



# Energy Act 2013

## CHAPTER 32

### ENERGY ACT 2013

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*Contents of a scheme*

2 (1) A scheme may make provision— (a) for anything done...

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#### *Power to make transfer schemes*

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#### *Contents of a scheme*

- 2 (1) A scheme may make provision— (a) for anything done...

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*Interpretation*

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### *Research*

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13 (1) Requiring, in specified circumstances, specified matters to be notified...  
14 Imposing requirements with respect to making and keeping of records...

### *Accidents and other occurrences*

- 15 Securing that persons in premises of any specified description where...  
16 Restricting, prohibiting or requiring any specified activity where any accident...

## SCHEDULE 7 — The Office for Nuclear Regulation

### *Status*

- 1 (1) The ONR is not to be regarded as a...

### *Membership*

- 2 (1) The ONR is to consist of—  
3 The executive members consist of— (a) the Chief Nuclear Inspector, ...  
4 (1) The non-executive members consist of— (a) a chair appointed...  
5 Service as a member of the ONR is not service...  
6 Members of the ONR are to be regarded as Crown...

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#### *Terms of appointment*

- 7 Subject to the following provisions of this Schedule, members of...  
8 (1) The terms of a person's appointment as an executive...  
9 (1) An executive member— (a) ceases to be a member...  
10 (1) The Secretary of State may by notice remove any...

#### *Remuneration, allowances and pensions etc of non-executive members*

- 11 (1) The ONR may pay to non-executive members other than...

#### *Employees and other members of staff*

- 12 (1) The ONR may appoint persons to serve as its...  
13 (1) The ONR may pay to or in respect of...  
14 (1) Service as an employee of the ONR is not...  
15 (1) The persons to whom section 1 of the Superannuation...

#### *Committees*

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#### *Procedure*

- 17 (1) The ONR may make such provision as it considers...

#### *Performance of functions*

- 18 (1) The ONR may authorise— (a) a member of the...

#### *Payment of allowances and expenses*

- 19 The ONR may pay allowances or expenses to any person...

#### *Indemnities*

- 20 (1) The ONR may, in the circumstances specified in sub-paragraph...

#### *Accounts*

- 21 (1) It is the duty of the ONR—

#### *Strategy*

- 22 (1) The ONR must prepare a strategy for carrying out...

#### *Annual plan*

- 23 (1) The ONR— (a) must prepare, for each financial year,...

#### *Reporting requirements of the ONR*

- 24 (1) As soon as reasonably practicable after the end of...

#### *Laying and publication*

- 25 (1) This paragraph applies to— (a) the ONR's strategy, and...

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*Payments and borrowing*

- 26 (1) The Secretary of State must pay to the ONR...

*Supplementary powers*

- 27 (1) The ONR may do anything which is calculated to...

*Financial year*

- 28 (1) In this Part of this Act “financial year” means...

SCHEDULE 8 — Inspectors

PART 1 — APPOINTMENT AND POWERS OF INSPECTORS

*Appointment of inspectors*

- 1 (1) The ONR may appoint persons (referred to in this...

*Powers of inspectors*

- 2 (1) An inspector's instrument of appointment may authorise the inspector...

PART 2 — POWERS EXERCISABLE BY INSPECTORS AUTHORISED BY INSTRUMENT OF APPOINTMENT: IMPROVEMENT NOTICES AND PROHIBITION NOTICES

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- 3 (1) This paragraph applies where an inspector is of the...

*Prohibition notices*

- 4 (1) This paragraph applies where an inspector is of the...

*Improvement and prohibition notices: supplementary*

- 5 (1) In this paragraph “a notice” means an improvement notice...

*Appeal against improvement or prohibition notice*

- 6 (1) In this paragraph “a notice” means an improvement notice...

*Improvement and prohibition notices: offences*

- 7 (1) It is an offence to contravene any requirement or...

PART 3 — OTHER POWERS EXERCISABLE BY INSPECTOR IF AUTHORISED BY INSTRUMENT OF APPOINTMENT

*Power of entry*

- 8 (1) An inspector may, if authorised, enter any premises which...

*Power to take persons and equipment etc onto premises*

- 9 In exercising the power of entry mentioned in paragraph 8,...

