

## SCHEDULES

### SCHEDULE 12

#### MINOR AND CONSEQUENTIAL AMENDMENTS RELATING TO PART 3

#### PART 5

#### OTHER ENACTMENTS

##### *Explosives Act 1875 (c. 17)*

- 50 The Explosives Act 1875 is amended as follows.
- 51 In section 61 (keeping and carriage of samples by an inspector appointed by the Health and Safety Executive under section 19 of the 1974 Act), at the end insert the following paragraphs—

“The reference to an inspector appointed by the Health and Safety Executive under section 19 of the Health and Safety at Work etc. Act 1974 (“the 1974 Act”) is to be read, in relation to a relevant nuclear site, as a reference to an inspector appointed by the Office for Nuclear Regulation under that section.

For this purpose a relevant nuclear site is one in relation to which the Office for Nuclear Regulation has responsibility for the enforcement of any of the relevant statutory provisions (within the meaning of Part 1 of the 1974 Act) by virtue of section 18(1A) or (2) of the 1974 Act.”

- 52 In section 74 (seizure and detention of explosives liable to forfeiture), after subsection (6) insert the following paragraphs—

“In this section, any reference to an inspector appointed by the Health and Safety Executive under section 19 of the Health and Safety at Work etc. Act 1974 (“the 1974 Act”) is to be read, in relation to anything found on a relevant nuclear site, as a reference to an inspector appointed by the Office for Nuclear Regulation under that section.

For this purpose a relevant nuclear site is one in relation to which the Office for Nuclear Regulation has responsibility for the enforcement of any of the relevant statutory provisions (within the meaning of Part 1 of the 1974 Act) by virtue of section 18(1A) or (2) of the 1974 Act.”

##### *Factories Act 1961 (c. 34)*

- 53 In section 176(1) of the Factories Act 1961 (general interpretation), in the definition of “inspector”, for the words from “means” to “and references” substitute “, in relation to a factory, means an inspector appointed under section 19 of the Health and Safety at Work etc. Act 1974 (“the 1974 Act”)—

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- (a) in the case of a factory on a site in relation to which the Office for Nuclear Regulation has responsibility for the enforcement of any of the relevant statutory provisions (within the meaning of Part 1 of the 1974 Act) by virtue of section 18(1A) or (2) of that Act, by the Office for Nuclear Regulation;
- (b) in any other case, by the Health and Safety Executive,

and references”.

*Parliamentary Commissioner Act 1967 (c. 13)*

- 54 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc subject to investigation), at the appropriate place insert—  
 “Office for Nuclear Regulation.”

*House of Commons Disqualification Act 1975 (c. 24)*

- 55 (1) Schedule 1 to the House of Commons Disqualification Act 1975 is amended as follows.
- (2) In Part 2 (bodies of which all members are disqualified), at the appropriate place insert—  
 “The Office for Nuclear Regulation.”
- (3) In Part 3 (other disqualifying offices), at the appropriate place insert—  
 “Member of staff of the Office for Nuclear Regulation (within the meaning of Part 3 of the Energy Act 2013).”

*Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

- 56 (1) Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 is amended as follows.
- (2) In Part 2 (bodies of which all members are disqualified), at the appropriate place insert—  
 “The Office for Nuclear Regulation.”
- (3) In Part 3 (other disqualifying offices), at the appropriate place insert—  
 “Member of staff of the Office for Nuclear Regulation (within the meaning of Part 3 of the Energy Act 2013).”

*Employment Protection Act 1975 (c.71)*

- 57 In Schedule 15 to the Employment Protection Act 1975, omit paragraph 13 (amendments of section 44 of the Health and Safety at Work etc. Act 1974).

*Civil Aviation Act 1982 (c. 16)*

- 58 In section 23 of the Civil Aviation Act 1982 (disclosure of information), in subsection (4), after paragraph (b) insert—  
 “(ba) by the CAA or a member or employee of the CAA—  
 (i) to, or to a member of, the Office for Nuclear Regulation, or

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- (ii) to a member of staff of the Office for Nuclear Regulation (within the meaning of Part 3 of the Energy Act 2013);”.

