013/58 and S.S.I. 2005/295.

(2) In regulation 3(1) (interpretation)—

(a) before the definition of “EIA development” insert—

““application website” means a website maintained by the developer for the purpose of making publicly available information relating to applications to which these Regulations apply;”,

(b) after the definition of “EIA development”, insert—

““electronic communication” has the meaning given in section 15(1) (general interpretation) of the Electronic Communications Act 2000(a);

“emergency period” means the period beginning on 24 April 2020 and ending on the date on which Part 1 of the Coronavirus (Scotland) Act 2020(b) expires in accordance with section 12 of that Act;”.

(3) In regulation 4(2) (publication of notice of application for consent under section 36) at the beginning insert “Subject to regulation 4A, ”.

(4) After regulation 4 (publication of notice of application for consent under section 36) insert—

**“Temporary requirement to make map available for inspection on the application website**

**4A.** Regulation 4 during the emergency period applies—

(a) as if before paragraph (1)(a) there were inserted—

“(za) on the application website.”

(b) as if in paragraph (2) from for “shall name a place” to the end there were substituted “shall publish such map on the application website.”.”.

(5) In regulation 5(2) (publication of notice of application for consent under section 37) at the beginning insert “Subject to regulation 5A, ”.

(6) After regulation 5 (publication of notice of application for consent under section 37) insert—

**“Temporary requirement to make map available for inspection on the application website**

**5A.** Regulation 5 applies during the emergency period—

(a) as if in paragraph (2) for from “shall name a place” to the end there were substituted “shall publish such map on the application website.”, and

(b) as if after paragraph (2) there were inserted—

“(3) A notice published in pursuance of paragraph (1) shall be published on the application website.”.”.

(7) In regulation 7 (objections by other persons) at the beginning insert “Subject to regulation 7A, ”.

(8) After regulation 7 (objections by other persons), insert—

**“Temporary requirement to enable objections by other persons by means of electronic communications**

**7A.** Regulation 7 applies during the emergency period as if after “manner in which” there were inserted “(including by means of electronic communication)”.”.

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(a) 2000 c.7 as relevantly amended by paragraph 158 of schedule 17 of the Communications Act 2003 (c.21).

(b) 2020 asp 7.

### **Amendment of the Electricity Generating Stations (Applications for Variation of Consent) (Scotland) Regulations 2013**

3.—(1) The Electricity Generating Stations (Applications for variation of Consent) (Scotland) Regulations 2013(a) are amended as follows.

(2) At the beginning of regulation 4(4)(c)(iv) (publication and service of notice of application) insert “subject to regulation 4A, ”.

(3) After regulation 4 (publication and service of notice of application) insert—

#### **“Temporary relaxation of requirement to make documents available for inspection**

**4A.**—(1) Regulation 4 applies during the emergency period as if paragraph (4)(c)(iv) were omitted.

(2) In this regulation, “emergency period” means the period beginning on 24 April 2020 and ending on the date on which Part 1 of the Coronavirus (Scotland) Act 2020 expires in accordance with section 12 of that Act.”.

### **Amendment of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017**

4.—(1) The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017(b) are amended as follows.

(2) In regulation 2(1) (interpretation), after the definition of “electronic communication”, insert—

““emergency period” means the period beginning on 24 April 2020 and ending on the date on which Part 1 of the Coronavirus (Scotland) Act 2020 expires in accordance with section 12 of that Act;”.

(3) In regulation 14(1) (publication of EIA report) at the beginning insert “Subject to regulation 14A, ”.

(4) After regulation 14 (publication of EIA report) insert—

#### **“Temporary relaxation of requirement for publication of EIA report**

**14A.** Regulation 14(2)(c) applies during the emergency period as if “and the times and places at which” were omitted.”.

(5) In regulation 15(1) (publicity of determinations and provision of information to the planning authority), at the beginning insert “Subject to regulation 15A, ”.

(6) After regulation 15 (publicity of determinations and provision of information to the planning authority) insert—

#### **“Temporary relaxation of requirement for planning authority to make documents available for public inspection**

**15A.** Regulation 15(1) applies during the emergency period as if for “at all reasonable hours” to the end there were substituted “by electronic means”.”.

(7) In regulation 17(1) (copies of EIA report for the Scottish Ministers) at the beginning insert “Subject to regulation 17A, ”.

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(a) S.S.I. 2013/304.

(b) S.S.I. 2017/101 as relevantly amended by S.S.I. 2017/451.

(8) After regulation 17 (copies of EIA report for the Scottish Ministers) insert—

**“Temporary relaxation of requirement for hard copies of EIA report for the Scottish Ministers**

**17A.** Regulation 17 applies during the emergency period—

- (a) as if paragraphs (1) and (3) were omitted,
- (b) as if in paragraph (2) the words “other than by means of electronic communication” were omitted, and
- (c) as if at the end of paragraph (2)(a) there were inserted “within 6 weeks of the last day of the emergency period”.

(9) After regulation 18(3) (copies of EIA report for the public) insert—

“(4) During the emergency period the developer is not required by this regulation to ensure that copies of the EIA report are available for inspections at a place or address.”.

(10) In regulation 20(1) (publication of additional information) at the beginning insert “Subject to regulation 20A, ”.

(11) After regulation 20 (publication of additional information) insert—

**“Temporary relaxation of requirement for publication of additional information**

**20A.** Regulation 20(3)(c) applies during the emergency period as if “and the times and places at which” were omitted.”.

(12) In regulation 23(3) (notification of decision) at the beginning insert “Subject to regulation 23A, ”.

(13) After regulation 23 (notification of decision) insert—

**“Temporary relaxation of requirement to make decision notice available for inspection**

**23A.** Regulation 23 applies during the emergency period as if paragraph (3)(a) were omitted.”.

*PAUL WHEELHOUSE*

Authorised to sign by the Scottish Ministers

St Andrew’s House,  
Edinburgh  
At 10.00 a.m. on 14th April 2020

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make temporary modifications to the Electricity (Applications for Consent) Regulations 1990, Electricity Generating Stations (Applications for variation of Consent) (Scotland) Regulations 2013 and Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017. These modifications alter requirements to make information or documentation available for inspection in a public place, to enable objections to applications for consent under the Electricity Act 1989 to be made by means of electronic communication, and relaxes requirements for hard copy Environmental Impact Assessments to be provided to the Scottish Ministers. The changes made by these Regulations are necessary as a result of coronavirus.

Regulation 2 amends the Electricity (Applications for Consent) Regulations 1990 to remove the requirement for the developer to make a map available for inspection during the “emergency period”. The emergency period is defined by reference to section 12 of the Coronavirus (Scotland) Act.

Regulation 3 amends the Electricity Generating Stations (Applications for Variation of Consent) (Scotland) Regulations 2013 to remove the requirement to make documents available for public inspection during the emergency period for meetings of the local review body to be held in public during the emergency period.

Regulation 4 amends the Electricity Works (Environmental Impact Assessment) Regulations 2017 so that during the emergency period developers and planning authorities are not required to ensure that copies of EIA reports and decision notices are available for public inspection at a physical location. Regulation 4 also provides that developers must only provide hard copies of an EIA report to Scottish Ministers following the emergency period.

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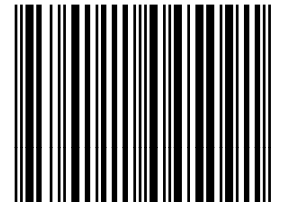


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