

SCHEDULE 4

Transitional Provisions and Savings

PART 3

Specific matters

CHAPTER 3

Other transitionals in connection with primary legislation amended by or under the 2013 Act

Environment and Safety Information Act 1988

26.—(1) Nothing in the 2013 Act or this Order affects the duties placed on the HSE by the Environment and Safety Information Act 1988 (“the 1988 Act”)—

- (a) to make an entry in the register it is required to maintain under section 1 of that Act (“the HSE register”) for any relevant notice;
- (b) to amend any such entry in accordance with section 3(3) or (4) of that Act;
- (c) to keep any such entry in the register for the period specified in section 3(5) of that Act;
- (d) by section 4 of that Act in relation to any notice to which sub-paragraph (3) applies.

(2) Nothing in the 2013 Act or this Order affects the right of appeal under section 4(3) of the 1988 Act of person affected by a relevant notice.

(3) Where as a result of any provision of this Order a relevant notice is to be treated for any purpose as a notice given by an ONR inspector under the 2013 Act or as a notice served by a health and safety inspector, the ONR must notify the HSE—

- (a) where there is a right of appeal in connection with that notice, if no appeal is brought within the time limit for doing so,
- (b) where an appeal has been brought in connection with that notice—
 - (i) when the appeal is finally disposed of, and
 - (ii) the outcome of the appeal,
- (c) when the ONR is satisfied that the relevant notice has been complied with, or
- (d) if that relevant notice is withdrawn or amended.

(4) The notice given by the ONR under sub-paragraph (3) must be given to the HSE before the expiry of the time limit specified in section 3 of the 1988 Act for making or amending the relevant entry in the HSE register.

(5) The HSE is to be treated as complying with the requirements of section 3(3) of the 1988 Act where it updates the relevant entry in the HSE register in consequence of a notification given by the ONR under sub-paragraph (3)(c).

(6) For the purposes of this paragraph “relevant notice” means a notice served, before 1st April 2014, by an inspector appointed under section 19 of the 1974 Act by the HSE—

- (a) under section 21 of the 1974 Act in connection with a contravention of—
 - (i) any relevant provision;
 - (ii) any superseded provision; or
 - (iii) any of the relevant statutory provisions (within the meaning of Part 1 of the 1974 Act) which is within the transferred health and safety field of responsibility; or

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 26. (See end of Document for details)*

- (b) under section 22 of the 1974 Act in connection with any activities to which the provisions mentioned in paragraph (a) above applied.

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 26.