

Status: Point in time view as at 01/04/2014.

Changes to legislation: Energy Act 2013, Cross Heading: Extension of time for bringing summary proceedings is up to date with all changes known to be in force on or before 02 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 10

PROVISIONS RELATING TO OFFENCES

Modifications etc. (not altering text)

- C1** Sch. 10 excluded (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), **Sch. 1 para. 4** (with Sch. 4)

Extension of time for bringing summary proceedings

- 3 (1) This paragraph applies where—
- a special report on a matter is made under section 84(1);
 - a report is made by a person holding an ONR inquiry;
 - a coroner's inquest is held into a relevant death; or
 - a public inquiry under the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 is held into a relevant death.
- (2) A “relevant death” is the death of any person which may have been caused—
- by an accident which happened while at work,
 - by a disease which the person contracted (or probably contracted) while at work, or
 - by an accident, act or omission which occurred in connection with the work of any person.
- (3) Sub-paragraph (4) applies if it appears from—
- the report mentioned in sub-paragraph (1)(a) or (b),
 - the inquest mentioned in sub-paragraph (1)(c), or
 - the proceedings at the inquiry mentioned in sub-paragraph (1)(d),
- that a relevant provision was contravened at a time which is material in relation to the subject-matter of the report, inquest or inquiry.
- (4) Summary proceedings against any person liable to be proceeded against in respect of the contravention may be commenced at any time within 3 months of—
- the making of the report in question, or
 - (as the case may be) the conclusion of the inquest or inquiry.

Modifications etc. (not altering text)

- C2** Sch. 10 paras. 3-5 excluded (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), **Sch. 1 para. 5(6)** (with Sch. 1 paras. 6, 4)

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Commencement Information

I1 Sch. 10 para. 3 in force at 1.4.2014 by [S.I. 2014/251](#), [art. 4](#)

- 4 (1) This paragraph applies to any offence that a person commits as a result of a provision or requirement that the person is subject to as the designer, manufacturer, importer or supplier of any thing.
- (2) Summary proceedings for the offence may be commenced at any time within 6 months from the date on which there comes to the knowledge of the ONR evidence that appears sufficient to the ONR—
- (a) to justify a prosecution for the offence, or
 - (b) in relation to an offence in Scotland, to justify a report to the Lord Advocate with a view to consideration of the question for prosecution.
- (3) For this purpose—
- (a) a certificate of the ONR stating that such evidence came to its knowledge on a specified date is to be taken as conclusive evidence of that fact,
 - (b) a document purporting to be such a certificate, and to be signed on behalf of the ONR, is to be presumed to be such a certificate unless the contrary is proved, and
 - (c) in relation to an offence in Scotland, section 136(3) of the Criminal Procedure (Scotland) Act 1995 (date of commencement of proceedings) has effect as it has effect for the purposes of that section.

Modifications etc. (not altering text)

C2 Sch. 10 paras. 3-5 excluded (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), [art. 1\(2\)](#), [Sch. 1 para. 5\(6\)](#) (with [Sch. 1 paras. 6, 4](#))

Commencement Information

I2 Sch. 10 para. 4 in force at 1.4.2014 by [S.I. 2014/251](#), [art. 4](#)

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