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STATUTORY INSTRUMENTS

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**2005 No. 877 (C. 38)**

**ATOMIC ENERGY AND  
RADIOACTIVE SUBSTANCES  
ELECTRICITY  
GAS  
PETROLEUM**

**The Energy Act 2004 (Commencement No. 5) Order 2005**

*Made*     -     -     -     -     *21st March 2005*

The Secretary of State, in exercise of the powers conferred upon her by section 198(2) of the Energy Act 2004<sup>(1)</sup>, hereby makes the following Order:

**Citation and interpretation**

- 1.—(1) This Order may be cited as the Energy Act 2004 (Commencement No. 5) 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 April 2005.  
(2) The provisions of the Act specified in Schedule 2 shall come into force on 1st October 2005.  
(3) The provisions of the Act specified in Schedule 3 shall come into force on 1st January 2006

21st March 2005

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

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## SCHEDULE 1

Article 2(1)

## PROVISIONS COMING INTO FORCE ON 1ST APRIL 2005

<i>Provisions</i>	<i>Subject Matter of Provisions</i>
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(2) to (5) and (7), sections 53(3), 54 to 62 and 64 to 68	The Civil Nuclear Constabulary
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 70	Nuclear transfer scheme for UKAEA Constabulary
Section 102(5)	Amendments of 1989 Act consequential on Chapter 2 of Part 2
Section 103(3)	Other amendments consequential on Chapter 2 of Part 2
Section 146(6)	Standard conditions for electricity interconnectors
Section 150(6)	Standard conditions for gas interconnectors
Section 197(9) and (10) in so far as it relates to the provisions in Schedule 23 of this Act which are brought into force by this Order, apart from the repeal to the Continental Shelf Act 1964 (c. 29)	Repeals etc
Paragraphs 6 to 9 of Schedule 10	The Civil Nuclear Police Authority
Schedule 12	Planning and reports about Constabulary
Paragraphs 3, 5 and 8 to 11 of Schedule 14	Minor amendments relating to Constabulary
Part 1 of Schedule 23 in so far as it relates to the repeals mentioned in the Table below, apart from the repeal to the Continental Shelf Act 1964 (c. 29).	Repeals
Paragraphs 1 and 3 of Part 2 of Schedule 23.	Savings etc.

## SCHEDULE 2

Article 2(2)

## PROVISIONS COMING INTO FORCE ON 1ST OCTOBER 2005

<i>Provisions</i>	<i>Subject Matter of Provisions</i>
Sections 95 to 98	Safety zones for installations

<i>Provisions</i>	<i>Subject Matter of Provisions</i>
Section 99(1) in so far as it is not already in force	Navigation
Section 102(2) and (3)	Amendments of 1989 Act consequential on Chapter 2 of Part 2
Sections 105 to 114	Decommissioning of offshore installations
Schedule 16, other than paragraph 7	Applications and proposals for notices under section 95

## SCHEDULE 3

Article 2(3)

## PROVISIONS COMING INTO FORCE ON 1ST JANUARY 2006

<i>Provisions</i>	<i>Subject Matter of Provisions</i>
Section 103(1)	Other amendments consequential on Chapter 2 of Part 2
Section 197(9) and Part 1 of Schedule 23, in so far as they relate to the repeal of the Continental Shelf Act 1964 (c. 29), set out in the Table below	Repeals

**Table**

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Atomic Energy Authority Act 1954 (c. 32)	Section 9(8).
Continental Shelf Act 1964 (c. 29)	In Schedule 3, the paragraphs relating to section 3 of the Special Constables Act 1923, section 2 of the Metropolitan Police Act 1860 and section 6 of the Public Stores Act 1875.
Nuclear Installations Act 1965 (c. 57)	In section 8(1), the words “high voltage”.
Atomic Energy Authority Act 1971 (c. 11)	In Schedule 1—
Atomic Energy Authority (Special Constables) Act 1976 (c. 23)	(a) paragraph 4(1) and (3);
	(b) in paragraph 7, sub-paragraph (b) and the word “and” immediately preceding it.
Atomic Energy Authority Act 1971 (c. 11)	Section 19.
Atomic Energy Authority (Special Constables) Act 1976 (c. 23)	Section 1.
	Section 2.
	Section 4.
Police and Criminal Evidence Act 1984 (c. 60)	Section 6(3) and (4).

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<i>Short title and chapter</i>	<i>Extent of repeal</i>
Ministry of Defence Police Act 1987 (c. 4)	<p>In section 2(5), the definition of “United Kingdom Atomic Energy Authority Constabulary”.</p> <p>In section 2A(4), the definition of “United Kingdom Atomic Energy Authority Constabulary” and the word “and” immediately preceding it.</p> <p>In section 2B(3), the definition of “United Kingdom Atomic Energy Authority Constabulary”.</p> <p>Section 7(3) and (4)(a).</p>
Terrorism Act 2000 (c. 11)	In section 44(4C), the word “or” at the end of paragraph (a).
Criminal Justice and Police Act 2001 (c. 16)	Section 88(7)(c).
Anti-Terrorism, Crime and Security Act 2001 (c. 24)	<p>Section 76.</p> <p>Section 78(2).</p> <p>In section 98(6), paragraph (b) and the word “and” immediately preceding it.</p> <p>In section 100(4), the definition of “United Kingdom Atomic Energy Authority Constabulary” and the word “and” immediately preceding it.</p> <p>In Schedule 7, paragraph 26.</p>
Police Reform Act 2002 (c. 30)	In section 82(5), the definition of “the United Kingdom Atomic Energy Authority Constabulary”.

## 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 April 2005,
- (b) the provisions in Schedule 2 come into force on 1st October 2005 and
- (c) the provisions in Schedule 3 come into force on 1st January 2006.

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	<a href="#">2004/1973 (C.87)</a>
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	<a href="#">2004/2184 (C.95)</a>
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	<a href="#">2004/2184 (C.95)</a>
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	<a href="#">2004/2575(C.110)</a>
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).	1st December 2004	<a href="#">2004/2575 (C.110)</a>

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 150 (1) to (5) and (7) to (10). Section 152. Section 197(9) (partially) and Part 1 of Schedule 23 (partially)		
Section 51(1). Section 51(2) (partially). Section 52(1) and (6). Section 53 (1), (2), (4) and (5). Section 63. Section 69(1) (partially). Section 69(2) and (3). Section 71. Section 89 (partially). Section 93. Section 99 (partially). Paragraphs 1 to 5 and 10 to 18 of Schedule 10, Schedule 11, Schedule 13 and Paragraphs 1,2,4, 6 and 7 of Schedule 14	1st March 2005	<a href="#">2005/442 (C.20)</a>
Sections 11 and 12 and Schedule 2	31st March 2005	<a href="#">2005/442 (C.20)</a>
Section 99(1) (partially) and section 100.	1st September 2005	<a href="#">2005/442 (C.20)</a>