*Water Act 1989 (c. 15)*

- 59 In section 174 of the Water Act 1989 (general restrictions on disclosure of information), in subsection (2), after paragraph (g) insert—
- “(ga) for the purpose of facilitating the carrying out by the Office for Nuclear Regulation of any of its functions under any enactment;”.

*Electricity Act 1989 (c. 29)*

- 60 The Electricity Act 1989 is amended as follows.
- 61 (1) Section 3C (health and safety) is amended as follows.
- (2) In subsection (1), for the words following “consult” substitute “—
- (a) the Health and Safety Executive about all electricity safety issues, and
- (b) the Office for Nuclear Regulation about all electricity safety issues relating to nuclear sites (within the meaning of Part 3 of the Energy Act 2013),
- which may be relevant to the carrying out of their respective functions under this Part.”
- (3) In subsection (3), after “Health and Safety Executive” insert “or the Office for Nuclear Regulation”.
- 62 In section 56C (references to the Competition Commission), in subsection (6)(c), after “Health and Safety Executive” insert “, the Office for Nuclear Regulation”.

*Radioactive Material (Road Transport) Act 1991 (c. 27)*

- 63 (1) The Radioactive Material (Road Transport) Act 1991, apart from section 1(1), is repealed.
- (2) In section 1(1) of that Act, for “In this Act” substitute “In this subsection (which applies for the purposes of section E5 of Part 2 of Schedule 5 to the Scotland Act 1998)”.

*Water Industry Act 1991 (c. 56)*

- 64 In section 206 of the Water Industry Act 1991 (restriction on disclosure of information), in subsection (3), after paragraph (g) insert—
- “(ga) for the purpose of facilitating the carrying out by the Office for Nuclear Regulation of any of its functions under any enactment;”.

*Water Resources Act 1991 (c. 57)*

- 65 In section 204 of the Water Resources Act 1991 (restriction on disclosure of information), in subsection (2), after paragraph (g) insert—
- “(ga) for the purpose of facilitating the carrying out by the Office for Nuclear Regulation of any of its functions under any enactment;”.

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*Radioactive Substances Act 1993 (c. 12)*

- 66 The Radioactive Substances Act 1993 is amended as follows.
- 67 In section 16 (grant of authorisations), as it has effect in relation to Scotland, in subsection (4A)—
- (a) in the opening words, omit “in any part of Great Britain”;
  - (b) in paragraph (a) for “Health and Safety Executive” substitute “Office for Nuclear Regulation”.
- 68 In section 17 (revocation and variation of authorisations), as it has effect in relation to Scotland, in subsection (2A)—
- (a) in the opening words omit “in any part of Great Britain”;
  - (b) in paragraph (a) for “Health and Safety Executive” substitute “Office for Nuclear Regulation”.

*Railways Act 1993 (c. 43)*

- 69 In section 145 of the Railways Act 1993 (general restrictions on disclosure of information), in subsection (2), after paragraph (e) insert—
- “(ea) for the purpose of facilitating the carrying out by the Office for Nuclear Regulation of any of its functions under any enactment;”.

*Coal Industry Act 1994 (c. 21)*

- 70 In section 59(3)(e) of the Coal Industry Act 1994 (relevant authorities in relation to all of their functions), after sub-paragraph (ii) insert—
- “(iia) the Office for Nuclear Regulation;”.

*Deregulation and Contracting Out Act 1994 (c. 40)*

- 71 (1) Section 37 of the Deregulation and Contracting Out Act 1994 (power to repeal certain health and safety provisions) is amended as follows.
- (2) In subsection (1), after paragraph (b) insert—
- “(ba) any of the relevant nuclear provisions,
  - (bb) any provision of regulations under section 74 of the Energy Act 2013 which has effect in place of any of the relevant nuclear provisions;”.
- (3) In subsection (2), after paragraph (ac) insert—
- “(ad) in the case of regulations under paragraph (ba) or (bb) of that subsection, the Office for Nuclear Regulation;”.
- (4) In subsection (7) for “or (b)” substitute “(b), (ba) or (bb)”.
- (5) In subsection (9)(a), for “or (b)” substitute “(b), (ba) or (bb)”.
- (6) After subsection (9) insert—
- “(10) In subsection (1), “the relevant nuclear provisions” means—
- (a) sections 1, 3 to 6, 22 and 24A of the Nuclear Installations Act 1965, and
  - (b) any regulations made under any of those sections, so far as they have effect in England and Wales or Scotland.”

