

SCHEDULES

SCHEDULE 1

Article 4

PROVISIONS REFERRED TO IN ARTICLE 4

The provisions referred to in article 4 are—

- (a) Opencast Coal Act 1958, in sections 51(1) and 52(2), paragraph (b) of the definition of “appropriate Minister”(1),
- (b) New Towns Act 1981, section 78(1)(b)(2),
- (c) Electricity Act 1989, paragraph 3(1) of Schedule 16(3),
- (d) Town and Country Planning Act 1990, section 265(1)(b) and (2)(4),
- (e) Gas Act 1995, paragraph 2(10) of Schedule 4(5),
- (f) Channel Tunnel Rail Link Act 1996, section 50(5)(b)(6),
- (g) paragraph 13(7) of Schedule 14 to that Act,
- (h) paragraph 2(4)(8) of Part 2 of Schedule 15 to that Act,
- (i) Crossrail Act 2008(9), section 4(5)(b),
- (j) paragraph 12 of Schedule 4 to that Act,
- (k) paragraphs 2(4) and 13(3) of Part 2 of Schedule 17 to that Act,

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- (1) 1958 c. 69; the definition of “appropriate Minister” in section 51(1) was inserted by S.I. 1976/1775, Sched. 3 and amended by the Gas Act 1986 (c. 44), Sched. 9, the Electricity Act 1989 (c. 29), Sched. 18 and S.I. 1992/1314, Sched.; other amendments have been made to the definition which are not relevant to this Order. In this Act and certain other enactments references to the Secretary of State for Trade and Industry (or to the Department of Trade and Industry) have effect as or as including references to the Secretary of State for Business, Enterprise and Regulatory Reform (or to the Department for Business, Enterprise and Regulatory Reform) by virtue of S.I. 2007/3224, art. 12. That is subject to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and, in the case of enactments extending to Scotland, sections 53 and 117 of the Scotland Act 1998 (c. 46). By virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32), certain functions conferred on the National Assembly for Wales are exercisable by the Welsh Ministers. The definition of “appropriate Minister” in section 52(2) was inserted by S.I. 1976/1775, Sched. 3; other amendments have been made to the definition which are not relevant to this Order. In this Act and certain other enactments, references to the Secretary of State for Energy (or to the Department of Energy) have effect as or as including references to the Secretary of State for Trade and Industry (or to the Department of Trade and Industry) by virtue of S.I. 1992/1314, art. 3; see further the comments above about references to the Secretary of State for Trade and Industry.
 - (2) 1981 c. 64; section 78(1) was amended by the Gas Act 1986 (c. 44), Sched. 9, the Electricity Act 1989 (c. 29), Sched. 18 and S.I. 1992/1314, Sched.; other amendments have been made to section 78(1) which are not relevant to this Order. See also the comments about references to the Secretary of State for Trade and Industry in the footnote to paragraph (a) above.
 - (3) 1989 c. 29; paragraph 3(1) was amended by the Planning (Consequential Provisions) Act 1990 (c. 11), Sched. 1, the Water Consolidation (Consequential Provisions) Act 1991 (c. 60), Sched. 3, the Government of Wales Act 1998 (c. 38), Sched. 18 and S.I. 1992/1314, Sched. See also the comments about references to the Secretary of State for Trade and Industry in the footnote to paragraph (a) above.
 - (4) 1990 c. 8; section 265 was amended by S.I. 1992/1314, Sched. (and see section 76(7) of the Utilities Act 2000 (c. 27)); other amendments have been made to section 265 which are not relevant to this Order. See also the comments about references to the Secretary of State for Trade and Industry in the footnote to paragraph (a) above.
 - (5) 1995 c. 45; paragraph 2(10) was amended by the Planning (Consequential Provisions) (Scotland) Act 1997 (c. 11), Sched. 1 and the Government of Wales Act 1998 (c. 38), Sched. 18 (and see section 76(7) of the Utilities Act 2000 (c. 27)). See also the comments about references to the Secretary of State for Trade and Industry in the footnote to paragraph (a) above.
 - (6) 1996 c. 61; section 50(5)(b) was amended by S.I. 2002/2626, Sched. 2 and S.I. 2007/3224, Sched.
 - (7) Paragraph 13 was amended by S.I. 2002/2626, Sched. 2 and S.I. 2007/3224, Sched.
 - (8) Paragraph 2(4) was substituted by S.I. 1997/2971, Sched. and was amended by S.I. 2002/2626, Sched. 2 and S.I. 2007/3224, Sched.
 - (9) 2008 c. 18.

