

## SCHEDULE 3

### Consequential amendments to instruments

## PART 5

### General

#### Health and Safety Inquiries (Procedure) Regulations 1975

**164.** The Health and Safety Inquiries (Procedure) Regulations 1975 <sup>M1</sup> are amended as follows.

#### Marginal Citations

**M1** [S.I. 1975/335](#), amended by [S.I. 1976/1246](#), [S.I. 2008/960](#) and [S.I. 2008/2683](#).

**165.** In regulation 2(1) (interpretation)—

(a) after the definition of “the 1974 Act” insert—

““the 2013 Act” means the Energy Act 2013;”;

(b) omit the definition of “appointed person”;

(c) after the definition of “inquiry” insert—

““the ONR” means the Office for Nuclear Regulation;

“ONR inquiry” has the meaning given in section 85 of the Energy Act 2013;

“relevant appointed person” means—

(a) in relation to an ONR inquiry, a person appointed by the ONR to hold such an inquiry;

(b) in relation to a safety inquiry, a person appointed by the Executive to hold such an inquiry;

“relevant authority” means—

(a) in relation to an ONR inquiry, the ONR;

(b) in relation to a safety inquiry, the Executive;

“safety inquiry” means an inquiry under section 14(2A) of the 1974 Act;”.

**166.** In regulation 3(1) (application of Regulations) after “the 1974 Act” insert “ (referred to in these Regulations as “safety inquiries”) and ONR inquiries ”.

**167.** In regulation 4 (notification of inquiry) for “Executive” substitute “ relevant authority ”, in each place occurring.

**168.** In regulation 5 (appearances at inquiry)—

(a) in the heading for “inquiry” substitute “ a safety inquiry ”;

(b) for “inquiry”, in each place it occurs, substitute “ safety inquiry ”;

(c) in paragraph (2) for “appointed person” substitute “ relevant appointed person ”.

**169.** After regulation 5 insert—

**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, PART 5. (See end of Document for details)

**“Appearances at an ONR inquiry**

**5A.**—(1) The persons entitled to appear at the ONR inquiry shall be—

- (a) the ONR;
- (b) where the ONR inquiry relates to any matter arising in Scotland, the Procurator Fiscal;
- (c) any employers' association or trade union representing respectively employers or employees who are concerned;
- (d) any person who was injured or suffered damage as a result of the accident, occurrence, situation, or other matter the subject of the ONR inquiry or that person's personal representatives;
- (e) the owner or occupier of any premises in which there occurred or arose the accident, occurrence, situation or other matter the subject of the ONR inquiry;
- (f) any person carrying on activities giving rise to the accident, occurrence, situation or other matter the subject of the ONR inquiry.

(2) Any other person may appear at the ONR inquiry at the discretion of the relevant appointed person.”.

**170.** In regulation 6(1) (representation) after “so appointed” insert “ and in the case of the ONR by an officer of the ONR so appointed ”.

**171.**—(1) Regulation 7 (power to require attendance of witnesses and production of documents) is amended as follows.

(2) In paragraph (1) before “appointed person” insert “ relevant ”.

(3) For paragraph (3) substitute—

“(3) A notice containing a requirement under paragraph (1) shall contain a reference—

- (a) where the notice requires attendance at an ONR inquiry, to the fact that under regulation 13 of these Regulations a person who contravenes such a requirement is liable on summary conviction to a fine;
- (b) where the notice requires attendance at a safety inquiry, to the fact that under section 33(2) of the 1974 Act a person who contravenes such a requirement is liable on summary conviction to a fine not exceeding level 5 on the standard scale.”.

(4) After paragraph (3) insert—

“(3A) Paragraph (3B) makes transitional modifications to paragraph (3) as it applies to England and Wales.

(3B) In relation to a notice served on any person before the commencement of section 85(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (removal of limit on certain fines on conviction by magistrates' court), the reference in paragraph (3) (a) to a fine is to be read as a reference to a fine not exceeding level 5 on the standard scale.”.

**172.** In regulation 8 (procedure at inquiry) for “appointed person”, in each place in which it appears, substitute “ relevant appointed person ”.

