

Changes to legislation: Energy Act 2013, Cross Heading: Powers exercisable in relation to particular articles or substances or in particular circumstances is up to date with all changes known to be in force on or before 28 February 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) View outstanding changes

SCHEDULES

SCHEDULE 8

INSPECTORS

Modifications etc. (not altering text)

- C1** Sch. 8 modified (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(2)Sch. 1 para. 5(3)(b) (with Sch. 1 paras. 6, 4)

PART 3

OTHER POWERS EXERCISABLE BY INSPECTOR IF AUTHORISED BY INSTRUMENT OF APPOINTMENT

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

- 11 (1) An authorised inspector may cause any article or substance in relevant premises—
- (a) to be dismantled;
 - (b) to be tested;
 - (c) to have any other process applied to it.
- (2) The inspector may exercise any of those powers only if it appears to the inspector—
- (a) that the article or substance has caused, or is likely to cause, danger to health or safety, or
 - (b) that it is desirable to do so for the nuclear security purposes.
- (3) Before exercising a power in this paragraph, the inspector must consult anyone whom the inspector considers it appropriate to consult about the dangers (if any) of what is proposed.
- (4) Anything done to the article or substance under this paragraph must not damage or destroy it unless in the circumstances that is unavoidable for the relevant purpose.
- (5) If requested by a person who has responsibilities in relation to the relevant premises, and is on the premises, the inspector must allow anything done to the article or substance under this paragraph to be done in that person's presence, unless the inspector considers that that would be prejudicial to national security.

Commencement Information

- II** Sch. 8 para. 11 in force at 1.4.2014 by S.I. 2014/251, art. 4

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- 12 (1) An authorised inspector may take possession of any article or substance found on relevant premises and retain it for as long as necessary—
- (a) for it to be examined;
 - (b) for anything to be done to it which the inspector may cause to be done under paragraph 11;
 - (c) to ensure that it is not tampered with before any examination or other procedure mentioned in paragraph (a) or (b) is complete;
 - (d) to ensure that it is available for use in—
 - (i) any proceedings for an offence under any of the relevant statutory provisions, or
 - (ii) any proceedings relating to an improvement notice or a prohibition notice.
- (2) The inspector may exercise that power only if it appears to the inspector—
- (a) that it is desirable to do so for the nuclear security purposes, or
 - (b) that the article or substance has caused, or is likely to cause, danger to health or safety.
- (3) Before taking possession of any substance under this paragraph, the inspector must, if it is practicable,—
- (a) take a sample of it, and
 - (b) give a portion of the sample, marked so as to be identifiable, to a responsible person at the premises.
- (4) An inspector who takes possession of any article or substance under this paragraph must—
- (a) if it is practicable to do so, give a notice to that effect to a responsible person at the premises;
 - (b) otherwise, fix such a notice in a conspicuous position at the premises.
- (5) The notice must include sufficient information about the article or substance to identify it.

Commencement Information

I2 Sch. 8 para. 12 in force at 1.4.2014 by S.I. 2014/251, art. 4

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[View outstanding changes](#)

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\(4\)](#)