

**2014 No. 468**

**EMPLOYMENT TRIBUNALS**

**The Energy Act 2013 (Improvement and Prohibition Notices Appeals) Regulations 2014**

<i>Made</i>	- - - -	<i>3rd March 2014</i>
<i>Laid before Parliament</i>		<i>10th March 2014</i>
<i>Coming into force</i>	- -	<i>1st April 2014</i>

The Secretary of State, in exercise of the powers conferred by section 113 of and paragraph 6 of Schedule 8 to the Energy Act 2013(a), makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Energy Act 2013 (Improvement and Prohibition Notices Appeals) Regulations 2014 and come into force on 1st April 2014.

**Amendment of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013**

2.—(1) Schedule 1 to the Employment Tribunal (Constitution and Rules of Procedure) Regulations 2013 (Employment Tribunals Rules of Procedure)(b) is amended as follows.

(2) In rule 1(1) (interpretation) after the definition of “Employment Tribunals Act” insert—

““Energy Act IN” means a notice given by an inspector under paragraph 3 of Schedule 8 to the Energy Act 2013;

“Energy Act PN” means a notice given by an inspector under paragraph 4 of Schedule 8 to the Energy Act 2013;”.

(3) After rule 105 insert—

**“Application of this Schedule to appeals against notices given under the Energy Act 2013**

**105A.**—(1) A person (“the appellant”) may appeal an Energy Act IN or Energy Act PN by presenting a claim to a tribunal office—

(a) before the end of the period of 21 days beginning with the date on which the notice which is the subject of the appeal is given to the appellant; or

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(a) 2013 c.32.

(b) S.I. 2013/1237, amended by S.I. 2014/271. The amendments made by S.I. 2014/271 come into force on 6th April 2014.

- (b) within such further period as the Tribunal considers reasonable where it is satisfied that it was not reasonably practicable for an appeal to be presented within that period.

(2) For the purposes of an appeal against an Energy Act IN or Energy Act PN, this Schedule shall be treated as modified in the following ways—

- (a) references to a claim or claimant shall be read as references to an appeal or to an appellant in an appeal respectively;
- (b) references to a respondent shall be read as references to the inspector appointed under paragraph 1 of Schedule 8 to the Energy Act 2013 who issued the notice which is the subject of the appeal.”.

**Amendment of the Employment Tribunals and the Employment Appeal Tribunal Fees Order 2013**

3. In Schedule 2 to the Employment Tribunals and Employment Appeal Tribunal Fees Order 2013 (Employment Tribunals - Issue and Hearing Fee)(a), after the final entry in Table 2 (type A claims) insert—

“Appeal against improvement notice or prohibition notice	Paragraph 6 of Schedule 8 to the Energy Act 2013	Paragraph 6 of Schedule 8 to the Energy Act 2013”.
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Signed by authority of the Secretary of State for Work and Pensions

*Mike Penning*  
Minister of State  
Department for Work and Pensions

3rd March 2014

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations prescribe, for the purposes of paragraph 6 of Schedule 8 to the Energy Act 2013 (c.32) (“the 2013 Act”), the period within which an improvement notice or a prohibition notice given by an inspector appointed under the 2013 Act by the Office for Nuclear Regulation may be appealed. Improvement notices may be given by an inspector under paragraph 3 of Schedule 8 to the 2013 Act and prohibition notices may be given by an inspector under paragraph 4 of that Schedule.

The relevant period is prescribed by amending Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 (S.I. 2013/1237). New rule 105A is inserted into Schedule 1 to the Regulations for this purpose.

These Regulations also make consequential amendments to the Employment Tribunals and the Employment Appeal Tribunal Fees Order 2013.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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(a) S.I. 2013/1893, amended by S.I. 2013/2302.

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