**173.** In regulation 9 (site inspections) for “appointed person” substitute “ relevant appointed person ”.

**174.**—(1) Regulation 10 (procedure after inquiry) <sup>M2</sup> is amended as follows.

(2) In paragraph (1)—

**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, PART 5. (See end of Document for details)

- (a) for “appointed person” substitute “ relevant appointed person ”;
- (b) for “Executive” substitute “ relevant authority ”.
- (3) In paragraph (2)—
  - (a) for “Except where the said report” substitute “ Except where a report made following a safety inquiry ”;
  - (b) for “the report” substitute “ that report ”.

#### **Marginal Citations**

- M2** Any report made by a person holding an ONR inquiry is to be published (Energy Act 2013, section 85(4)(b)).

#### **175. For regulation 11 (notices) substitute—**

“**11.**—(1) This regulation applies to the service of notices required or authorised to be served or given by these Regulations.

(2) Where such a notice is required or authorised to be served or given in connection with an ONR inquiry, the provisions of sections 109 (notices etc.) and 110 (electronic delivery of notices etc.) of the 2013 Act apply to that notice as they apply to a notice required or authorised to be given by Part 3 of the 2013 Act.

(3) Where such a notice is required or authorised to be served or given in connection with a safety inquiry, the provisions of section 46 of the 1974 Act apply to that notice as they apply to notices required or authorised to be served or given by the 1974 Act.”.

#### **176. After regulation 11 insert—**

##### **“Offences in connection with an ONR inquiry**

**12.**—(1) It is an offence for any person to—

- (a) contravene any requirement imposed by or under these Regulations as they apply to an ONR inquiry; or
- (b) intentionally obstruct any person in the exercise of their powers under section 85 of the 2013 Act.

(2) A person who commits an offence under this regulation is liable on summary conviction—

- (a) in England and Wales, to a fine;
- (b) in Scotland or Northern Ireland, to a fine not exceeding level 5 on the standard scale.

(3) Paragraph (4) makes transitional modifications to paragraph (2) as it applies to England and Wales.

(4) In relation to an offence committed before the commencement of section 85(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2013 (removal of limit on certain fines on conviction by magistrates' court) the reference to a fine in paragraph (2)(a) is to be read as a reference to a fine not exceeding level 5 on the standard scale.”.

#### **Electricity (Non-Fossil Fuel Sources) (England and Wales) Order 1990**

**177.** In Schedule 2 to the Electricity (Non-Fossil Fuel Sources) (England and Wales) Order 1990<sup>M3</sup> (conditions precedent)—

**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, PART 5. (See end of Document for details)

- (a) in paragraph (6)(i) for “Nuclear Installations Inspectorate” substitute “ Office for Nuclear Regulation ”;
- (b) in the note to the Schedule omit the words from “; and” to the end.

#### Marginal Citations

**M3** [S.I. 1990/263](#), amended by [S.I. 1990/494](#).

### Environmental Protection (Applications, Appeals and Registers) Regulations 1991

**178.**—(1) Regulation 4 of the Environmental Protection (Applications, Appeals and Registers) Regulations 1991 <sup>M4</sup> (consultation) is amended as follows.

(2) In paragraph (1)—

(a) for sub-paragraph (a) substitute—

“(a) the Health and Safety Executive, in all cases except—

(i) where the prescribed process is to be carried on on a nuclear site, or

(ii) in the case of a prescribed process designated for local control, where the enforcing authority has, within the period specified in paragraph (2) below, notified the Health and Safety Executive that the application has been made or, as the case may be, that notification has been given pursuant to section 10(5) of the 1990 Act;”

(b) after sub-paragraph (a) insert—

“(aa) the Office for Nuclear Regulation in any case where the prescribed process is to be carried on on a nuclear site except, in the case of a prescribed process designated for local control, where the enforcing authority has, within the period specified in paragraph (2) below, notified the Office for Nuclear Regulation that the application has been made or, as the case may be, that notification has been given pursuant to section 10(5) of the 1990 Act;”.

(3) After paragraph (2) insert—

“(2A) In this regulation “nuclear site” has the meaning given in section 112(1) of the Energy Act 2013.”.

#### Marginal Citations

**M4** [S.I. 1991/507](#). [S.I. 1991/507](#) was revoked, in so far as it applied in relation to England and Wales, by [S.I. 2007/3538](#). [S.I. 1991/507](#), as it extends to Scotland, was amended by [S.I. 1994/1271](#), [S.I. 1996/667](#), [S.I. 1996/2678](#), SSI 2000/62 and [S.S.I. 2011/418](#). There are other amendments but none is relevant to this Order.