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*Power to deal with cause of imminent danger*

- 10 (1) Sub-paragraph (2) applies where an inspector finds any article...

*Powers exercisable in relation to particular articles  
or substances or in particular circumstances*

- 11 (1) An authorised inspector may cause any article or substance...  
12 (1) An authorised inspector may take possession of any article...

*Powers of inspection and examination and to take samples*

- 13 (1) An authorised inspector may carry out any examination or...  
14 (1) An authorised inspector may direct that any relevant premises,...

*Powers to require information and documents*

- 15 (1) An authorised inspector may require any person who the...  
16 (1) An authorised inspector may— (a) require any relevant documents...

*Offences*

- 17 (1) It is an offence for a person to contravene...  
18 (1) It is an offence for a person intentionally to...  
19 (1) It is an offence for a person falsely to...

*Supplementary powers*

- 20 A power conferred by this Schedule includes power to require...  
21 A power conferred by this Schedule includes power to do...

*Protection for documents subject to legal professional privilege etc*

- 22 Nothing in this Part of this Schedule is to be...

PART 4 — SUPPLEMENTARY

*Duty to provide information to employees or their representatives*

- 23 (1) An inspector must provide to people employed at any...

*Interpretation*

- 24 (1) In this Schedule— “authorised” is to be read in...

SCHEDULE 9 — Disclosure of information

PART 1 — PROHIBITION ON DISCLOSURE OF PROTECTED INFORMATION

*Meaning of “protected information” and related terms*

- 1 (1) In this Schedule “protected information” means information which  
has...

PART 2 — OFFENCES RELATING TO DISCLOSURE AND USE OF PROTECTED  
INFORMATION

*Prohibition on disclosing protected information*

- 2 Protected information must not be disclosed— (a) by the original...

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*Offence of disclosing protected information in contravention of paragraph 2*

3 It is an offence for a person to disclose information...

*Offence of using protected information in contravention of a restriction in Part 3*

4 It is an offence for a person to use protected...

*Defence to offences under paragraphs 3 and 4*

5 It is a defence for a person charged with an...

*Penalty for offences under paragraphs 3 and 4*

6 (1) A person who commits an offence under paragraph 3...

PART 3 — PROTECTED INFORMATION: PERMITTED DISCLOSURES AND  
RESTRICTIONS ON USE

*Disclosure with appropriate consent*

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*Disclosure by ONR, inspectors etc*

8 Paragraph 2 does not prohibit a disclosure of protected information...

*Disclosure to the ONR, inspectors etc*

9 Paragraph 2 does not prohibit a disclosure of protected information...

*Ministers, government departments and certain authorities*

10 (1) Paragraph 2 does not prohibit the following disclosures of...

*Health and safety etc*

11 (1) Paragraph 2 does not prohibit the following disclosures of...

12 (1) Paragraph 2 does not prohibit the following disclosures of...

13 (1) Paragraph 2 does not prohibit the following disclosures of...

*Local authorities and water authorities etc*

14 (1) Paragraph 2 does not prohibit the following disclosures of...

*Police*

15 (1) Paragraph 2 does not prohibit the following disclosures of...

*Disclosure required under legislation*

16 Paragraph 2 does not prohibit a disclosure of protected information...

*Legal proceedings, inquiries and investigations*

17 Paragraph 2 does not prohibit a disclosure of protected information...

18 Paragraph 2 does not prohibit a disclosure of protected information...

19 (1) Paragraph 2 does not prohibit a disclosure of protected...

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*Disclosure for safeguards purposes*

20 Paragraph 2 does not prohibit a disclosure of protected information...

*Anonymised information*

21 Paragraph 2 does not prohibit a disclosure of protected information...

PART 4 — GENERAL

*Interaction with other legislation*

22 The prohibition in paragraph 2 is to be disregarded for...

23 Nothing in this Part of this Act is to be...

SCHEDULE 10 — Provisions relating to offences

*Interpretation*

1 In this Schedule— “offence” means an offence created by or...

*Venue*

2 (1) If an offence is committed in connection with any...

*Extension of time for bringing summary proceedings*

3 (1) This paragraph applies where— (a) a special report on...

4 (1) This paragraph applies to any offence that a person...

*Continuation of offences*

5 (1) This paragraph applies where an offence is committed as...

