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STATUTORY INSTRUMENTS

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**2014 No. 469**

**ENERGY**

The Energy Act 2013 (Office for Nuclear  
Regulation) (Consequential Amendments,  
Transitional Provisions and Savings) Order 2014

<i>Made</i>	- - - -	<i>3rd March 2014</i>
<i>Laid before Parliament</i>		<i>10th March 2014</i>
<i>Coming into force</i>		<i>1st April 2014</i>

**THE ENERGY ACT 2013 (OFFICE FOR NUCLEAR  
REGULATION) (CONSEQUENTIAL AMENDMENTS,  
TRANSITIONAL PROVISIONS AND SAVINGS) ORDER 2014**

1. Citation and commencement
2. Interpretation
3. Extent and application
4. Regulations to be treated as regulations under the 2013 Act
5. Agreements concerning functions related to the transport of radioactive materials to be treated as agreements entered into by the ONR
6. Consequential amendments
7. Transitional provisions: fines on conviction by magistrates' court
8. Transitional provisions and savings: general  
Signature

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SCHEDULE 1 — Regulations to be treated as regulations under the 2013 Act

PART 1 — Regulations to be treated as nuclear regulations

1. Nuclear Industries Security Regulations 2003
  2. Nuclear Safeguards (Notification) Regulations 2004
  3. Carriage of Dangerous Goods and Use of Transportable Pressure  
Equipment Regulations 2009
- PART 2 — Application of the 2013 Act to the Nuclear Industries Security  
Regulations 2003 – modification of provisions relating to offences
4. Application to transport other than transport in a ship which is not a United  
Kingdom ship or in a hovercraft which is not a United Kingdom hovercraft

**Changes to legislation:** There are currently no known outstanding effects for the The Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014. (See end of Document for details)

5. Transport in a ship which is not a United Kingdom ship
6. Transport in a hovercraft which is not a United Kingdom hovercraft  
PART 3 — Regulations to be treated as regulations under section 85 of the 2013 Act
7. Health and Safety Inquiries (Procedure) Regulations 1975  
PART 4 — Regulations to be treated as regulations under section 101 of the 2013 Act
8. Regulations to be treated as regulations under section 101 of the 2013 Act

SCHEDULE 2 — Consequential amendments to primary legislation

1. Fireworks Act 1951 (c.58)
2. Public Records Act 1958 (c.51)
3. Building Act 1984 (c.55)
4. Environment and Safety Information Act 1988 (c.30)
5. Planning (Hazardous Substances) Act 1990 (c.10)
6. In section 7(3) (applications for hazardous substances consent) for “means...
7. In section 9(2)(e) (determination of applications for hazardous substances consent)...
8. In section 10(2) (power to impose conditions on grant of...
9. In section 18(2)(b) (determination of applications for continuation of hazardous...
10. (1) Section 29 (health and safety requirements) is amended as...
11. Environmental Protection Act 1990 (c.43)
12. (1) Section 36 (grant of licences) is amended as follows....
13. Paragraph 2(2) of Schedule 13 is repealed.
14. Atomic Weapons Establishment Act 1991 (c.46)
15. Planning (Hazardous Substances) (Scotland) Act 1997 (c.10)
16. In section 5(3) (applications for hazardous substances consent) for “Health...
17. In section 7(2)(e) (determination of applications for hazardous substances consent)...
18. In section 8(2) (power to impose conditions on grant of...
19. In section 16(2)(b) (determination of applications for continuation of hazardous...
20. (1) Section 28 (health and safety requirements) is amended as...
21. Utilities Act 2000 (c.27)
22. Enterprise Act 2002 (c.40)
23. Domestic Violence, Crime and Victims Act 2004 (c.28)
24. Local Government and Public Involvement in Health Act 2007 (c.28)
25. Local Democracy, Economic Development and Construction Act 2009 (c.20)
26. Civil Aviation Act 2012 (c.19)

SCHEDULE 3 — Consequential amendments to instruments

PART 1 — Nuclear security and nuclear safeguards

1. Nuclear Industries Security Regulations 2003
2. (1) Subject to paragraph (2)— (a) for “Secretary of State”...
3. (1) Regulation 2 (interpretation: general) is amended as follows.
4. In regulation 4 (requirement for approved security plan for nuclear...
5. In regulation 8 (temporary security plans during building works etc.)—...
6. (1) Regulation 11 (directions to responsible persons) is amended as...
7. Omit regulation 12.