### Planning (Hazardous Substances) Regulations 1992

**179.** The Planning (Hazardous Substances) Regulations 1992 <sup>M5</sup> are amended as follows.

#### Marginal Citations

**M5** [S.I. 1992/656](#). Part A of Schedule 1 to the Planning (Hazardous Substances) Regulations 1992 (“the 1992 Regulations”) was substituted, in relation to England, by [S.I. 2009/1901](#) and has been amended by [S.I. 2010/1050](#) and [S.I. 2014/162](#). Part A of Schedule 1 to the 1992 Regulations was substituted, in

**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, PART 5*. (See end of Document for details)

relation to Wales, by [S.I. 2010/450](#). Part B of Schedule 1 to the 1992 Regulations was substituted, in relation to England, by [S.I. 1999/1901](#) and has been amended by [S.I. 2010/1050](#). Part B of Schedule 1 to the 1992 Regulations was substituted, in relation to Wales, by [S.I. 2010/450](#). There are other amending instruments but none is relevant to this Order.

**180.** In regulation 10(1) (consultation before the grant of hazardous substances consent) after sub-paragraph (a) insert—

“(aa) where the land to which the application relates is, or is on, a nuclear site (within the meaning in section 112(1) of the Energy Act 2013), the Office for Nuclear Regulation;”.

**181.** In regulation 11(5) (determination of applications for hazardous substances consent) after sub-paragraph (a) insert—

“(aa) where the land to which the decision relates is, or is on, a nuclear site (within the meaning given in section 112(1) of the Energy Act 2013), the Office for Nuclear Regulation;”.

**182.**—(1) Schedule 1 (Hazardous Substances and Controlled Quantities) is amended as follows.

(2) In the entry number 54 in Column 1 of Part A as it applies in relation to England—

- (a) for “Health and Safety Executive (HSE)” substitute “ Health and Safety Executive or the Office for Nuclear Regulation ”;
- (b) for “HSE is” substitute “ either of them is ”;
- (c) for “1(c)” substitute “ 1(c) or 4 ”.

(3) In the entry number 54 in Column 1 of Part A as it applies in relation to Wales—

- (a) for “Health and Safety Executive (HSE)” substitute “ Health and Safety Executive or the Office for Nuclear Regulation ”;
- (b) for “HSE is” substitute “ either of them is ”;
- (c) for “1(c)” substitute “ 1(c) or 4 ”.

(4) In entry number 4 and entry number 5 in Column 1 of Part B as it applies in relation to England—

- (a) after “Executive” insert “ or the Office for Nuclear Regulation ”;
- (b) for “HSE is” substitute “ either of them is ”;
- (c) for “1(c)” substitute “ 1(c) or 4 ”.

(5) In entry number 4 and entry number 5 in Column 1 of Part B as it applies in relation to Wales—

- (a) after “Executive” insert “ or the Office for Nuclear Regulation ”;
- (b) for “HSE is” substitute “ either of them is ”;
- (c) for “1(c)” substitute “ 1(c) or 4 ”.

## **Town and Country Planning (Hazardous Substances) (Scotland) Regulations 1993**

<sup>F1</sup>**183.** . . . . .

**F1** Sch. 3 paras. 183-186 revoked (S.) (1.6.2015) by [The Town and Country Planning \(Hazardous Substances\) \(Scotland\) Regulations 2015 \(S.S.I. 2015/181\)](#), reg. 1, [sch. 9](#)

<sup>F1</sup>**184.** . . . . .

**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, PART 5. (See end of Document for details)

**F1** Sch. 3 paras. 183-186 revoked (S.) (1.6.2015) by [The Town and Country Planning \(Hazardous Substances\) \(Scotland\) Regulations 2015 \(S.S.I. 2015/181\)](#), reg. 1, **sch. 9**

**F1** **185.** . . . . .

**F1** Sch. 3 paras. 183-186 revoked (S.) (1.6.2015) by [The Town and Country Planning \(Hazardous Substances\) \(Scotland\) Regulations 2015 \(S.S.I. 2015/181\)](#), reg. 1, **sch. 9**

**F1** **186.** . . . . .

**F1** Sch. 3 paras. 183-186 revoked (S.) (1.6.2015) by [The Town and Country Planning \(Hazardous Substances\) \(Scotland\) Regulations 2015 \(S.S.I. 2015/181\)](#), reg. 1, **sch. 9**

## **Town and Country Planning (General Permitted Development) Order 1995**

**187.** Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 <sup>M6</sup> is amended as follows.

### **Marginal Citations**

**M6** [S.I. 1995/418](#). Paragraph O of Part 3 of Schedule 2, as it applies in relation to England only, was substituted by [S.I. 2013/1101](#). Paragraph E of Part 4 of that Schedule, as it applies in relation to England, was substituted by [S.I. 2013/2011](#). There are other amending instruments but none is relevant to this Order.

