



Statutory Document No. 802/04

THE SUBMARINE CABLES ACT 2003

**THE SUBMARINE CABLES (APPLICATION FOR AUTHORISATION)  
REGULATIONS 2004**

*Approved by Tynwald: 15 December 2004*

*Coming into operation: 28 January 2005*

In exercise of the powers conferred on the Department of Transport by paragraph 1(1) of Schedule 1 to the Submarine Cables Act 2003<sup>1</sup>, and after consulting persons whom the Department of Transport considers will be thereby affected, the following Regulations are hereby made:-

**1. Citation, commencement and interpretation**

(1) These Regulations may be cited as the Submarine Cables (Application for Authorisation) Regulations 2004 and, subject to section 10(4) of the Act, shall come into operation on the 28 January 2005.

(2) In these Regulations —

"the Act" means the Submarine Cables Act 2003;

"the cable", in relation to an application for an authorisation, means the proposed cable to which the application relates;

the "controller" is a person -

- (a) in accordance with whose directions or instructions the directors of the company are accustomed to act; or
- (b) who either alone or with any associate or associates is entitled to exercise, or control the exercise of, one-third or more of the voting power at any general meeting of the company.

"the works", in relation to such an application, means the works for the laying of the cable.

---

<sup>1</sup> 2003 c.5

## 2. Application for an authorisation

(1) An application for an authorisation shall be made in writing on a form provided by the Department.

- (2) The application shall contain the following information —
- (a) the full name and address of the applicant and, if it is a company, its place of incorporation, its number, the address of its registered office and the name and address of any controller of the company;
  - (b) where the cable will be telecommunication apparatus within the meaning of the Telecommunications Act 1984<sup>2</sup>, particulars of the relevant licence under section 5 of that Act;
  - (c) the following information relating to the cable —
    - (i) the name, type and specification class of the cable and of the system of which it will form part;
    - (ii) the route of the cable including its place of origin, destination and the place and country of landing;
    - (iii) any links in the cable;
    - (iv) number of fibre pairs and transmission capacity;
    - (v) whether or not the cable is optically amplified; and
    - (vi) the specification of the cable system and anticipated style of operation, including whether the system provides its own back-up restoration in the event of catastrophic failure of one limb.
  - (d) digital co-ordinates of the cable, including projection;
  - (e) the applicant's accounts for the last financial year before the date of the application;
  - (f) particulars of the insurance policy of the body corporate covering the proposed works, including the level of cover;
  - (g) proposed dates of commencement and completion of the laying of the cable;
  - (h) proposed date of any works to be carried out on the foreshore, if any;
  - (i) proposed date on which the cable will come into operation;
  - (j) the method of installation;
  - (k) the method by which the cable may be decommissioned;
  - (l) whether, and if so how, the cable will cross the line of any other cable or any pipeline (as defined in section 6(3) of the Act);
  - (m) the name and address of the owner or operator of any such cable or pipeline, whether the consent of such owner or operator has been obtained and if the owner or operator is a company, its place of incorporation;

---

<sup>2</sup> 1984 c.11

- (n) details of proposed deposits of any rock or other spoil originating from the works.
- (o) whether application has been made for a licence under section 19 of the Water Pollution Act 1993<sup>3</sup> to deposit any such rock or spoil in the sea, and the result of the application (if any);
- (p) whether application has been made for consent under section 15 of the Harbours (Isle of Man) Act 1961<sup>4</sup> and the result of the application (if any);
- (q) what other authorities and interested parties have been consulted in connection with the works, and the outcome of such consultations;
- (3) The application shall be accompanied by —
  - (a) a copy of any licence or consent referred to in paragraph (2)(b), (o) and (p);
  - (b) a letter from the insurer or broker by or through whom the policy referred to in paragraph (2)(f), including specific written confirmation that the policy covers the liabilities imposed by section 6 of the Act;
  - (c) the application fee prescribed by the Submarine Cables Authorisations (Fees) Regulations 2003<sup>5</sup>; and
  - (d) an environmental impact assessment of the effects of —
    - (i) the works, and
    - (ii) the future operation of the cable.
  - (e) a survey of the relevant part of the sea bed in such detail as is appropriate in the circumstances of the application.

### **3. Environmental impact assessment**

(1) The environmental impact assessment referred to in regulation 2(3)(d) shall contain the matters specified in the Schedule.

(2) The content of the environmental impact assessment shall reflect the requirements of Council Directive 85/337/EEC<sup>6</sup> on the assessment of the effects of certain public and private projects on the environment in so far as it relates to the effects on the environment of certain offshore submarine cable projects, as amended by Council Directive 97/11/EC<sup>7</sup>.

---

<sup>3</sup> 1993 c.14

<sup>4</sup> XIX p.538

<sup>5</sup> SD /04

<sup>6</sup> OJ No. L175 5.7.85, p.40

<sup>7</sup> OJ No. L73, 14.3.97, p.5

Regulation 3.

## SCHEDULE 1

### CONTENTS OF ENVIRONMENTAL IMPACT ASSESSMENT

1. A description of the works comprising information on the site, design and size of the works.
2. A description of the measures envisaged in order to avoid, reduce and, if possible remedy significant adverse effects on the environment.
3. The data required to identify and assess the main effects which the project is likely to have on the environment.
4. Where relevant to the particular characteristics of the works or the environmental features likely to be affected and to the extent that the applicant might reasonably be required to compile the data having regard to current knowledge and methods of assessment —
  - (a) particulars of the land and seabed use requirements during the works and the operation of the cable;
  - (b) a description of specific aspects of the environment likely to be significantly affected including in particular human population, fauna, flora, soil including the seabed and its subsoil, water including the sea and any aquifers under the seabed, air, climatic factors, the landscape or the seascape, tangible property, architectural and archaeological heritage and the interaction between any of the foregoing; and
  - (c) a description of the likely significant effects on the environment arising from the existence of the works, the use of natural resources, the emission of pollutants, the creation of nuisances and the elimination of waste together with details of the forecasting methods used to assess the effects on the environment;
  - (d) an indication of any difficulties (technical difficulties or lack of know-how) encountered by the applicant in compiling the required information.
5. An outline of the main alternatives (if any) studied by the applicant and an indication of the main reasons for his choice, taking into account the environmental effect.
6. A non-technical summary of the information provided under the above headings.

MADE 27 October 2004

*J P Shimmin*  
Minister for Transport

---

### EXPLANATORY NOTE

*(This note does not form part of the Regulations.)*

These Regulations make provision for applications for authorisation to lay a submarine cable in the territorial waters of the Isle of Man, and the information to be included in or provided in connection with the application.

The regulations provide for a compulsory environmental impact assessment, carried out to European Directive standards, to be undertaken in each application for a works authorisation to lay a submarine cable.