

**2005 No. 442 (C.20)**

**ATOMIC ENERGY AND RADIOACTIVE SUBSTANCES**  
**ELECTRICITY**

**The Energy Act 2004 (Commencement No. 4) Order 2005**

*Made* - - - - *24th February 2005*

The Secretary of State, in exercise of the powers conferred upon her by section 198(2) of the Energy Act 2004(a), hereby makes the following Order:

**Citation and interpretation**

- 1.—(1) This Order may be cited as the Energy Act 2004 (Commencement No. 4) Order 2005.
- (2) In this Order, “the Act” means the Energy Act 2004.

**Commencement**

- 2.—(1) The provisions of the Act specified in Schedule 1 shall come into force on 1st March 2005.
- (2) The provisions of the Act specified in Schedule 2 shall come into force on 31st March 2005.
- (3) The provisions of the Act specified in Schedule 3 shall come into force on 1st September 2005.

24th February 2005

*Mike O’ Brien*  
Minister of State for Energy and E-Commerce,  
Department of Trade and Industry

## SCHEDULE 1

Article 2(1)

### PROVISIONS COMING INTO FORCE ON 1ST MARCH 2005

<i>Provisions</i>	<i>Subject Matter of Provisions</i>
Section 51(1)	The Civil Nuclear Police Authority
Section 51(2) in so far as it relates to the provisions in Schedule 10 to the Act which are brought into force by this Order	The Civil Nuclear Police Authority
Section 52(1) and 52(6)	The Civil Nuclear Constabulary
Section 53(1), (2), (4) and (5)	Chief Constable and other senior officers
Section 63	Supervision by Secretary of State
Section 69(1), in so far as it relates to the provisions in Schedule 14 to the Act which are brought into force by this Order	Minor amendments relating to the Constabulary
Section 69(2) and (3)	Minor amendments relating to the Constabulary
Section 71	Interpretation of Chapter 3 of Part 1
Section 89 for the purpose of defining “relevant place” where that term is used in section 93	Activities offshore requiring 1989 Act licences
Section 93	Consents for generating stations offshore
Section 99 (apart from the obligation upon the Secretary of State or the Scottish Ministers, arising under subsections (3) and (4) of section 36B of the Electricity Act 1989(a) (as inserted by section 99(1)), to have regard to how powers under sections 95, 96, 100 and Chapter 3 of Part 2 of the Act have been or will be exercised)	Navigation
Paragraphs 1 to 5 and 10 to 18 of Schedule 10	The Civil Nuclear Police Authority
Schedule 11	Removal and suspension of senior officers of Constabulary
Schedule 13	Directions by Secretary of State about Constabulary
Paragraphs 1, 2, 4, 6 and 7 of Schedule 14	Minor amendments relating to the Constabulary

## SCHEDULE 2

Article 2(2)

### PROVISIONS COMING INTO FORCE ON 31ST MARCH 2005

<i>Provisions</i>	<i>Subject Matter of Provisions</i>
Section 11	Nuclear Decommissioning Authority: Strategy for carrying out functions

(a) 1989 C.29

Section 12

Nuclear Decommissioning Authority:  
Contents of strategy

Schedule 2

Procedural requirements applicable to NDA's  
strategy

### SCHEDULE 3

Article 2(3)

#### PROVISIONS COMING INTO FORCE ON 1ST SEPTEMBER 2005

<i>Provisions</i>	<i>Subject Matter of Provisions</i>
Section 99(1) so far as it obliges the Secretary of State and the Scottish Ministers, by virtue of section 36B(4)(a) of the Electricity Act 1989 (as inserted by section 99(1)), to have regard to how their powers under section 100 of the Act have been or will be exercised	Duties in relation to navigation
Section 100	Further provisions relating to public rights of navigation

## EXPLANATORY NOTE

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

This Order brings into force provisions of the Energy Act 2004 as follows:

- (a) the provisions in Schedule 1 come into force on 1st March 2005,
- (b) the provisions in Schedule 2 come into force on 31st March 2005 and
- (c) the provisions in Schedule 3 come into force on 1st September 2005.

The remaining provisions will be brought into force by subsequent orders.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

These following provisions of the Act have been brought into force by commencement orders made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1, 2, 10, 72, 73, 74, 75 and Schedules 1 and 15	27th July 2004	2004/1973 (C.87)
Sections 3, 4, 5(1), 6, 9, 13 and 22. Sections 36 and 37 (partially). Sections 133 and 134. Section 135 (partially). Sections 137(1) to (4) and (7), 138, 140(2) to (4), 142 and 144. Sections 190 to 196 (partially) and Schedules 3 and 17	24th August 2004	2004/2184 (C.95)
Section 135 in so far as it was not already in force, and sections 136, 137(5) and (6), 141 and 143. Section 197(8). Section 197(9) (partially). Schedules 18 and 19. Schedule 23 (partially)	1st September 2004	2004/2184 (C.95)
Sections 5(2) to (9), 7, 8, 14 to 21 and 23 to 35. Sections 36 and 37, in so far as they were not already in force. Sections 38 to 50 and 76 to 88. Sections 94, 101, 102 (1) and (4) and 103 (2) and (4). Sections 104, 115 to 132, 154 to 176, 178, 181 and 183 to 189. Sections 190 to 196, in so far as they were not already in force. Sections 191(1) to (7). Sections 197(9) and (10) (partially). Schedules 4 to 9, 20 to 22 and Part 1 of Schedule 23 (partially). Schedule 23 – Part 2, paragraph 2.	5th October 2004	2004/2575 (C.110)
Sections 145(1), (3) and (5) to (7). Sections 146(1) to (5) and (7). Sections 147(1) to (4) and (6) to (8). Section 148, 149(1), (3), (5) to (9) and (11). Sections 150 (1) to (5) and (7) to (10). Section 152. Section 197(9) (partially) and Part 1 of Schedule 23 (partially)	1st December 2004	2004/2575 (C.110)







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