

SCHEDULE 2

Article 6(1)

Consequential amendments to primary legislation

Fireworks Act 1951 (c.58)

1. In section 1 of the Fireworks Act 1951 (destruction of dangerous fireworks)(1), after subsection (5) insert—

“(6) 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.

(7) 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.”.

Public Records Act 1958 (c.51)

2. In Schedule 1 to the Public Records Act 1958 (definition of public records)(2) in Part 2 of the Table at the end of paragraph 3, after the entry for the Office for Legal Complaints, insert—

“Office for Nuclear Regulation”.

Building Act 1984 (c.55)

3.—(1) Section 81 of the Building Act 1984 (local authority’s power to serve notice about demolition)(3) is amended as follows.

(2) In subsection (2)—

(a) after “Health and Safety at Work etc. Act 1974” insert “or the relevant provisions”;

(b) after “Act of 1974” insert “or the relevant provisions”.

(3) After subsection (2) insert—

“(2A) For the purposes of subsection (2), “relevant provisions” means the relevant statutory provisions (within the meaning of Part 3 of the Energy Act 2013) other than—

(a) the provisions of the Nuclear Safeguards Act 2000; and

(b) any provision of nuclear regulations identified in accordance with section 74(9) of the 2013 Act as being made for the nuclear safeguards purposes.”.

Environment and Safety Information Act 1988 (c.30)

4. In the Schedule to the Environment and Safety Information Act 1988 (authorities and statutory provisions)(4), at the appropriate place, insert—

(1) 1951 c.58; section 1 was amended by the Criminal Justice Act 1982 (c. 48), sections 37, 38 and 46, S.I. 1974/1885 and S.I. 2005/1082.

(2) 1958 c.51; the entry for the Office for Legal Complaints was inserted in the Table at the end of paragraph 3 by the Legal Services Act 2007 (c.29), Schedule 15, paragraph 33. There are other amendments to the Table which are not relevant to this Order.

(3) 1984 c.55; to which there are amendments not relevant to this Order.

(4) 1988 c.30.

“2013 c. 32	Energy Act 2013	The Office for Nuclear Regulation	Schedule 8, paragraphs 3 and 4”
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Planning (Hazardous Substances) Act 1990 (c.10)

5. The Planning (Hazardous Substances) Act 1990(5) is amended as follows.
6. In section 7(3) (applications for hazardous substances consent) for “means consultations with the Health and Safety Executive and with” substitute “means consultations with the safety regulator and with”.
7. In section 9(2)(e) (determination of applications for hazardous substances consent) for “Health and Safety Executive have” substitute “safety regulator has”.
8. In section 10(2) (power to impose conditions on grant of hazardous substances consent) for “Health and Safety Executive have” substitute “safety regulator has”.
9. In section 18(2)(b) (determination of applications for continuation of hazardous substances consent) for “Health and Safety Executive have” substitute “safety regulator has”.
- 10.—(1) Section 29 (health and safety requirements) is amended as follows.
 - (2) In subsection (1)—
 - (a) for “relevant statutory provisions” substitute “relevant provisions”;
 - (b) omit “served under or by virtue of any of those provisions”.
 - (3) In subsection (3) for “Health and Safety Executive” substitute “safety regulator”.
 - (4) In subsection (4) for “Health and Safety Executive advise” substitute “safety regulator advises”.
 - (5) In subsection (5) for “they advise” substitute “the safety regulator advises”.
 - (6) For subsection (6) substitute—

“(6) In this section—

“improvement notice” means a notice served under section 21 of the Health and Safety at Work etc. Act (“the 1974 Act”) or given under paragraph 3 of Schedule 8 to the Energy Act 2013 (“the 2013 Act”);

“prohibition notice” means a notice served under section 22 of the 1974 Act or given under paragraph 4 of Schedule 8 to the 2013 Act;

“relevant provisions” means—

 - (a) the relevant statutory provisions within the meaning of Part 1 of the 1974 Act; and
 - (b) the relevant statutory provisions within the meaning of the 2013 Act other than—
 - (i) the provisions of the Nuclear Safeguards Act 2000; and

(5) [1990 c.10](#); section 7 was amended by the Environmental Protection Act [1990 \(c.43\)](#), Schedule 13, paragraphs 2 and 3. Section 9 was amended by the Environmental Protection Act 1990, Schedule 16, and by the Planning Act [2008 \(c.29\)](#), Schedule 2, paragraphs 42 and 43. Section 10 was amended by the Environmental Protection Act 1990, Schedule 13, paragraph 2 and the Planning Act 2008, Schedule 2, paragraphs 42 and 44. Section 18 of the 1990 Act was amended by the Environmental Protection Act 1990, Schedule 16. Section 29 was amended by the Environmental Protection Act 1990, Schedule 13, paragraph 2, and Schedule 16. Section 39 was amended by the Environmental Protection Act 1990, Schedule 13, paragraph 2, and Schedule 16, the Transport Act [2000 \(c.38\)](#), Schedule 5, paragraph 9, the Planning Act 2008, Schedule 2, paragraphs 42 and 47, the Postal Services Act [2011 \(c.5\)](#), Schedule 12, paragraph 132, [S.I. 2001/1149](#), [S.I. 2009/1941](#), and [S.I. 2013/755](#).