**188.** In paragraph O of Part 3 (changes of use), as it applies in relation to England, for the definition of “safety hazard area” substitute—

““safety hazard area” means an area notified to the local planning authority—

- (a) by the Health and Safety Executive for the purposes of paragraph (e) of the Table in Schedule 5 to the 2010 Order (or any previous powers to the like effect); or
- (b) by the Office for Nuclear Regulation for the purposes of paragraph (ea) of that Table.”.

**189.** In paragraph E of Part 4 (temporary buildings and use), as it applies in relation to England, for the definition of “safety hazard area” substitute—

““safety hazard area” means an area notified to the local planning authority—

- (a) by the Health and Safety Executive for the purposes of paragraph (e) of the Table in Schedule 5 to the 2010 Order (or any previous powers to the like effect); or
- (b) by the Office for Nuclear Regulation for the purposes of paragraph (ea) of that Table.”.

## **Public Interest Disclosure (Prescribed Persons) Order 1999**

**190.**—(1) The Schedule to the Public Interest Disclosure (Prescribed Persons) Order 1999 <sup>M7</sup> is amended as follows.

(2) In the entry for the Health and Safety Executive, for the entry in the second column substitute—

“Matters which may affect the health and safety of any individual at work other than individuals at work wholly or mainly on premises which are, or are on—

- (a) a GB nuclear site (within the meaning given in section 68 of the Energy Act 2013);

**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, PART 5*. (See end of Document for details)

(b) an authorised defence site (within the meaning given in regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1998; or

(c) a new nuclear build site (within the meaning given in regulation 2A of those Regulations).

Matters which may affect the health and safety of any member of the public arising out of or in connection with the activities of persons at work other than persons at work on a GB nuclear site, an authorised defence site or new nuclear build site.”

(3) After that entry insert—

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“Office for Nuclear Regulation

Matters which may affect the health and safety of any individual at work wholly or mainly on premises which are, or are on—

(a) a GB nuclear site (within the meaning given in section 68 of the Energy Act 2013);

(b) an authorised defence site (within the meaning given in regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1998; or

(c) a new nuclear build site (within the meaning given in regulation 2A of those Regulations).

Matters which may affect the health and safety of any member of the public, arising out of or in connection with the activities of persons at work on premises which are, or are on, such sites.”

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**Marginal Citations**

**M7** [S.I. 1999/1549](#), amended by [S.I. 2003/1993](#). There are other amending instruments but none is relevant to this Order.

**Greater London Authority (Disqualification) Order 2000**

**191.** In the Schedule to the Greater London Authority (Disqualification) Order 2000 <sup>M8</sup>—

(a) in Part 1 (bodies whose members are disqualified) after paragraph 7 insert—

“**7A.** The Office for Nuclear Regulation.”;

(b) in Part 2 (other disqualifying offices and appointments) after paragraph 20 insert—

“**20A.** Member of staff of the Office for Nuclear Regulation (within the meaning of Part 3 of the Energy Act 2013).”.

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**Marginal Citations**

**M8** [S.I. 2000/432](#), to which there are amendments not relevant to this Order.

**Civil Contingencies Act 2004 (Contingency Planning) Regulations 2005**

**192.** After regulation 54 of the Civil Contingencies Act 2004 (Contingency Planning) Regulations 2005 <sup>M9</sup> insert—

**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, PART 5. (See end of Document for details)

### “Energy Act 2013

**54A.**—(1) Paragraph 2 of Schedule 9 to the Energy Act 2013 (prohibition on disclosing protected information) does not apply to the disclosure of information by the Office for Nuclear Regulation to another responder if the disclosure is made—

- (a) in connection with the performance by that other responder of a duty under—
  - (i) section 2 or 4;
  - (ii) a provision of these Regulations; or
  - (iii) a provision in regulations made by the Scottish Ministers under Part 1;
- (b) in connection with another function of that responder which relates to emergencies; or
- (c) in connection with a function of the Office for Nuclear Regulation which relates to emergencies.

