

**Status:** Point in time view as at 01/04/2014.

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

## SCHEDULE 1

Regulations to be treated as regulations under the 2013 Act

### PART 2

Application of the 2013 Act to the Nuclear Industries Security Regulations 2003 – modification of provisions relating to offences

#### Transport in a ship which is not a United Kingdom ship

5.—(1) This paragraph makes transitional modifications to the 2013 Act as it applies by virtue of paragraph 1 of this Schedule in relation to the provisions of the 2003 Regulations as they apply in relation to transport in a ship which is not a United Kingdom ship.

(2) Any obligation arising under the provisions of the 2013 Act specified in sub-paragraph (3) is to be read, in relation to transport in a ship which is not a United Kingdom ship, as an obligation that must be met in respect of the ship in question as a condition of its entry to the relevant UK port.

(3) The provisions specified for the purposes sub-paragraph (2) are—

- (a) section 97;
- (b) Schedule 8, so far as it relates to a requirement imposed by an inspector under Part 3 of the Schedule.

(4) The provisions of the 2013 Act specified in sub-paragraph (5) apply as if the following paragraph were inserted at the beginning of each of them—

“Where this provision has effect in relation to the Nuclear Industries Security Regulations 2003 as they apply to transport in a ship by virtue of regulation 27A of those Regulations (transport in a ship which is not a United Kingdom ship) and the ship in question enters or has entered a port in the United Kingdom or an attempt is or has been made for it to do so,”

(5) The provisions specified for the purposes of sub-paragraph (4) are—

- (a) section 97(5);
- (b) section 105(1), (3) and (5);
- (c) paragraphs 17(1) and (2), 18(1) and 19(1) of Schedule 8;
- (d) paragraphs 3 and 4 of Schedule 9;
- (e) paragraph 13(6) of Schedule 10.

(6) Paragraphs 3 to 5 and 12 of Schedule 10 to the 2013 Act do not apply to—

- (a) any offence under regulation 29 of the 2003 Regulations (as inserted by Schedule 3 to this Order) committed on or after 1st April 2014; or
- (b) any port of entry offence.

(7) In this paragraph—

- (a) “port of entry offence” means an offence—
  - (i) under the provisions of the 2013 Act as modified by sub-paragraph (4) of this paragraph; and
  - (ii) committed on or after 1st April 2014;
- (b) “relevant UK port” means, in relation to a ship which is not a United Kingdom ship, the port in the United Kingdom—
  - (i) to which it is proceeding in order to enter it;

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- (ii) which it is entering; or
- (iii) which it has entered.

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