- (ii) any provision of nuclear regulations identified in accordance with section 74(9) of the 2013 Act as being made for the nuclear safeguards purposes.”.
- (7) In section 39(1) (interpretation) after the definition of “the principal Act” insert—
 - ““the safety regulator” means—
 - (a) in relation to land which is, or is on, a nuclear site (within the meaning of Part 3 of the Energy Act 2013), the Office for Nuclear Regulation;
 - (b) otherwise, the Health and Safety Executive.”.

Environmental Protection Act 1990 (c.43)

- 11. The Environmental Protection Act 1990(6) is amended as follows.
- 12.—(1) Section 36 (grant of licences) is amended as follows.
 - (2) In subsection (4)—
 - (a) in paragraph (a) for “Health and Safety Executive” substitute “safety regulator”,
 - (b) in paragraph (b) for “Executive” substitute “safety regulator”.
 - (3) In subsection (10)—
 - (a) for “Health and Safety Executive” substitute “safety regulator”,
 - (b) for “Executive” substitute “safety regulator”.
 - (4) In subsection (11) after the definition of “the relevant land” insert—
 - ““the safety regulator” means—
 - (a) where the relevant land is, or is on, a nuclear site (within the meaning of Part 3 of the Energy Act 2013), the Office for Nuclear Regulation;
 - (b) otherwise, the Health and Safety Executive.”.
- 13. Paragraph 2(2) of Schedule 13 is repealed.

Atomic Weapons Establishment Act 1991 (c.46)

- 14. After paragraph 10C of the Schedule to the Atomic Weapons Establishment Act 1991 (application of certain enactments)(7) insert—

“Energy Act 2013 (c.32)

10D.—(1) The power of the Secretary of State under section 111(6) of the Energy Act 2013 (Crown exemptions) shall include power to provide for exemptions, in relation to designated premises or activities carried on by a contractor at such premises, from all or any of the relevant provisions.

(2) In this paragraph “relevant provisions” means the relevant statutory provisions within the meaning of Part 3 of the Energy Act 2013 other than—

- (a) a provision of the Nuclear Safeguards Act 2000; and

(6) 1990 c.43; section 36 was repealed, in relation to England and Wales, by S.I. 2007/3538, Schedule 23. Section 36, as it extends to Scotland, was amended by the Natural Heritage (Scotland) Act 1991 (c.28), Schedule 2, paragraph 10, the Environment Act 1995 (c.25), Schedule 22, paragraph 68 and Schedule 24, the Natural Environment and Rural Communities Act 2006 (c.16), Schedule 11, paragraph 116, the Nature Conservation (Scotland) Act 2004 (asp. 6), Schedule 7, paragraph 7, and S.I. 2013/755.

(7) 1991 c.46; the Schedule was amended by the Clean Air Act 1993 (c.11), Schedule 4, paragraph 5, and Schedule 6, the Radioactive Substances Act 1993 (c.12), Schedule 6, S.I. 1997/1396 and S.I. 2010/675.

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- (b) any provision of nuclear regulations identified in accordance with section 74(9) of the Energy Act 2013 as being made for the nuclear safeguards purposes.”.

Planning (Hazardous Substances) (Scotland) Act 1997 (c.10)