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- (l) Public Bodies' Land (Appropriate Ministers) Order 1981, article 2, in the Table, column 2 of the entry relating to the Coal Authority(10),
- (m) Oil Taxation (Gas Banking Schemes) Regulations 1982, regulation 5(5)(a)(11),
- (n) British Coal Staff Superannuation Scheme (Modification) Regulations 1994(12),
- (o) Mineworkers' Pension Scheme (Modification) Regulations 1994(13),
- (p) Town and Country Planning (General Development Procedure) Order 1995, article 16(1)(b)(14),
- (q) Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998, regulation 4(7)(15),
- (r) Nuclear Industries Security Regulations 2003, regulations 23(3)(a) and 24(3)(a)(16).

SCHEDULE 2

Article 9

CONSEQUENTIAL AMENDMENTS

PART 1

PRIMARY LEGISLATION

Transport and Works Act 1992 (c. 42)

1. In section 23(10)(17), in both places where it appears, for “the Department for Business, Enterprise and Regulatory Reform” substitute “the Department of Energy and Climate Change”.

Channel Tunnel Rail Link Act 1996 (c. 61)

2. In the following provisions for “the Secretary of State for Business, Enterprise and Regulatory Reform” substitute “the Secretary of State for Energy and Climate Change”—

- (a) section 50(5)(b)(18),
- (b) paragraph 13(19) of Schedule 14, and
- (c) paragraph 2(4)(20) of Part 2 of Schedule 15.

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- (10) S.I. 1981/15; article 2 was amended by S.I. 1994/2567, Sched.; other amendments have been made to article 2 which are not relevant to this Order. See also the comments about references to the Secretary of State for Trade and Industry in the footnote to paragraph (a) above.
 - (11) S.I. 1982/92. See the comments about references to the Secretary of State for Energy in the footnote to paragraph (a) above.
 - (12) S.I. 1994/2576; amendments have been made to the Regulations which are not relevant to this Order. See also the comments about references to the Secretary of State for Trade and Industry in the footnote to paragraph (a) above.
 - (13) S.I. 1994/2577; amendments have been made to the Regulations which are not relevant to this Order. See also the comments about references to the Secretary of State for Trade and Industry in the footnote to paragraph (a) above.
 - (14) S.I. 1995/419. See the comments about references to the Secretary of State for Trade and Industry in the footnote to paragraph (a) above.
 - (15) S.I. 1998/1056; regulation 4(7) was amended by S.I. 2007/3224, Sched.
 - (16) S.I. 2003/403; regulations 23(3) and 24(3) were amended by S.I. 2007/3224, Sched.
 - (17) Section 23(10) was amended by S.I. 1992/1314, Sched. and S.I. 2007/3224, Sched.; other amendments have been made to section 23(10) which are not relevant to this Order.
 - (18) Section 50(5)(b) was amended by S.I. 2002/2626, Sched. 2 and S.I. 2007/3224, Sched.
 - (19) Paragraph 13 was amended by S.I. 2002/2626, Sched. 2 and S.I. 2007/3224, Sched.
 - (20) Paragraph 2(4) was substituted by S.I. 1997/2971, Sched. and was amended by S.I. 2002/2626, Sched. 2 and S.I. 2007/3224, Sched.

Regulation of Investigatory Powers Act 2000 (c. 23)

3. In Schedule 1(21), before the entry for the Department for Environment, Food and Rural Affairs insert—

“The Department of Energy and Climate Change.”

Natural Environment and Rural Communities Act 2006 (c. 16)

4.—(1) In sections 78(1), 79(1), 80(3), 82(a) and (b) and 98(1), in each place after “DEFRA” insert “or DECC”.

(2) For section 86(2) substitute—

“(2) In this Chapter “DEFRA or DECC function” means—

- (a) a function which at the material time falls to be performed by or through the Department for Environment, Food and Rural Affairs, or
- (b) a former DEFRA function which at the material time falls to be performed by or through the Department of Energy and Climate Change.

(2A) In subsection (2) “former DEFRA function” has the meaning given by article 2(3) of the Secretary of State for Energy and Climate Change Order 2009.”

(3) For section 98(5) substitute—

“(5) “DEFRA or DECC function” means—

- (a) a function which falls to be performed by or through the Department for Environment, Food and Rural Affairs, or
- (b) a former DEFRA function which falls to be performed by or through the Department of Energy and Climate Change.

(5A) In subsection (5) “former DEFRA function” has the meaning given by article 2(3) of the Secretary of State for Energy and Climate Change Order 2009.”