*Scotland Act 1998 (c. 46)*

- 72 In Part 2 of Schedule 5 to the Scotland Act 1998 (specific reservations), in section D4 (nuclear energy), after “occurrences.” insert—  
“The Office for Nuclear Regulation.”

*Greater London Authority Act 1999 (c. 29)*

- 73 In section 235 of the Greater London Authority Act 1999 (restrictions on disclosure of information), in subsection (2), after paragraph (f) insert—  
“(fa) for the purpose of facilitating the carrying out by the Office for Nuclear Regulation of any of its functions under any enactment;”.

*Regulation of Investigatory Powers Act 2000 (c. 23)*

- 74 In Part 1 of Schedule 1 to the Regulation of Investigatory Powers Act 2000 (relevant authorities for the purposes of sections 28 and 29), after paragraph 20G insert—  
“20H The Office for Nuclear Regulation.”

*Freedom of Information Act 2000 (c. 36)*

- 75 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (public authorities), at the appropriate place insert—  
“The Office for Nuclear Regulation.”

*Transport Act 2000 (c. 38)*

- 76 In Schedule 9 to the Transport Act 2000 (air traffic: information), in paragraph 3(1), after paragraph (f) insert—  
“(fa) for the purpose of facilitating the carrying out by the Office for Nuclear Regulation of any of its functions under any enactment;”.

*Energy Act 2004 (c. 20)*

- 77 The Energy Act 2004 is amended as follows.
- 78 In section 14 (annual reports), in subsection (3)(g), after “with” insert “the Office for Nuclear Regulation;”.
- 79 (1) Schedule 2 (procedural requirements applicable to NDA’s strategy) is amended as follows.
- (2) In paragraph 4(2) (consultation by NDA), before paragraph (a) insert—  
“(za) the Office for Nuclear Regulation;”.
- (3) In paragraph 5(9) (approval of strategy), after paragraph (a) insert—  
“(aa) the Office for Nuclear Regulation;”.
- 80 (1) Schedule 3 (procedural requirements applicable to NDA’s annual plans) is amended as follows.
- (2) In paragraph 2(1) (consultation by NDA), before paragraph (a) insert—  
“(za) the Office for Nuclear Regulation;”.

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- (3) In paragraph 3(8) (approval of annual plan), after paragraph (a) insert—  
 “(aa) the Office for Nuclear Regulation;”.

*Civil Contingencies Act 2004 (c. 36)*

- 81 In Part 3 of Schedule 1 to the Civil Contingencies Act 2004 (category 2 responders: general), after paragraph 29A insert—

“*Miscellaneous*

29B The Office for Nuclear Regulation.”

*Railways Act 2005 (c. 14)*

- 82 Schedule 3 to the Railways Act 2005 (transfer of safety functions) is amended as follows.

- 83 In paragraph 1(5) (railway safety purposes), after paragraph (b) (but before the “and” immediately following it) insert—

“(ba) the Office for Nuclear Regulation;”.

- 84 (1) Paragraph 2 (ORR’s principal railway safety functions) is amended as follows.

- (2) In sub-paragraph (6), for the words following “must” substitute “—

(a) if the proposals relate to regulations that are relevant to the ONR’s purposes (within the meaning of Part 3 of the Energy Act 2013), consult the Office for Nuclear Regulation;

(b) in any case, consult—

(i) such government departments, and

(ii) such other persons,

as it considers appropriate.”

- (3) In sub-paragraph (7), at the end insert “and, if the regulations are relevant to the ONR’s purposes (within the meaning of Part 3 of the Energy Act 2013), the Office for Nuclear Regulation”.

- 85 In paragraph 4 (reports and investigations), after sub-paragraph (4) insert—

“(4A) The Office of Rail Regulation must consult the Office for Nuclear Regulation before taking any step under sub-paragraph (1) in relation to a matter which appears to the Office of Rail Regulation to be, or likely to be, relevant to the ONR’s purposes (within the meaning of Part 3 of the Energy Act 2013).”