8. (1) Regulation 21 (directions to carriers) is amended as follows...
9. After regulation 22(7) (regulation of sensitive nuclear information etc.) insert—...
10. Omit regulations 23 and 24.
11. (1) Regulation 25 (offences) is amended as follows.
12. After regulation 25 insert— Notification of compliance with a 2001...
13. After regulation 26 insert— “ PART 5A Transport by ship...
14. For regulation 27 (transport by ship) substitute— Transport by United...
15. In regulation 28— (a) for paragraph (3) substitute—
16. After regulation 28 insert— Transport in a ship other than...
17. Nuclear Safeguards (Notification) Regulations 2004
18. (1) Subject to paragraph (2) for “Secretary of State” substitute...
19. In regulation 2 (interpretation) at the appropriate place insert— “the...
20. In regulation 5(2) and (3) (persons not required to notify...
21. In regulation 6 (form of notification to the Secretary of...
22. Uranium Enrichment Technology (Prohibition on Disclosure) Regulations 2004
23. In regulation 1(2) (citation, commencement and interpretation)—
24. (1) Regulation 3 (exempt disclosures) is amended as follows.
25. In regulation 4 (authorisation of disclosures)— (a) for “Secretary of...
26. In regulation 5 (withdrawal or variation of authorisations)—
27. In regulation 6(5)(b) (sending and giving of applications, information, representations...  
PART 2 — Transport functions
28. Carriage of Dangerous Goods and Transportable Pressure Equipment Regulations 2009  
PART 3 — Safety functions
29. Nuclear Installations (Dangerous Occurrences) Regulations 1965
30. Safety Representatives and Safety Committees Regulations 1977
31. In regulation 2(1) (interpretation) after the definition of “recognised trade...
32. (1) Regulation 4 (functions of safety representatives) is amended as...
33. (1) In regulation 4A(1)— (a) in sub-paragraph (c) after “relevant...
34. (1) Regulation 5 (inspections of the workplace) is amended as...
35. In regulation 6(3) (inspections following notifiable accidents, occurrences and diseases)...
36. In regulation 7(1) (inspection of documents and provision of information)...
37. Dangerous Substances in Harbour Areas Regulations 1987
38. In regulation 2(1) (interpretation)— (a) after the definition of “ADR”...
39. (1) Regulation 35 (applications for explosives licences) is amended as...
40. (1) Regulation 36 (consideration of licence applications) is amended as...
41. After regulation 36 insert— Harbours ceasing to be nuclear harbours...
42. In regulation 41 (deteriorated explosives) for “Health and Safety Executive”...
43. (1) Regulation 44 (enforcement) is amended as follows.
44. (1) In Schedule 7 (procedure for explosives licence applications)—
45. Dangerous Substances (Notification and Marking of Sites) Regulations 1990
46. Control of Explosives Regulations 1991
47. In regulation 2(1) (interpretation) after the definition of “occupier” insert —...
48. After regulation 3(4)(d) (application) insert— (e) the ONR. .
49. In regulation 11(1)(a) (licensed occupier to appoint person responsible for...
50. After regulation 13(8) (reporting loss) insert— (9) Where any loss...