(2) For the purposes of paragraph (1), it is immaterial whether the disclosure is made pursuant to a request made under regulation 47.

(3) In paragraph (1), the reference to the Office for Nuclear Regulation includes a reference to an officer of the Office.”.

#### Marginal Citations

**M9** [S.I. 2005/2042](#), to which there are amendments not relevant to this Order.

### Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006

**193.** In Schedule 5 to the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 <sup>M10</sup> (those to be served a copy of the application and documents) in column (2) of entry number 21 for “and the Health and Safety Executive” substitute “, the Health and Safety Executive and, where the operation requiring hazardous substances consent is to take place on a nuclear site (within the meaning given in section 112(1) of the Energy Act 2013), the Office for Nuclear Regulation. ”.

#### Marginal Citations

**M10** [S.I. 2006/1466](#), to which there are amendments not relevant to this Order.

### Legislative and Regulatory Reform (Regulatory Functions) Order 2007

**194.**—(1) The Schedule to the Legislative and Regulatory Reform (Regulatory Functions) Order 2007 <sup>M11</sup> (regulatory functions to which sections 21 and 22 of the Legislative and Regulatory Reform Act 2006 apply) is amended as follows.

(2) In Part 1—

- (a) in the entry for the Health and Safety Executive, omit the words from “other than” to the end;
- (b) in the appropriate place insert—

“Office for Nuclear Regulation other than any regulatory function exercised under or by virtue of—



**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, PART 5. (See end of Document for details)

section 2 of or Schedule 1 to the Nuclear Installations Act 1965  
The Import of Goods (Control) Order 1954  
The Nuclear Industries Security Regulations 2003  
Regulations 4 and 5 of the Uranium Enrichment Technology (Prohibition on Disclosure) Regulations 2004.”.

(3) In Part 2 omit the entry relating to the Radioactive Material (Road Transport) Act 1991.

#### Marginal Citations

**M11** [S.I. 2007/3544](#), to which there are amendments not relevant to this Order.

### Companies (Disclosure of Address) Regulations 2009

**195.** In Schedule 1 to the Companies (Disclosure of Address) Regulations 2009 <sup>M12</sup> (specified public authorities) after “the Health and Safety Executive;” insert “ the Office for Nuclear Regulation; ”.

#### Marginal Citations

**M12** [S.I. 2009/214](#), to which there are amendments not relevant to this Order.

### Overseas Companies Regulations 2009

**196.** In Schedule 1 to the Overseas Companies Regulations 2009 <sup>M13</sup> at the end insert—  
“the Office for Nuclear Regulation”.

#### Marginal Citations

**M13** [S.I. 2009/1801](#), amended by the [Crime and Courts Act 2013 \(c.22\)](#), [Schedule 8](#), paragraph 190 and by [S.I. 2011/2085](#), [S.I. 2012/700](#) and [S.I. 2013/472](#). There are other amending instruments but none is relevant to this Order.

### Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

**197.** In Schedule 1 to the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 <sup>M14</sup> (persons who must be consulted or notified in certain circumstances) after the final entry in the Table insert—

“The Office for Nuclear Regulation (“the ONR”)	All proposed applications likely to affect matters relevant to the ONR's purposes within the meaning of Part 3 of the Energy Act 2013 (see section 67 of that Act).	All applications likely to affect matters relevant to the ONR's purposes within the meaning of Part 3 of the Energy Act 2013 (see section 67 of that Act)”.
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**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, PART 5. (See end of Document for details)

#### Marginal Citations

**M14** [S.I. 2009/2264](#), amended by [S.I. 2012/439](#), [S.I. 2012/659](#), [S.I. 2012/2654](#), [S.I. 2012/2732](#), [S.I. 2013/522](#) and [S.I. 2013/755](#). There are other amending instruments but none is relevant to this Order.

### Company, Limited Liability Partnership and Business Names (Public Authorities) Regulations 2009

**198.** In the Schedule to the Company, Limited Liability Partnership and Business Names (Public Authorities) Regulations 2009 (specified “public authorities” and list of other Government departments and other bodies whose views must be sought) <sup>M15</sup>—

- (a) in column 1 insert at the appropriate place “ Office for Nuclear Regulation ”;
- (b) in column 2 insert at the appropriate place “ Office for Nuclear Regulation ”.