*Fire (Scotland) Act 2005 (asp. 5)*

- 86 (1) Section 61 of the Fire (Scotland) Act 2005 (enforcing authorities) is amended as follows.

- (2) In subsection (7), for “Health and Safety Executive” (in both places) substitute “appropriate body”.

- (3) After that subsection insert—

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“(7A) For the purposes of subsection (7), “appropriate body” means—

- (a) in relation to a workplace which is, or is on, premises for which it is the enforcing authority, the Office for Nuclear Regulation;
- (b) in relation to any other workplace, the Health and Safety Executive.”

(4) Subsection (9) is amended as follows.

(5) In paragraph (za)—

- (a) omit sub-paragraphs (i) and (ii);
- (b) for sub-paragraph (iv) substitute—
  - “(iv) which are a workplace which is, or is on, a construction site, other than one in relation to which the Office for Nuclear Regulation is responsible for health and safety enforcement;”.

(6) After that paragraph insert—

- “(zaa) in relation to relevant premises—
  - (i) for which a licence is required by virtue of section 1 of the Nuclear Installations Act 1965 or for which a permit is required by virtue of section 2 of that Act;
  - (ii) for which such a licence or permit would be required but for the fact that the premises are used by, or on behalf of, the Crown; or
  - (iii) which are a workplace which is, or is on, a construction site in relation to which the Office for Nuclear Regulation is responsible for health and safety enforcement,the Office for Nuclear Regulation;”.

(7) In paragraph (b)—

- (a) in sub-paragraph (i), for “(za)(ii), (iii)” substitute “(za)(iii), (zaa)(ii)”;
- (b) in sub-paragraph (ii), for “(za)(ii)” substitute “(zaa)(ii)”.

(8) After subsection (9) insert—

“(9A) For the purposes of subsection (9)—

- (a) “construction site” means a construction site, as defined in regulation 2(1) of the Construction (Design and Management) Regulations 2007, to which those Regulations apply, other than one to which regulation 46(1) of those Regulations applies;
- (b) the Office for Nuclear Regulation is responsible for health and safety enforcement in relation to a construction site if, by virtue of regulations under section 18(2) of the Health and Safety at Work etc. Act 1974 (enforcement), it is responsible for the enforcement of any of the relevant statutory provisions (within the meaning of Part 1 of that Act) in relation to the site.”

(9) In subsection (10), after “(9)” insert “or (9A)”.

*Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541)*

87 The Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541) is amended as follows.

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- 88 (1) Article 25 (enforcing authorities) is amended as follows.
- (2) That Article becomes paragraph (1) and is amended as follows.
- (3) In paragraph (b)—
- (a) omit sub-paragraphs (i) and (ii);
  - (b) for sub-paragraph (iv) substitute—
    - “(iv) any workplace which is, or is on, a construction site, other than one in relation to which the Office for Nuclear Regulation is responsible for health and safety enforcement;”.
- (4) After that paragraph insert—
- “(bb) the Office for Nuclear Regulation in relation to—
    - (i) any premises for which a licence is required by virtue of section 1 of the Nuclear Installations Act 1965 or for which a permit is required by virtue of section 2 of that Act;
    - (ii) any premises for which such a licence or permit would be required but for the fact that the premises are used by, or on behalf of, the Crown;
    - (iii) any workplace which is, or is on, a construction site in relation to which the Office for Nuclear Regulation is responsible for health and safety enforcement;”.
- (5) In paragraph (e)—
- (a) in sub-paragraph (i), for “(b)(ii)” substitute “(bb)(ii)”;
  - (b) in sub-paragraph (ii), for “(b)(ii)” substitute “(bb)(ii)”.
- (6) After Article 25(1) insert—
- “(2) For the purposes of paragraph (1)—
    - (a) “construction site” means a construction site, as defined in regulation 2(1) of the Construction (Design and Management) Regulations 2007, to which those Regulations apply, other than one to which regulation 46(1) of those Regulations applies;
    - (b) the Office for Nuclear Regulation is responsible for health and safety enforcement in relation to a construction site if, by virtue of regulations under section 18(2) of the Health and Safety at Work etc. Act 1974 (enforcement), it is responsible for the enforcement of any of the relevant statutory provisions (within the meaning of Part 1 of that Act) in relation to the site.”
- 89 In Article 26 (enforcement of Order), in paragraph (3), after “Health and Safety Executive” (in both places) insert “, Office for Nuclear Regulation”.