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51. For regulation 15 (enforcement) substitute— (1) This regulation applies subject to section 18(1A) of the...
52. Simple Pressure Vessels (Safety) Regulations 1991
53. Placing on the Market and Supervision of Transfers of Explosives Regulations 1993
54. In regulation 3 (application)— (a) at the end of paragraph...
55. (1) Regulation 9 (enforcement) is amended as follows.
56. Electrical Equipment (Safety) Regulations 1994
57. . . . .
58. . . . .
59. Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations 1996
60. In regulation 2(2) (interpretation)— (a) omit the definition of “enforcement...
61. In regulation 14(2)(a) (conditions for equipment etc. being taken to...
62. After regulation 15(5) (enforcement) insert— (6) For the purposes of...
63. (1) Schedule 14 (enforcement) is amended as follows.
64. Health and Safety (Safety Signs and Signals) Regulations 1996
65. Marking of Plastic Explosives for Detection Regulations 1996
66. Lifts Regulations 1997
67. In regulation 2(2) (interpretation)— (a) for paragraph (a)(i) of the...
68. (1) Schedule 15 (enforcement) is amended as follows.
69. Diving at Work Regulations 1997
70. Health and Safety (Enforcing Authority) Regulations 1998
71. After regulation 1 insert— Application Nothing in these Regulations applies to the enforcement of the...
72. In regulation 2(1) (interpretation)— (a) after the definition of “agricultural...
73. After regulation 2 insert— New nuclear build sites (1) Subject to paragraphs (3) and (4), “new nuclear build...
74. In regulation 3(7) (local authorities to be enforcing authorities in...
75. (1) Regulation 4 (exceptions) is amended as follows.
76. After regulation 4 insert— The Office for Nuclear Regulation (1) The ONR shall be the enforcing authority for premises...
77. Before regulation 5(1) (arrangements enabling responsibility for enforcement to be...
78. (1) Regulation 6 (arrangements enabling responsibility for enforcement to be...
79. After regulation 6 insert— Assignment of responsibility for enforcement in...
80. Working Time Regulations 1998
81. (1) Regulation 28 (enforcement) is amended as follows.
82. (1) In paragraph 8 of Schedule 3 (restrictions on disclosure...
83. Control of Major Accident Hazards Regulations 1999
84. In regulation 2(1) (interpretation)— (a) for the definition of “competent...
85. In Regulation 7(11) (safety report) after “the Executive” insert “...
86. (1) Regulation 15 (provision of information to the competent authority)...
87. After regulation 16(3) (provision of information to other establishments) insert—...
88. In Regulation 19(4) (inspections and investigations) for “or the Executive”...
89. (1) Regulation 20 (enforcement) is amended as follows.
90. (1) Regulation 22 (fee payable by operator) is amended as...

91. Pressure Equipment Regulations 1999
92. In regulation 2(2) (interpretation)— (a) before the definition of “assembly”...
93. In paragraph 1(a) of Schedule 8 (enforcement) for “Executive”, in...
94. Nuclear Reactors (Environmental Impact Assessment for Decommissioning) Regulations 1999
95. Subject to paragraphs 96 and 97, for “Executive” substitute “...
96. In regulation 2(1) (definitions)— (a) omit the definition of “the...
97. In regulation 16(1) (enforcement) for “Health and Safety Executive” substitute...
98. Ionising Radiations Regulations 1999
99. In regulation 2(1) (interpretation) after the definition of “radioactive substance”...
100. (1) In the provisions specified in paragraph (2) for “Executive”...
101. (1) Regulation 5 (authorisation of specified practices) is amended as...
102. (1) Regulation 6 (notification of specified practices) is amended as...
103. (1) Regulation 22 (estimated doses and special entries) is amended...
104. (1) Regulation 25 (investigation and notification of overexposure) is amended...
105. Radiation (Emergency Preparedness and Public Information) Regulations 2001
106. Control of Lead at Work Regulations 2002
107. Control of Substances Hazardous to Health Regulations 2002
108. Ammonium Nitrate Materials (High Nitrate Content) Safety Regulations 2003
109. Justification of Practices Involving Ionising Radiation Regulations 2004
110. Manufacture and Storage of Explosives Regulations 2005
111. In regulation 2 (interpretation)— (a) in paragraph (1) after the...
112. After regulation 3(4)(a) (application) insert— (aa) the ONR; .
113. In regulation 5(2)(b) (separation distances) after “Executive” insert “ or...
114. (1) Regulation 11 (registration in relation to storage) is amended...
115. After regulation 11 insert— Sites which cease to be an...
116. (1) Regulation 13 (grant of licences) is amended as follows....
117. After regulation 13 insert— Licences for sites which cease to...
118. (1) Regulation 14 (local authority assent) is amended as follows....
119. (1) Regulation 16 (variation of licences) is amended as follows....
120. (1) Regulation 23 (defences) is amended as follows.
121. In Schedule 1 (licensing authority)— (a) in paragraph 1 for...
122. In Schedule 4 (registers) in paragraph 8 after “local authority”...
123. Control of Vibration at Work Regulations 2005
124. Regulatory Reform (Fire Safety) Order 2005
125. Control of Noise at Work Regulations 2005
126. Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006
127. Construction (Design and Management) Regulations 2007
128. Supply of Machinery (Safety) Regulations 2008
129. (1) Regulation 2(2) (interpretation) is amended as follows.
130. (1) Schedule 5 (enforcement) is amended as follows.
131. REACH Enforcement Regulations 2008
132. Regulation 2(2) (interpretation) is amended as follows—
133. In regulation 3(2) (enforcement) for “regulation 6” substitute “ regulations...