#### Marginal Citations

**M15** [S.I. 2009/2982](#), amended by [S.I. 2012/2007](#), [S.I. 2013/472](#) and [S.I. 2013/1466](#).

### Infrastructure Planning (Interested Parties) Regulations 2010

**199.** [<sup>F2</sup>In the Table in the Schedule to the Infrastructure Planning (Interested Parties) Regulations 2010 <sup>M16</sup> (persons who are statutory parties for the purposes of section 102 of the Planning Act 2008) after the entry applicable to “The Health and Safety Executive” insert—

“The Office for Nuclear Regulation	All proposed provisions likely to affect matters relevant to the ONR's purposes within the meaning of Part 3 of the Energy Act 2013 (see section 67 of that Act).”.]
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**F2** Sch. 3 para. 199 revoked (E.W.S.) (6.4.2015) by [The Infrastructure Planning \(Interested Parties and Miscellaneous Prescribed Provisions\) Regulations 2015 \(S.I. 2015/462\)](#), reg. 1, [Sch. 3](#) (with reg. 10(2))

#### Marginal Citations

**M16** [S.I. 2010/102](#), amended by [S.I. 2012/1659](#), [S.I. 2012/2654](#), [S.I. 2012/2732](#), [S.I. 2013/522](#) and [S.I. 2013/755](#). There are other amending instruments but none is relevant to this Order.

### Infrastructure Planning (Compulsory Acquisition) Regulations 2010

**200.** In the table in Schedule 2 to the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 <sup>M17</sup> (persons to whom notice of proposed provision must be given) after the entry applicable to “The Health and Safety Executive” insert—

“The Office for Nuclear Regulation	All proposed provisions likely to affect matters relevant to the ONR's purposes within the meaning of Part 3 of the Energy Act 2013 (see section 67 of that Act).”.
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**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, PART 5. (See end of Document for details)

#### Marginal Citations

**M17** [S.I. 2010/104](#), amended by [S.I. 2012/1659](#), [S.I. 2012/2654](#), [S.I. 2012/2732](#), [S.I. 2013/522](#) and [S.I. 2013/755](#). There are other amending instruments but none is relevant to this Order.

### Town and Country Planning (Development Management Procedure) (England) Order 2010

**201.**—<sup>F3</sup>(1) Schedule 5 to the Town and Country Planning (Development Management Procedure) (England) Order 2010 <sup>M18</sup> is amended as follows.

(2) In the Table—

- (a) in paragraph (e) after “substances” insert “ (otherwise than on a relevant nuclear site) ”;
- (b) after paragraph (e) insert—

“(ea)	Development within an area which has been notified The Office for to the local planning authority by the Office for Nuclear Regulation”. Nuclear Regulation for the purpose of this provision because of the presence within the vicinity of toxic, highly reactive, explosive or inflammable substances on a relevant nuclear site and which involves the provision of— <ul style="list-style-type: none"><li>(i) residential accommodation;</li><li>(ii) more than 250 square metres of retail floor space;</li><li>(iii) more than 500 square metres of office floor space; or</li><li>(iv) more than 750 square metres of floor space to be used for an industrial process,</li></ul> or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area.
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(3) In paragraph 1 (interpretation of the table)—

- (a) in sub-paragraph (a) for “paragraph (e)(iv)” substitute “ paragraphs (e)(iv) and (ea)(iv) ”;
- (b) after sub-paragraph (a) insert—

- “(aa) in paragraphs (e) and (ea) “relevant nuclear site” means a site which is—
  - (i) a nuclear site (within the meaning given in section 112(1) of the Energy Act 2013);
  - (ii) an authorised defence site (within the meaning given in regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1998); or
  - (iii) a new nuclear build site (within the meaning given in regulation 2A those Regulations).”.]

**F3** Sch. 3 para. 201 revoked (E.) (15.4.2015) by [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015 \(S.I. 2015/595\)](#), art. 1(1), [Sch. 9](#) (with art. 1(3)(4), 47)

#### Marginal Citations

**M18** [S.I. 2010/2184](#), amended by [S.I. 2012/636](#) and [S.I. 2012/1659](#). There are other amending instruments but none is relevant to this Order.

**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, PART 5. (See end of Document for details)

## **Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011**

<sup>F4</sup>**202.** . . . . .