*Offences due to fault of other person*

6 (1) A person (“A”) is guilty of an offence if—...

*Offences by bodies corporate*

7 (1) Where an offence committed by a body corporate is...

*Offences by partnerships*

8 (1) Proceedings for an offence alleged to have been committed...

*Restriction on institution of proceedings in England and Wales*

9 Proceedings for an offence in England and Wales may be...

*Prosecutions by inspectors in England and Wales*

10 An inspector may prosecute proceedings for an offence before a...

*Onus of proving limits of what is practicable etc*

11 (1) This paragraph applies if regulations under this Part create...

*Evidence*

12 (1) This paragraph applies where a requirement is imposed by...



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*Power of court to order cause of offence to be remedied*

13 (1) This paragraph applies where— (a) a person (“P”) is...

SCHEDULE 11 — Transfers to the Office for Nuclear Regulation

PART 1 — INTRODUCTORY

1 In this Schedule— “the HSE” means the Health and Safety...

PART 2 — STAFF TRANSFER SCHEMES

*Power to make staff transfer schemes*

2 (1) The Secretary of State may make one or more...

*Staff to whom a transfer may apply*

3 (1) The employees to whom a transfer scheme may apply...

*Content of a staff transfer scheme*

4 (1) A staff transfer scheme may make provision for giving...

5 (1) A staff transfer scheme may apply to all, or...

6 (1) A staff transfer scheme may make provision enabling an...

PART 3 — PROPERTY TRANSFER SCHEMES

*Power to make property transfer schemes*

7 (1) The Secretary of State may make one or more...

8 The HSE may submit to the Secretary of State proposals...

*Qualifying property*

9 (1) References in this Part to “qualifying property, rights and...

*Content of a property transfer scheme*

10 (1) A property transfer scheme may, in particular, make provision—...

*Compensation*

11 A property transfer scheme may contain provision for the payment...

PART 4 — PROCEDURE FOR MAKING OR MODIFYING SCHEMES UNDER THIS SCHEDULE

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SCHEDULE 12 — Minor and consequential amendments relating to Part 3

PART 1 — AMENDMENTS OF THE HEALTH AND SAFETY AT WORK ETC. ACT 1974

*Health and Safety at Work etc. Act 1974 (c. 37)*

1 The Health and Safety at Work etc. Act 1974 is...

2 (1) Section 11 (functions of the Health and Safety Executive)...

3 In section 13 (powers of the Executive), after subsection (6)...

4 (1) Section 14 (power of the Executive to direct investigations)...

5 (1) Section 15 (health and safety regulations) is amended as...

6 (1) Section 18 (authorities responsible for enforcement of the relevant)...

7 In section 27 (obtaining of information by the Executive, enforcing)...

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- 8 In section 27A (information communicated by Commissioners for Revenue and...
- 9 (1) Section 28 (restrictions on disclosure of information) is amended...
- 10 (1) Section 44 (appeals in connection with licensing provisions in...
- 11 (1) Section 50 (regulations under the relevant statutory provisions) is...
- 12 In section 53(1) (general interpretation of Part 1)—
- 13 (1) Section 82 (general provisions as to interpretation and regulations)...
- 14 In Schedule 1 (existing enactments which are relevant statutory provisions),...
- 15 (1) Schedule 2 (constitution etc. of the Health and Safety...

PART 2 — NUCLEAR SAFETY

*Nuclear Installations Act 1965 (c. 57)*

- 16 The Nuclear Installations Act 1965 is amended as follows.
- 17 For section 1 substitute— Restriction of certain nuclear installations to...
- 18 For section 3 substitute— Grant and variation of nuclear site...
- 19 For section 4 substitute— Attachment of conditions to licences (1) The appropriate national authority— (a) must, when it grants...
- 20 For section 5 substitute— Revocation and surrender of licences (1) A nuclear site licence may at any time be—...
- 21 For section 6 substitute— Maintenance of list of licensed sites...
- 22 In section 19(1) (special cover for licensee's liability), for “section...
- 23 For section 22 (reporting of and inquiries into dangerous occurrences)...
- 24 In section 24 (inspectors), for “provisions which are mentioned in...
- 25 (1) Section 24A (recovery of expenses by Health and Safety...
- 26 (1) Section 26 (interpretation) is amended as follows.
- 27 In section 27 (Northern Ireland) omit paragraphs (b) and (c)...
- 28 In Schedule 1 (security provisions applicable by order under section...
- 29 (1) Schedule 2 is amended as follows.