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

5. In Schedule 1(22) in the appropriate place insert “Department of Energy and Climate Change”.

Crossrail Act 2008 (c. 18)

6. In the following provisions for “the Secretary of State for Business, Enterprise and Regulatory Reform” substitute “the Secretary of State for Energy and Climate Change”—

- (a) section 4(5)(b),
- (b) paragraph 12 of Schedule 4, and
- (c) paragraphs 2(4) and 13(3) of Part 2 of Schedule 17.

(21) The entry for the Department for Environment, Food and Rural Affairs was inserted by [S.I. 2002/794](#), Sched. 1; other amendments have been made to Schedule 1 which are not relevant to this Order.

(22) Amendments have been made to Schedule 1 which are not relevant to this Order.

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PART 2

SECONDARY LEGISLATION

Petroleum (Production) (Seaward Areas) Regulations 1988 (S.I. 1988/1213)

7.—(1) In regulation 5(1)(23) for “Licensing Branch, Oil and Gas Division, Department of Trade and Industry” substitute “Oil and Gas Licensing Administration, Energy Development Unit, Department of Energy and Climate Change”.

(2) In regulation 7(2)(24) for “Department of Trade and Industry” substitute “Department of Energy and Climate Change”.

(3) In Schedule 3(25)—

(a) in Part 5, for “Department of Trade and Industry” substitute “Department of Energy and Climate Change”, and

(b) in Part 6, for the words from “To Oil and Gas Directorate” to “SW1H 0ET” substitute—
“To Oil and Gas Licensing Administration
Energy Development Unit
Department of Energy and Climate Change
London SW1”.

Gas Transit (EEC Requirements) Regulations 1992 (S.I. 1992/1190)

8. In regulation 4(a), (c) and (d)(26) for “the Secretary of State for Business, Enterprise and Regulatory Reform” substitute “the Secretary of State for Energy and Climate Change”.

Petroleum (Production) (Landward Areas) Regulations 1995 (S.I. 1995/1436)

9.—(1) In regulation 5(1)(a)(27) for “Oil and Gas Division, Department of Trade and Industry” substitute “Energy Development Unit, Department of Energy and Climate Change”.

(2) In regulation 7(2)(28) for “Department of Trade and Industry” substitute “Department of Energy and Climate Change”.

(3) In the definition of “the Minister” in clause 1(1) of the model clauses in each of Schedules 4 and 5(29) for “the Secretary of State for Trade and Industry” substitute “the Secretary of State for Energy and Climate Change”.

(23) Regulation 5(1) was amended by S.I. 1995/1435, reg. 4. See also the comments about references to the Department of Trade and Industry in the footnote to paragraph (a) of Schedule 1 above.

(24) Regulation 7 was substituted by S.I. 1995/1435, reg. 6; other amendments have been made to regulation 7 which are not relevant to this Order. See also the comments about references to the Department of Trade and Industry in the footnote to paragraph (a) of Schedule 1 above.

(25) Schedule 3 was amended by S.I. 1996/2946, reg. 7; other amendments have been made to Schedule 3 which are not relevant to this Order. See also the comments about references to the Department of Trade and Industry in the footnote to paragraph (a) of Schedule 1 above.

(26) Regulation 4 was amended by S.I. 2007/3224, Sched.; other amendments have been made to regulation 4 which are not relevant to this Order.

(27) See the comments about references to the Department of Trade and Industry in the footnote to paragraph (a) of Schedule 1 above.

(28) See the comments about references to the Department of Trade and Industry in the footnote to paragraph (a) of Schedule 1 above.

(29) See the comments about references to the Secretary of State for Trade and Industry in the footnote to paragraph (a) of Schedule 1 above.

Chemical Weapons (Notification) Regulations 1996 (S.I. 1996/2503)

10. In regulation 3(3)(30) for the words from “Department for” to the end substitute “Department of Energy and Climate Change, NCLU, 3 Whitehall Place, London, SW1A 2HH, or sent by means of an electronic communications network to cwena@decc.gsi.gov.uk”.

Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998 (S.I. 1998/1056)

11. In regulation 4(7)(31) for “the Secretary of State for Business, Enterprise and Regulatory Reform” substitute “the Secretary of State for Energy and Climate Change”.

Nuclear Industries Security Regulations 2003 (S.I. 2003/403)

12. In regulations 23(3)(a) and 24(3)(a)(32) for “the Secretary of State for Business, Enterprise and Regulatory Reform” substitute “the Secretary of State for Energy and Climate Change”.

Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2003 (S.I. 2003/3171)

13.—(1) Part 1 of the Schedule(33) is amended as follows.