**F4** Sch. 3 para. 202 revoked (S.) (16.5.2017) by [The Town and Country Planning \(Environmental Impact Assessment\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/102\)](#), regs. 1, 60(9), **sch. 6** (with regs. 2(10), 38, 39, 40, 60(7))

## **Disclosure (Persons engaged in the Investigation and Reporting of Crime or Sudden Deaths) (Scotland) Regulations 2011**

**203.** In the Schedule to the Disclosure (Persons engaged in the Investigation and Reporting of Crime or Sudden Deaths) (Scotland) Regulations 2011 <sup>M19</sup> (prescribed persons for the purposes of the provision of information to the prosecutor and the code of practice) after the entry relating to the Office of Communications insert—

“The Office for Nuclear Regulation;”.

### **Marginal Citations**

**M19** [S.S.I. 2011/146](#), to which there are amendments not relevant to this Order.

## **Equality Act 2010 (Specific Duties) Regulations 2011**

**204.** In Schedule 1 to the Equality Act 2010 (Specific Duties) Regulations 2011 <sup>M20</sup> (public authorities required to publish information) after the entry for the “Health and Safety Executive” insert—

“The Office for Nuclear Regulation”.

### **Marginal Citations**

**M20** [S.I. 2011/2260](#), to which there are amendments not relevant to this Order.

## **Postal Services Act 2011 (Disclosure of Information) Order 2012**

**205.**—(1) The Postal Services Act 2011 (Disclosure of Information) Order 2012 <sup>M21</sup> is amended as follows.

(2) In article 3, at the appropriate place, insert “ the Office for Nuclear Regulation ”.

(3) In article 4, at the appropriate place, insert “ the Energy Act 2013 ”.

### **Marginal Citations**

**M21** [S.I. 2012/1128](#), amended by [S.I. 2013/472](#) and [S.I. 2013/1575](#). There are other amending instruments but none is relevant to this Order.

**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, PART 5. (See end of Document for details)

## Pollution Prevention and Control (Scotland) Regulations 2012

**206.**—(1) Part 2 of Schedule 4 to the Pollution Prevention and Control (Scotland) Regulations 2012 <sup>M22</sup> is amended as follows.

(2) For paragraph 13(d) substitute—

- “(d) in the case of a permit for an installation on a site—
- (i) in respect of which a nuclear site licence is required under section 1 of the Nuclear Installations Act 1965; or
  - (ii) which is a relevant nuclear site and in respect of which—
    - (aa) a major accident prevention policy document is required under regulation 5 of the Control of Major Accident Hazards Regulations 1999 (“the 1999 Regulations”); or
    - (bb) a safety report is required under regulation 7 of the 1999 Regulations, the Office for Nuclear Regulation;
- (da) in the case of a permit for an installation on a site in respect of which—
- (i) a major accident prevention policy document is required under regulation 5 of the 1999 Regulations; or
  - (ii) a safety report is required under regulation 7 of the 1999 Regulations, the Health and Safety Executive unless the application is required to be given to the Office for Nuclear Regulation under sub-paragraph (d).”.

(3) After paragraph 13 insert—

- “**13A.** For the purposes of paragraph 13 a site is a relevant nuclear site if it is—
- (a) an authorised defence site (within the meaning given in regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1998); or
  - (b) a new nuclear build site (within the meaning given in regulation 2A of those Regulations).”.

### Marginal Citations

**M22** SSI 2012/360, to which there are amendments not relevant to this Order.

## Town and Country Planning (Development Management Procedure) (Wales) Order 2012

**207.**—(1) The English text of Schedule 4 to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 <sup>M23</sup> (consultations before the grant of permission) is amended as follows.

(2) In the Table—

- (a) in paragraph (c) after “substances” insert “ (otherwise than on a relevant nuclear site) ”;
- (b) after paragraph (c) insert—

“(ca)	Development within an area which has been notified to The Office for the local planning authority by the Office for Nuclear Nuclear Regulation for the purpose of this provision because Regulation”. of the presence within the vicinity of toxic, highly reactive, explosive or inflammable substances on a
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**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, PART 5. (See end of Document for details)

relevant nuclear site and which involves the provision of—  
 (i) residential accommodation;  
 (ii) more than 250 square metres of retail floor space;  
 (iii) more than 500 square metres of office floor space;  
 or  
 (iv) more than 750 square metres of floor space to be used for an industrial process,  
 or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area.