*Consequential repeals and revocations*

- 30 In consequence of the amendments made by paragraphs 16 to...
- PART 3 — NUCLEAR SECURITY

*Anti-terrorism, Crime and Security Act 2001 (c. 24)*

- 31 The Anti-terrorism, Crime and Security Act 2001 is amended as...
  - 32 (1) Section 77 (regulation of security of civil nuclear industry)...
  - 33 (1) Section 80 (prohibition of disclosures of uranium enrichment technology),...
- PART 4 — NUCLEAR SAFEGUARDS

*Atomic Energy Act 1946 (c. 80)*

- 34 The Atomic Energy Act 1946 is amended as follows.
- 35 (1) Section 4 (power to obtain information of materials, plants...
- 36 (1) Section 5 (power of entry and inspection) is amended...
- 37 In section 11 (restriction on disclosure of information relating to...
- 38 In section 18 (definitions), in subsection (1), after the definition...

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*Nuclear Safeguards and Electricity (Finance) Act 1978 (c. 25)*

- 39 The Nuclear Safeguards and Electricity (Finance) Act 1978 is amended...
- 40 In section 2 (rights of International Atomic Energy Agency inspectors),...
- 41 In section 3 (regulations for giving effect to certain provisions)...

*Nuclear Safeguards Act 2000 (c. 5)*

- 42 The Nuclear Safeguards Act 2000 is amended as follows.
- 43 (1) Section 1(1) (interpretation) is amended as follows.
- 44 (1) Section 2 (information and records for purposes of the...)
- 45 (1) Section 3 (identifying persons who have information) is amended...
- 46 (1) Section 4 (powers of entry in relation to Additional...)
- 47 (1) Section 5 (rights of access etc. for Agency inspectors)...
- 48 In section 6 (restriction on disclosure), after subsection (3) insert—...
- 49 In section 7 (giving false or misleading information), in paragraphs...

PART 5 — OTHER ENACTMENTS

*Explosives Act 1875 (c. 17)*

- 50 The Explosives Act 1875 is amended as follows.
- 51 In section 61 (keeping and carriage of samples by an...)
- 52 In section 74 (seizure and detention of explosives liable to...)

*Factories Act 1961 (c. 34)*

- 53 In section 176(1) of the Factories Act 1961 (general interpretation),...

*Parliamentary Commissioner Act 1967 (c. 13)*

- 54 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments)...

*House of Commons Disqualification Act 1975 (c. 24)*

- 55 (1) Schedule 1 to the House of Commons Disqualification Act...

*Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

- 56 (1) Schedule 1 to the Northern Ireland Assembly Disqualification Act...

*Employment Protection Act 1975 (c.71)*

- 57 In Schedule 15 to the Employment Protection Act 1975, omit...

*Civil Aviation Act 1982 (c. 16)*

- 58 In section 23 of the Civil Aviation Act 1982 (disclosure)...

*Water Act 1989 (c. 15)*

- 59 In section 174 of the Water Act 1989 (general restrictions)...

*Electricity Act 1989 (c. 29)*

- 60 The Electricity Act 1989 is amended as follows.

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- 61 (1) Section 3C (health and safety) is amended as follows....  
62 In section 56C (references to the Competition Commission), in subsection...

*Radioactive Material (Road Transport) Act 1991 (c. 27)*

- 63 (1) The Radioactive Material (Road Transport) Act 1991, apart from...

*Water Industry Act 1991 (c. 56)*

- 64 In section 206 of the Water Industry Act 1991 (restriction...

*Water Resources Act 1991 (c. 57)*

- 65 In section 204 of the Water Resources Act 1991 (restriction...

*Radioactive Substances Act 1993 (c. 12)*

- 66 The Radioactive Substances Act 1993 is amended as follows.  
67 In section 16 (grant of authorisations), as it has effect...  
68 In section 17 (revocation and variation of authorisations), as it...

*Railways Act 1993 (c. 43)*

- 69 In section 145 of the Railways Act 1993 (general restrictions...