(2) After the entry for the Ministry of Defence insert—

“Department of Energy and Climate Change	Section 28 authorisation Range 10 Officer in Coal Liabilities Unit	Section 28 authorisation Range 9 Officer in Coal Liabilities Unit	(b)”
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(3) In the entry for the Department of Trade and Industry(34), omit the entry (in columns (2), (3) and (4)) relating to officers in the Coal Health Claims Unit.

Petroleum Licensing (Exploration and Production) (Seaward and Landward Areas) Regulations 2004 (S.I. 2004/352)

14.—(1) In clause 1(1) of the model clauses in Schedule 1(35), in the definition of “the Minister”, for “the Secretary of State for Business, Enterprise and Regulatory Reform” substitute “the Secretary of State for Energy and Climate Change”.

(2) In clause 1(1) of the model clauses in Schedule 6(36)—

- (a) in the definition of “Block”, for “the Department for Business, Enterprise and Regulatory Reform” substitute “the Department of Energy and Climate Change”, and
- (b) in the definition of “the Minister”, for “the Secretary of State for Business, Enterprise and Regulatory Reform” substitute “the Secretary of State for Energy and Climate Change”.

(30) Regulation 3(3) was substituted by [S.I. 2004/2406](#), reg. 2 and was amended by [S.I. 2007/3224](#), Sched.

(31) Regulation 4(7) was amended by [S.I. 2007/3224](#), Sched.

(32) Regulations 23(3) and 24(3) were amended by [S.I. 2007/3224](#), Sched.

(33) Amendments have been made to Part 1 of the Schedule which are not relevant to this Order.

(34) See the comments about references to the Department of Trade and Industry in the footnote to paragraph (a) of Schedule 1 above.

(35) Clause 1(1) was amended by [S.I. 2007/3224](#), Sched.

(36) Clause 1(1) was amended by [S.I. 2007/3224](#), Sched.

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Electricity (Fuel Mix Disclosure) Regulations 2005 (S.I. 2005/391)

15. In paragraph 1(37) of the condition set out in the Schedule, in the definition of “fuel mix disclosure data table” for “the Department for Business, Enterprise and Regulatory Reform” substitute “the Department of Energy and Climate Change”.

Damages (Government and Health Service Bodies) Order 2005 (S.I. 2005/474)

16. In Part 1 of the Schedule(38) at the end insert “Department of Energy and Climate Change”.

Disability Discrimination (Public Authorities) (Statutory Duties) Regulations 2005 (S.I. 2005/2966)

17. In Schedule 2(39) at the appropriate place insert “The Secretary of State for Energy and Climate Change”.

Offshore Installations (Safety Case) Regulations 2005 (S.I. 2005/3117)

18.—(1) In regulation 2(1)(40), in the definition of “field development programme”—

- (a) for “the Department for Business, Enterprise and Regulatory Reform” substitute “the Department of Energy and Climate Change”, and
- (b) for “the Department for Business, Enterprise and Regulatory Reform’s” substitute “the Department of Energy and Climate Change’s”.

(2) In regulation 6(1) and (2)(41) for “the Department for Business, Enterprise and Regulatory Reform” substitute “the Department of Energy and Climate Change”.

Guarantees of Origin of Electricity Produced from High-efficiency Cogeneration Regulations 2007 (S.I. 2007/292)

19.—(1) In regulation 2(1) in the definition of “the competent authority” for “Secretary of State for Environment, Food and Rural Affairs” substitute “Secretary of State for Energy and Climate Change”.

(2) In regulation 3(2) for “Secretary of State for Environment, Food and Rural Affairs” substitute “Secretary of State for Energy and Climate Change”.

Petroleum Licensing (Production) (Seaward Areas) Regulations 2008 (S.I. 2008/225)

20. In clause 1(1) of the model clauses in the Schedule—

- (a) in the definition of “Block”, for “the Department for Business, Enterprise and Regulatory Reform” substitute “the Department of Energy and Climate Change”, and
- (b) in the definition of “the Minister”, for “the Secretary of State for Business, Enterprise and Regulatory Reform” substitute “the Secretary of State for Energy and Climate Change”.

(37) Paragraph 1 of the condition was amended by S.I. 2007/3224, Sched.

(38) Amendments have been made to the Schedule which are not relevant to this Order.

(39) Amendments have been made to Schedule 2 which are not relevant to this Order.

(40) Regulation 2 was amended by S.I. 2007/3224, Sched.

(41) Regulation 6 was amended by S.I. 2007/3224, Sched.