(3) In the interpretation provision following the Table—

- (a) in sub-paragraph (a) for “paragraph (c)(iv)” substitute “ paragraphs (c)(iv) and (ca)(iv) ”;
- (b) after sub-paragraph (a) insert—

“(aa) in paragraphs (c) and (ca) “relevant nuclear site” (“*safle niwclear perthnasol*”) means a site which is—

- (i) a GB nuclear site (within the meaning given in section 68 of the Energy Act 2013);
- (ii) an authorised defence site (within the meaning given by the Health and Safety (Enforcing Authority) Regulations 1998); or
- (iii) a new nuclear build site (within the meaning given by those Regulations).”.

#### Marginal Citations

**M23** [S.I. 2012/801](#) (W.110), amended by [S.I. 2012/1659](#) and [S.I. 2013/755](#).

**208.**—(1) The Welsh text of Schedule 4 to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (ymgyngoriadau cyn rhoi caniatâd cynllunio) is amended as follows.

(2) In the Table—

- (a) in paragraph (c) after “chyffiniau” insert “ (ac eithrio ar safle niwclear perthnasol) ”;
- (b) after paragraph (c) insert—

“(ca)	Datblygiad, o fewn ardal yr hysbyswyd yr awdurdod Y Swyddfa dros Reoli cynllunio lleol yn ei chylch gan y Swyddfa dros Reoli Niwclear”. Niwclear at ddiben y ddarpariaeth hon, oherwydd presenoldeb sylweddau gwenwynig, tra adweithiol, ffrwydrol neu fflamadwy o fewn ei chyffiniau, ar safle niwclear perthnasol ac sy'n cynnwys darparu— (i) llety preswyl; (ii) mwy na 250 metr sgwî <sup>1</sup> / <sub>2</sub> o arwynebedd llawr manwerthu; (iii) mwy na 500 metr sgwî <sup>1</sup> / <sub>2</sub> o arwynebedd llawr swyddfa; neu (iv) mwy na 750 metr sgwî <sup>1</sup> / <sub>2</sub> o arwynebedd llawr i'w ddefnyddio ar gyfer proses ddiwydiannol, neu sydd, rywfodd arall, yn debygol o arwain at gynnydd sylweddol yn nifer y personau sy'n gweithio
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yn yr ardal yr hysbyswyd yn ei chylch neu'n ymweld  
i<sub>c</sub><sup>1</sup>/<sub>2</sub> hi.

(3) In the interpretation provision following the Table—

(a) in sub-paragraph (a) for “mharagraff (c)(iv)” substitute “mharagraffau (c)(iv) ac (ca)(iv)”;

(b) after sub-paragraph (a) insert—

“(aa) ym mharagraffau (c) ac (ca) ystyr “safle niwclear perthnasol” (*“relevant nuclear site”*) yw safle sydd—

(i) yn safle niwclear ym Mhrydain Fawr (o fewn yr ystyr a roddir i “GB nuclear site” yn adran 68 o Ddeddf Ynni 2013);

(ii) yn safle amddiffyn awdurdodedig (o fewn yr ystyr a roddir i “authorised defence site” gan Reoliadau Iechyd a Diogelwch (Awdurdod Gorfodi 1998); neu

(iii) yn safle adeiladu niwclear newydd (o fewn yr ystyr a roddir i “new nuclear build site” gan y Rheoliadau hynny).”.

### **Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013**

**209.**—(1) Schedule 5 (consultation by the planning authority) to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 <sup>M24</sup> are amended as follows.

(2) In paragraph 3 after “substances” insert “(otherwise than on a relevant nuclear site)”.

(3) After paragraph 3 insert—

“**3A.** The Office for Nuclear Regulation where the development is within an area which has been notified to the planning authority by the Office for Nuclear Regulation for the purpose of this provision because of the presence within the vicinity of toxic, highly reactive, explosive or inflammable substances on a relevant nuclear site and which involves the provision of—

(a) residential accommodation;

(b) more than 250 square metres of retail floor space;

(c) more than 500 square metres of office floor space; or

(d) more than 750 square metres of floor space to be used for an industrial process,

or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area.”.

(4) In sub-paragraph (1) of the interpretation section after the definition of “outdoor sports facility” insert—

““relevant nuclear site” means a site which is—

(a) a nuclear site (within the meaning given in section 112(1) of the Energy Act 2013);

(b) an authorised defence site (within the meaning given in regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1998);

(c) a new nuclear build site (within the meaning given in regulation 2A of those 1998 Regulations).”.

#### **Marginal Citations**

**M24** [S.S.I. 2013/155](#), amended by [S.I. 2013/155](#).

**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, PART 5.