

Status: Point in time view as at 01/04/2014.

Changes to legislation: Energy Act 2013, Cross Heading: Improvement and prohibition notices: supplementary is up to date with all changes known to be in force on or before 10 July 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)

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 2

POWERS EXERCISABLE BY INSPECTORS AUTHORISED BY INSTRUMENT OF APPOINTMENT: IMPROVEMENT NOTICES AND PROHIBITION NOTICES

Improvement and prohibition notices: supplementary

- 5 (1) In this paragraph “a notice” means an improvement notice or a prohibition notice.
- (2) A notice may (but need not) include directions as to the measures to be taken to remedy any contravention or matter to which the notice relates.
- (3) Any such directions—
- (a) may be expressed by reference to any approved code of practice, and
 - (b) may afford the person to whom the notice is given a choice between different ways of remedying the contravention or matter.
- (4) Sub-paragraph (5) applies where—
- (a) any of the applicable provisions applies to a building or any matter connected with a building, and
 - (b) an inspector proposes to serve an improvement notice relating to a contravention of that provision in connection with the building or matter.
- For this purpose “applicable provision” has the same meaning as in paragraph 3.
- (5) The notice must not direct any measures to be taken to remedy the contravention that are more onerous than any measures that would be necessary to secure conformity with—
- (a) current new-build requirements, or
 - (b) if the provision in question imposes specific requirements that are more onerous than the requirements of any current new-build requirements, those specific requirements.
- (6) In sub-paragraph (5), “current new-build requirements”, in relation to a building, or matter connected with a building, means the requirements of any building regulations

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for the time being in force to which the building or matter would be required to conform if the relevant building were being newly erected.

- (7) In sub-paragraph (6), “building regulations”, in relation to Scotland, has the meaning given by section 1 of the Building (Scotland) Act 2003 (asp 8).
- (8) Where an improvement notice or a prohibition notice which is not to take immediate effect has been given—
 - (a) the notice may be withdrawn by an inspector at any time before the end of the period specified in it under paragraph 3(2) or 4(4)(a), and
 - (b) the period so specified may be extended or further extended by an inspector at any time when an appeal against the notice is not pending.

Commencement Information

11 Sch. 8 para. 5 in force at 1.4.2014 by S.I. 2014/251, art. 4

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