134. After regulation 3 insert— Enforcement: relevant nuclear sites (1) This regulation applies where the Office for Nuclear Regulation...
135. In regulation 6(4) (health and safety enforcement) after “varied by”...
136. In regulation 17(1) (appearance of authorised persons before a court...
137. In regulation 21(2)(b) (appeals against notices) after “Northern Ireland” insert...
138. In the table in Schedule 1 (table of REACH provisions)...
139. In Schedule 2 (functions of enforcing authorities) in paragraph 2...
140. (1) Part 2 of Schedule 6 (powers of enforcement) is...
141. (1) Section 3 of Schedule 7 (authorisations) is amended as...
142. (1) Part 2 of Schedule 8 (appeals) is amended as...
143. Transfrontier Shipment of Radioactive Waste and Spent Fuel Regulations 2008
144. Control of Artificial Optical Radiation at Work Regulations 2010
145. Control of Asbestos Regulations 2012
146. Identification and Traceability of Explosives Regulations 2013
147. Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013
  - PART 4 — Fees
148. Nuclear Industries Security (Fees) Regulations 2005
149. In regulation 2 (interpretation)— (a) in paragraph (1)—
150. In regulation 3 (fees payable for regulation of nuclear industries...
151. In regulation 4 (supplementary provisions) for “Secretary of State” substitute...
152. In the Table in the Schedule— (a) in the header...
153. Health and Safety (Fees) Regulations 2012
154. In regulation 1(3) (interpretation)— (a) before the definition of “approval”...
155. For regulation 8(6) (fees payable in connection with the Ionising...
156. Regulation 9(1) (fees payable under the Manufacture and Storage of...
157. In regulation 11 (fees for application for or changes to...
158. For regulation 12 (estimate of cost of work) substitute— (1) Where any fee is to be assessed on the...
159. (1) Regulation 16 (fees payable in relation to nuclear installations)...
160. (1) Regulation 17 (provisions supplementary to regulations 14 to 16)...
161. In regulation 24(9) (provisions supplementary to regulation 23)—
162. In Schedule 7 (Fees payable in connection with the Ionising...
163. In Schedule 13 (Fees payable in relation to nuclear assessments,...
  - PART 5 — General
164. Health and Safety Inquiries (Procedure) Regulations 1975
165. In regulation 2(1) (interpretation)— (a) after the definition of “the...
166. In regulation 3(1) (application of Regulations) after “the 1974 Act”...
167. In regulation 4 (notification of inquiry) for “Executive” substitute “...
168. In regulation 5 (appearances at inquiry)— (a) in the heading...
169. After regulation 5 insert— Appearances at an ONR inquiry (1) The persons entitled to appear at the ONR inquiry...
170. In regulation 6(1) (representation) after “so appointed” insert “ and...
171. (1) Regulation 7 (power to require attendance of witnesses and...
172. In regulation 8 (procedure at inquiry) for “appointed person”, in...
173. In regulation 9 (site inspections) for “appointed person” substitute “...
174. (1) Regulation 10 (procedure after inquiry) is amended as follows....
175. For regulation 11 (notices) substitute— (1) This regulation applies to the service of notices required...