*Government of Wales Act 2006 (c. 32)*

- 90 In Schedule 7 to the Government of Wales Act 2006 (subjects to which Acts of the Assembly may relate), in Part 1, in the exceptions to paragraph 4 (economic development), after “nuclear installations” insert “and the Office for Nuclear Regulation”.



*National Health Service Act 2006 (c. 41)*

- 91 In section 2A of the National Health Service Act 2006 (Secretary of State’s duty as to protection of public health)—
- (a) in subsection (3)(b), for “the Health and Safety Executive” substitute “a relevant body”;
  - (b) in subsection (4)(a), for “Health and Safety Executive” substitute “relevant body”;
  - (c) after subsection (4) insert—
    - “(5) For the purposes of subsections (3) and (4), each of the following is a relevant body—
    - (a) the Health and Safety Executive;
    - (b) the Office for Nuclear Regulation.”.

*Road Safety Act 2006 (c. 49)*

- 92 Section 57 of the Road Safety Act 2006 (which amends section 2 of the Radioactive Material (Road Transport) Act 1991) is repealed.

*Corporate Manslaughter and Corporate Homicide Act 2007 (c. 19)*

- 93 In section 25 of the Corporate Manslaughter and Corporate Homicide Act 2007, in the definition of “health and safety legislation”, at the end insert “and provision dealing with health and safety matters contained in Part 3 of the Energy Act 2013 (nuclear regulation)”.

*Regulatory Enforcement and Sanctions Act 2008 (c. 13)*

- 94 In Schedule 6 to the Regulatory Enforcement and Sanctions Act 2008 (enactments specified for the purposes of orders under Part 3), the entry for sections 2 to 6 of the Radioactive Material (Road Transport) Act 1991 is repealed.

*Energy Act 2008 (c. 32)*

- 95 The Energy Act 2008 is amended as follows.
- 96 In section 46 (approval of a funded decommissioning programme), in subsection (6), for paragraph (a) substitute—
  - “(a) the Office for Nuclear Regulation,”.
- 97 In section 50 (power to disapply section 49), in subsection (2), for paragraph (a) substitute—
  - “(a) the Office for Nuclear Regulation,”.
- 98 In section 54 (nuclear decommissioning: regulations and guidance), in subsection (8), for paragraph (a) substitute—
  - “(a) the Office for Nuclear Regulation,”.
- 99 In section 59 (offence of further disclosure of information), in subsection (2)(c)—
- (a) for “the Health and Safety Executive” substitute “the Office for Nuclear Regulation”;
  - (b) for “the Executive” substitute “the Office for Nuclear Regulation”.

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100 In section 63 (co-operation with other public bodies), in subsection (2), for paragraph (a) substitute—

“(a) the Office for Nuclear Regulation;”.

*Borders, Citizenship and Immigration Act 2009 (c. 11)*

101 (1) Part 1 of the Borders, Citizenship and Immigration Act 2009 (which provides for certain functions of the Commissioners for Her Majesty’s Revenue and Customs to be exercisable concurrently by the Secretary of State or the Director of Border Revenue) is amended as follows.

(2) In section 1 (general customs functions of the Secretary of State), in subsection (6), after paragraph (a) (but before the “and” immediately following it) insert—

“(aa) sections 98 and 99 of the Energy Act 2013 (HMRC functions in relation to Office for Nuclear Regulation etc.),”.

(3) In section 7 (customs revenue functions of the Director of Border Revenue) in subsection (7), after paragraph (a) (but before the “and” immediately following it) insert—

“(aa) sections 98 and 99 of the Energy Act 2013 (HMRC functions in relation to Office for Nuclear Regulation etc.),”.

*Equality Act 2010 (c. 15)*

102 In Schedule 19 to the Equality Act 2010 (public authorities: general), after the entry for the Health and Safety Executive insert—

“The Office for Nuclear Regulation.”.

*Health and Social Care Act 2012 (c. 7)*

103 In section 58(6) of the Health and Social Care Act 2012 (radiation protection functions), after paragraph (b) insert—

“(c) the Office for Nuclear Regulation.”.