*Coal Industry Act 1994 (c. 21)*

- 70 In section 59(3)(e) of the Coal Industry Act 1994 (relevant...

*Deregulation and Contracting Out Act 1994 (c. 40)*

- 71 (1) Section 37 of the Deregulation and Contracting Out Act...

*Scotland Act 1998 (c. 46)*

- 72 In Part 2 of Schedule 5 to the Scotland Act...

*Greater London Authority Act 1999 (c. 29)*

- 73 In section 235 of the Greater London Authority Act 1999...

*Regulation of Investigatory Powers Act 2000 (c. 23)*

- 74 In Part 1 of Schedule 1 to the Regulation of...

*Freedom of Information Act 2000 (c. 36)*

- 75 In Part 6 of Schedule 1 to the Freedom of...

*Transport Act 2000 (c. 38)*

- 76 In Schedule 9 to the Transport Act 2000 (air traffic:...

*Energy Act 2004 (c. 20)*

- 77 The Energy Act 2004 is amended as follows.  
78 In section 14 (annual reports), in subsection (3)(g), after “with”...

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- 79 (1) Schedule 2 (procedural requirements applicable to NDA's strategy) is...
- 80 (1) Schedule 3 (procedural requirements applicable to NDA's annual plans)...

*Civil Contingencies Act 2004 (c. 36)*

- 81 In Part 3 of Schedule 1 to the Civil Contingencies...

*Railways Act 2005 (c. 14)*

- 82 Schedule 3 to the Railways Act 2005 (transfer of safety...  
83 In paragraph 1(5) (railway safety purposes), after paragraph (b) (but...  
84 (1) Paragraph 2 (ORR's principal railway safety functions) is amended...  
85 In paragraph 4 (reports and investigations), after sub-paragraph (4) insert—...

*Fire (Scotland) Act 2005 (asp. 5)*

- 86 (1) Section 61 of the Fire (Scotland) Act 2005 (enforcing...

*Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541)*

- 87 The Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541) is...  
88 (1) Article 25 (enforcing authorities) is amended as follows.  
89 In Article 26 (enforcement of Order), in paragraph (3), after...

*Government of Wales Act 2006 (c. 32)*

- 90 In Schedule 7 to the Government of Wales Act 2006...

*National Health Service Act 2006 (c. 41)*

- 91 In section 2A of the National Health Service Act 2006...

*Road Safety Act 2006 (c. 49)*

- 92 Section 57 of the Road Safety Act 2006 (which amends...

*Corporate Manslaughter and Corporate Homicide Act 2007 (c. 19)*

- 93 In section 25 of the Corporate Manslaughter and Corporate Homicide...

*Regulatory Enforcement and Sanctions Act 2008 (c. 13)*

- 94 In Schedule 6 to the Regulatory Enforcement and Sanctions Act...

*Energy Act 2008 (c. 32)*

- 95 The Energy Act 2008 is amended as follows.  
96 In section 46 (approval of a funded decommissioning programme), in...  
97 In section 50 (power to disapply section 49), in subsection...  
98 In section 54 (nuclear decommissioning: regulations and guidance), in subsection...  
99 In section 59 (offence of further disclosure of information), in...  
100 In section 63 (co-operation with other public bodies), in subsection...

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*Borders, Citizenship and Immigration Act 2009 (c. 11)*

101 (1) Part 1 of the Borders, Citizenship and Immigration Act...

*Equality Act 2010 (c. 15)*

102 In Schedule 19 to the Equality Act 2010 (public authorities:...

*Health and Social Care Act 2012 (c. 7)*

103 In section 58(6) of the Health and Social Care Act...

SCHEDULE 13 — Transfer schemes under section 129

- 1 (1) On the transfer date, the designated property, rights and...
- 2 (1) A scheme may make provision— (a) for anything done...
- 3 For the purposes of this Schedule— (a) an individual who...

SCHEDULE 14 — Consumer redress orders

PART 1 — GAS CONSUMERS

- 1 (1) The Gas Act 1986 is amended as set out...

PART 2 — ELECTRICITY CONSUMERS

- 2 (1) EA 1989 is amended as set out in sub-paragraphs...

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 59(4)(a) words inserted by [2023 c. 52 Sch. 17 para. 17](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 68(4) inserted by [2023 c. 52 s. 302\(4\)](#)