

SCHEDULE 4

Transitional Provisions and Savings

PART 3

Specific matters

CHAPTER 1

Enforcement and criminal proceedings

Improvement notices issued before 1st April 2014

14. An improvement notice (within the meaning given in section 21 of the 1974 Act) which is in force or effective immediately before 1st April 2014 has effect on and after that date—

- (a) in the case of an improvement notice served by an HSE nuclear health and safety inspector, as an improvement notice served by a health and safety inspector under the 1974 Act;
- (b) in the case of an improvement notice served by a nuclear inspector, as an improvement notice given by an ONR inspector under paragraph 3 of Schedule 8 to the 2013 Act.

Prohibition notices issued before 1st April 2014

15. A prohibition notice (within the meaning given in section 22 of the 1974 Act) which is in force or effective immediately before 1st April 2014 has effect on and after that date—

- (a) in the case of a prohibition notice served by an HSE nuclear health and safety inspector, as a prohibition notice served by a health and safety inspector under the 1974 Act;
- (b) in the case of a prohibition notice served by a nuclear inspector, as a prohibition notice given by an ONR inspector under paragraph 4 of Schedule 8 to the 2013 Act.

Prohibition notice appeals - directions

16.—(1) Any relevant direction given by the employment tribunal, so far as is required for its continuing effect, is to have effect on and after 1st April 2014 as if made under paragraph 6(6) of Schedule 8 to the 2013 Act.

(2) In this paragraph “relevant direction” means a direction given by the employment tribunal—

- (a) before 1st April 2014; and
- (b) under section 24(3)(b) of the 1974 Act,

for the purpose of suspending the operation of a prohibition notice (within the meaning given in section 22 of the 1974 Act) served by a nuclear inspector until the relevant appeal was finally disposed of or withdrawn.

Offences — proceedings commenced before 1st April 2014

17.—(1) Any proceedings in connection with an offence or alleged offence which have been commenced by, or on behalf of, the HSE or (as the case may be) the Secretary of State under a superseded provision before 1st April 2014 may be continued and completed by or on behalf of the ONR as if the superseded provision continued to have effect on and after 1st April 2014.

(2) Any proceedings in connection with an offence or an alleged offence which have been commenced by an HSE nuclear health and safety inspector or a nuclear inspector under a superseded

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provision before 1st April 2014 may be continued and completed by a relevant inspector as if the superseded provision continued to have effect on and after that date.

- (3) For the purposes of sub-paragraph (2), “relevant inspector” means—
- (a) in the case of proceedings commenced by an HSE nuclear health and safety inspector, a health and safety inspector;
 - (b) in the case of proceedings commenced by a nuclear inspector, an ONR inspector.

Offences — proceedings not commenced before 1st April 2014

18.—(1) Where—

- (a) an offence has been, or is alleged to have been, committed under a superseded provision before 1st April 2014, but
- (b) proceedings have not been commenced before that date in connection with that offence, or alleged offence, by, or on behalf of, the HSE or the Secretary of State or by a HSE nuclear health and safety inspector or a nuclear inspector,

proceedings in connection with the offence or alleged offence under the superseded provision may be commenced under the 2013 Act by a relevant person in the same manner as if the offence had been committed under the corresponding restated provision.

(2) Sub-paragraph (1) does not apply in any case where it was determined before 1st April 2014 by the HSE, the Secretary of State, an HSE nuclear health and safety inspector or a nuclear inspector (as the case may be) not to commence proceedings in connection with the offence or alleged offence.

(3) In this paragraph “relevant person” means the ONR, an ONR inspector or a health and safety inspector (as the case may be).

Remedial orders made before 1st April 2014

19.—(1) An existing remedial order, so far as is required for its continuing effect on and after 1st April 2014, is to have effect as an order made under paragraph 13 of Schedule 10 to the 2013 Act.

(2) In this paragraph “existing remedial order” means—

- (a) so far as this paragraph applies in England and Wales and Scotland, an order made, before 1st April 2014 under section 42(1) or (2) of the 1974 Act (including that section as it applied for the purposes of the 2003 Regulations) following a person being convicted of—
 - (i) an offence under sections 1, 3 to 6 or 22 of the 1965 Act;
 - (ii) an offence under section 33 of the 1974 Act—
 - (aa) so far as that offence corresponds (with or without modification) to an offence under any provision of Part 3 of the 2013 Act;
 - (bb) so far as that offence corresponds (with or without modification) to an offence under any provision of regulations treated as nuclear regulations under Part 1 of Schedule 1 to this Order; or
 - (cc) as it applied for the purposes of the 2003 Regulations;
 - (iii) an offence under regulation 25 of the 2003 Regulations;
- (b) so far as this paragraph applies in Northern Ireland, an order made, before 1st April 2014, under article 39 of the 1978 Order, as applied for the purposes of the 2003 Regulations, following a person being convicted of—
 - (i) in so far as it applied in Northern Ireland, an offence under regulation 25 of the 2003 Regulations;

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- (ii) an offence under Article 31 of the 1978 Order as it applied for the purposes of the 2003 Regulations.

Changes to legislation:

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