



Energy Act 2013

2013 CHAPTER 32

PART 3

NUCLEAR REGULATION

CHAPTER 4

FUNCTIONS OF THE ONR

Functions of ONR: general

79 Codes of practice

- (1) The ONR may, in accordance with section 80—
 - (a) issue codes of practice giving practical guidance as to the requirements of any provision of the relevant statutory provisions;
 - (b) revise or withdraw a code of practice issued under this section.
- (2) A code of practice (including a revised code) must specify the relevant statutory provisions to which it relates.
- (3) References in this Part to an approved code of practice are references to a code issued under this section as it has effect for the time being.
- (4) A person's failure to observe any provision of an approved code of practice does not of itself make the person liable to any civil or criminal proceedings.
- (5) But subsections (6) to (8) apply to any proceedings for an offence where—
 - (a) the offence consists of failing to comply with any requirement or prohibition imposed by or under any of the relevant statutory provisions, and
 - (b) at the time of the alleged failure, there was an approved code of practice relating to the provision.

Changes to legislation: Energy Act 2013, Section 79 is up to date with all changes known to be in force on or before 14 March 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](#)

- (6) Any provision of the code of practice which appears to the court to be relevant to the alleged offence is admissible in evidence in the proceedings.
- (7) Where—
- (a) in order to establish that the defendant failed to comply with the requirement or prohibition, the prosecution must prove any matter,
 - (b) the court is satisfied that a provision of the code of practice is relevant to that matter, and
 - (c) the prosecution prove that, at a material time, the defendant failed to observe that provision of the code of practice,
- that matter is to be taken as proved unless the defendant proves that the requirement or prohibition was complied with in some other way.
- (8) A document purporting to be an approved code of practice is to be taken to be such an approved code unless the contrary is proved.

Commencement Information

II S. 79 in force at 1.4.2014 by [S.I. 2014/251](#), [art. 4](#)

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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\(4\)](#)