15. The Planning (Hazardous Substances) (Scotland) Act 1997(8) is amended as follows.
16. In section 5(3) (applications for hazardous substances consent) for “Health and Safety Executive” substitute “safety regulator”.
17. In section 7(2)(e) (determination of applications for hazardous substances consent) for “Health and Safety Executive have” substitute “safety regulator has”
18. In section 8(2) (power to impose conditions on grant of hazardous substances consent) for “Health and Safety Executive have” substitute “safety regulator has”.
19. In section 16(2)(b) (determination of applications for continuation of hazardous substances consent) for “Health and Safety Executive have” substitute “safety regulator has”.
- 20.—(1) Section 28 (health and safety requirements) is amended as follows.
- (2) In subsection (1)—
- (a) for “relevant statutory provisions” substitute “relevant provisions”,
- (b) omit “served under or by virtue of any of those provisions”.
- (3) In subsection (3) for “Health and Safety Executive” substitute “safety regulator”.
- (4) In subsection (4) for “Health and Safety Executive advise” substitute “safety regulator advises”.
- (5) In subsection (5) for “they advise” substitute “the safety regulator advises”.
- (6) For subsection (6) substitute—
- “(6) In this section—
- “improvement notice” means a notice served under section 21 of the Health and Safety at Work etc. Act 1974 (“the 1974 Act”) or given under paragraph 3 of Schedule 8 to the Energy Act 2013 (“the 2013 Act”);
- “prohibition notice” means a notice served under section 22 of the 1974 Act or given under paragraph 4 of Schedule 8 to the 2013 Act;
- “the relevant provisions” means—
- (a) the relevant statutory provisions within the meaning of Part 1 of the 1974 Act; and
- (b) the relevant statutory provisions within the meaning of Part of the 2013 Act other than—
- (i) the provisions of the Nuclear Safeguards Act 2000; and
- (ii) any provision of nuclear regulations identified in accordance with section 74(9) of the 2013 Act as being made for the nuclear safeguards purposes;”.
- (7) In section 38(1) (interpretation) after the definition of “the principal Act” insert—
- ““the safety regulator” means—

(8) 1997 c.10; section 7 was amended by the Planning Act 2008 (c.29), Schedule 2, paragraphs 59 and 60. Section 8 was amended by the Planning Act 2008, Schedule 2, paragraphs 59 and 61. Section 38 was amended by the Utilities Act 2000 (c.27), section 76(7), the Transport Act 2000 (c.38), Schedule 5, paragraph 13, the Planning Act 2008, Schedule 2, paragraphs 59 and 64, the Postal Services Act 2011 (c.5), Schedule 12, paragraph 149, S.I. 2001/1149 and S.I. 2009/1941.

- (a) in relation to land which is, or is on, a nuclear site (within the meaning of Part 3 of the Energy Act 2013), the Office for Nuclear Regulation;
- (b) otherwise, the Health and Safety Executive.”.

Utilities Act 2000 (c.27)

21. After section 105(4)(b) of the Utilities Act 2000 (general restrictions on disclosure of information)(9) insert—

“(ba) for the purpose of facilitating the performance by the Office for Nuclear Regulation of any of its functions;”.

Enterprise Act 2002 (c.40)

22. In Schedule 15 to the Enterprise Act 2002 (enactments conferring functions)(10), at the appropriate place, insert—

“the relevant statutory provisions within the meaning of Part 3 of the Energy Act 2013 (c.32).”

Domestic Violence, Crime and Victims Act 2004 (c.28)

23. In Schedule 9 to the Domestic Violence, Crime and Victims Act 2004 (authorities within the Commissioner’s remit)(11) after paragraph 20 insert—

“**20A.** The Office for Nuclear Regulation.”.

Local Government and Public Involvement in Health Act 2007 (c.28)

24. In section 104(4) of the Local Government and Public Involvement in Health Act 2007 (application of Chapter: partner authorities)(12), after paragraph (d) insert—

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

Local Democracy, Economic Development and Construction Act 2009 (c.20)

25. In section 23(2) of the Local Democracy, Economic Development and Construction Act 2009 (duty of public authorities to secure involvement)(13), after paragraph (d) insert—

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

Civil Aviation Act 2012 (c.19)

26. In Schedule 6 to the Civil Aviation Act 2012 (restrictions on disclosing information)(14), after paragraph 5(h) insert—

“(ha) for the purpose of facilitating the carrying out by the Office for Nuclear Regulation of its functions under an enactment;”.

(9) 2000 c.27.

(10) 2002 c.40; Schedule 15 was amended by the Communications Act 2003 (c.21), Schedule 17, paragraph 174(7), the Fireworks Act 2003 (c.22), section 12(3), the Water Act 2003 (c.37), Schedule 7, paragraph 36(4), the Railways Act 2005 (c.14), Schedule 12, paragraph 16(4), the Consumers, Estate Agents and Redress Act 2007 (c.17), section 29(2), the Postal Services Act 2011 (c.5), Schedule 12, paragraph 166, the Civil Aviation Act 2012 (c.19), Schedule 9, paragraph 15, and the Groceries Code Adjudicator Act 2013 (c.19), section 21(4), S.I. 2003/1400, S.I. 2006/2909, S.I. 2006/3336, S.I. 2007/2194, S.I. 2007/2977, S.I. 2009/1941, S.I. 2010/2960, S.I. 2011/2491 and S.I. 2013/1575.

(11) 2004 c.28; there are amendments to Schedule 9 which are not relevant to this Order.

(12) 2007 c.28; there are amendments to section 104 which are not relevant to this Order.

(13) 2009 c.20; there are amendments to section 23 not relevant to this Order.

(14) 2012 c.19; there are amendments to Schedule 6 which are not relevant to this Order.

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