176. After regulation 11 insert— Offences in connection with an ONR...
177. Electricity (Non-Fossil Fuel Sources) (England and Wales) Order 1990
178. Environmental Protection (Applications, Appeals and Registers) Regulations 1991
179. Planning (Hazardous Substances) Regulations 1992
180. In regulation 10(1) (consultation before the grant of hazardous substances...
181. In regulation 11(5) (determination of applications for hazardous substances consent)...
182. (1) Schedule 1 (Hazardous Substances and Controlled Quantities) is amended...
183. Town and Country Planning (Hazardous Substances) (Scotland) Regulations 1993
184. After regulation 11(1)(a) (consultation before the grant of hazardous substances...
185. After regulation 12(4)(a) (determination of applications for hazardous substances consent)...
186. (1) Schedule 1 (hazardous substances and controlled quantities) is amended...
187. Town and Country Planning (General Permitted Development) Order 1995
188. In paragraph O of Part 3 (changes of use), as...
189. In paragraph E of Part 4 (temporary buildings and use),...
190. Public Interest Disclosure (Prescribed Persons) Order 1999
191. Greater London Authority (Disqualification) Order 2000
192. Civil Contingencies Act 2004 (Contingency Planning) Regulations 2005
193. Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006
194. Legislative and Regulatory Reform (Regulatory Functions) Order 2007
195. Companies (Disclosure of Address) Regulations 2009
196. Overseas Companies Regulations 2009
197. Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009
198. Company, Limited Liability Partnership and Business Names (Public Authorities) Regulations 2009
199. Infrastructure Planning (Interested Parties) Regulations 2010
200. Infrastructure Planning (Compulsory Acquisition) Regulations 2010
201. Town and Country Planning (Development Management Procedure) (England) Order 2010
202. Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011
203. Disclosure (Persons engaged in the Investigation and Reporting of Crime or Sudden Deaths) (Scotland) Regulations 2011
204. Equality Act 2010 (Specific Duties) Regulations 2011
205. Postal Services Act 2011 (Disclosure of Information) Order 2012
206. Pollution Prevention and Control (Scotland) Regulations 2012
207. Town and Country Planning (Development Management Procedure) (Wales) Order 2012
208. (1) The Welsh text of Schedule 4 to the Town and...
209. Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013
- PART 6 — Revocations
210. In consequence of the provisions made by this Order, the...

PART 1 — Interpretation

1. (1) In this Schedule— “the 1978 Order” means the Health...

PART 2 — General Transitional Provisions

2. Continuity of the law: restatement of provisions of the 1965 Act and 1974 Act
3. (1) Any subordinate legislation made or other thing done, or...
4. Any reference (whether express or implied) in any enactment, instrument...
5. Any reference (whether express or implied) in any enactment, instrument...
6. Continuity of the law: regulations treated as regulations under Part 3 of the 2013 Act
7. Penalties for offences committed before 1st April 2014
8. Functions of the HSE and the Secretary of State
9. Investigations
10. Inquiries
11. Continuity of exercise of functions by inspectors
12. Continuity of exercise of fire safety functions
13. Supplementary

PART 3 — Specific matters

CHAPTER 1

Enforcement and criminal proceedings

14. Improvement notices issued before 1st April 2014
15. Prohibition notices issued before 1st April 2014
16. Prohibition notice appeals - directions
17. Offences — proceedings commenced before 1st April 2014
18. Offences — proceedings not commenced before 1st April 2014
19. Remedial orders made before 1st April 2014

CHAPTER 2

Information

20. Requests for information
21. Disclosure of information relevant to transferred functions: transitional modifications to Schedule 9 to the 2013 Act

CHAPTER 3

Other transitionals in connection with primary legislation amended by or under the 2013 Act

22. Nuclear Installations Act 1965
23. (1) Relevant expenses which are not transitional expenses remain repayable...
24. Health and Safety at Work etc. Act 1974 – civil liability
25. Nuclear Safeguards Act 2000
26. Environment and Safety Information Act 1988



## CHAPTER 4

### Fees and expenses

27. Control of Major Accident Hazards Regulations 1999
28. Nuclear Reactors (Environmental Impact for Decommissioning) Regulations 1999
29. Nuclear Industries Security (Fees) Regulations 2005
30. Health and Safety (Fees) Regulations 2012
31. (1) A relevant fee which is not a transitional fee...
32. (1) Despite Part 2 of this Schedule, any outstanding fee...

## CHAPTER 5

### Explosives licences

33. Dangerous Substances in Harbour Areas Regulations 1987
34. Manufacture and Storage of Explosives Regulations 2005

## CHAPTER 6

### Other transitionals in connection with subordinate legislation amended by this Order

35. Nuclear Industries Security Regulations 2003
36. (1) A relevant approval which is in force immediately before...
37. A notification given by, or on behalf of, the Secretary...
38. (1) Any direction— (a) issued by, or on behalf of,...
39. Uranium Enrichment Technology (Prohibition on Disclosure) Regulations 2004
40. Carriage of Dangerous Goods and Transportable Pressure Equipment Regulations 2009
41. An authorisation granted, or deemed to be granted, pursuant to...
42. (1) A class 7 approval which is in force immediately...
43. (1) Where— (a) the Secretary of State for Energy and...

### Explanatory Note

**Changes to legislation:**

There are currently no known outstanding effects for the The Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014.