

*Status: Point in time view as at 01/01/2017.*

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## SCHEDULE

Section 3.

### APPLICATION OF CERTAIN ENACTMENTS

#### *Preliminary*

- 1 In this Schedule “designated premises” means any designated premises as respects which such arrangements as are referred to in section 1(3) of this Act have been made, whatever may be the respective rights of the Secretary of State and any contractor in or over any part of the premises.

#### *Military Lands Act 1892 (c.43)*

- 2 For the purposes of Part II of the Military Lands Act 1892 (byelaws for lands under the management of Secretary of State used for service purposes), land in designated premises shall be treated as land under the management of the Secretary of State for military purposes.

#### *Landlord and Tenant Act 1954 (c.56)*

- 3 Part II of the Landlord and Tenant Act 1954 (security of tenure for business tenants) shall not apply to any tenancy granted to a contractor in respect of any land in designated premises.

#### *Clean Air Act 1956 (c.52)*

F14 .....

#### **Textual Amendments**

**F1** Sch. para. 4 repealed (27.8.1993) by 1993 c. 11, s. 67(3), Sch. 6

#### *Radioactive Substances Act 1960 (c.34)*

F25 .....

#### **Textual Amendments**

**F2** Sch. para. 5 repealed (27.8.1993) by 1993 c. 12, s. 50, Sch. 6 Pt.I (with ss. 42, 46)

#### *Nuclear Installations Act 1965 (c.57)*

- F36 (1) Any conditions which, by virtue of section 4 of the Nuclear Installations Act 1965, are attached to a nuclear site licence granted in respect of a site in designated premises used by a contractor, shall not apply to the extent that such conditions affect the design of a nuclear device or any other device (other than a nuclear reactor) intended to simulate the properties of a nuclear device.

- (2) If a nuclear site licence has been granted in respect of any site in designated premises used by a contractor, the provisions of that Act shall have effect as if any reference

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to the period of the licensee’s responsibility were a reference to any period during which the contractor occupies that site.

- (3) Section 6 of that Act (maintenance of list of licensed sites) shall not apply in relation to any site in designated premises used by a contractor in respect of which a nuclear site licence has been granted.]

**Textual Amendments**  
**F3** Sch. para. 6 substituted (1.7.1997) by [S.I. 1997/1396, art. 2](#)

*Health and Safety at Work etc. Act 1974 (c.37)*

- 7 (1) The power of the Secretary of State under section 48(4) of the Health and Safety at Work etc. Act 1974 (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 statutory provisions within the meaning of Part I of that Act.
- (2) For the purposes of the <sup>M1</sup>Health and Safety (Enforcing Authority) Regulations 1989, designated premises and the activities carried on by a contractor at such premises shall be treated as premises occupied, and as activities carried on by, the Crown.

**Marginal Citations**  
**M1** [S.I. 1989/1903.](#)

*Control of Pollution Act 1974 (c.40)*

- 8 <sup>F4</sup>(1) .....
- (2) For the purposes of section 105(3) of that Act (treatment of Crown land under the Act), any interest of a contractor in designated premises shall be treated as a Crown interest in those premises.

**Textual Amendments**  
**F4** Sch. para. 8(1) repealed (27.8.1993) by 1993, c. 11, s. 67(3), Sch.6

*Local Government Finance Act 1988 (c.41)*

- 9 For the purposes of Part III of the Local Government Finance Act 1988 (under which non-domestic rates are levied except on land occupied by or on behalf of the Crown for public purposes), land in designated premises shall be treated as occupied on behalf of the Crown for public purposes.

*Planning (Hazardous Substances) Act 1990 (c.10)*

- 10 For the purposes of section 31 of the Planning (Hazardous Substances) Act 1990 (exercise of powers in relation to Crown land), any interest of a contractor in designated premises shall be treated as a Crown interest in those premises.

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F5 .....

**Textual Amendments**

F5 Sch. para. 10A and cross-heading repealed (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), reg. 1(1)(b), Sch. 26 para. 6(a), **Sch. 28** (with reg. 1(2), Sch. 4)

F5 10A .....

*[<sup>F6</sup> Clean Air Act 1993]*

**Textual Amendments**

F6 Sch. para. 10B and crossheading inserted (27.8.1993) by [1993 c. 11, s. 67\(1\)](#), **Sch. 4 para.5**

[<sup>F7</sup>10B(1) Subsection (1) of section 46 of the Clean Air Act 1992 (Crown premises) shall have effect, in relation to emissions from designated premises, as if—

- (a) references to premises under the control of a government department which are occupied for the public service of the Crown included a reference to designated premises; and
- (b) references to the responsible Minister were references to the Secretary of State.

(2) For the purposes of section 36 of that Act (notices requiring information about air pollution), designated premises, and persons at such premises, shall be treated as premises used for, or persons in, the public service of the Crown.

(3) For all other purposes of that Act any such premises shall be treated as Crown premises occupied by a government department.]

**Textual Amendments**

F7 Sch. para. 10B and crossheading inserted (27.8.1993) by [1993 c. 11, s. 67\(1\)](#), **Sch. 4 para.5**

*[<sup>F8</sup>Environmental Permitting (England and Wales) Regulations 2016]*

**Textual Amendments**

F8 Words in Sch. para. 10C heading substituted (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 29 para. 7(a)** (with regs. 1(3), 77-79, Sch. 4)

[<sup>F9</sup>10C(1) For the purposes of [<sup>F10</sup>the Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154)] , so far as relating to an environmental permit for the disposal of radioactive waste, a relevant site in designated premises shall be treated as a site in respect of which a nuclear site licence is for the time being in force.

(2) For the purposes of sub-paragraph (1), “relevant site” means a site used by a contractor for the purposes of any activity which would, if section 1 of the Nuclear Installations Act 1965 applied to the site, require a nuclear site licence.]

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#### Textual Amendments

- F9** Sch. para. 10C inserted (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), reg. 1(1)(b), **Sch. 26 para. 6(b)** (with reg. 1(2), Sch. 4)
- F10** Words in Sch. para. 10C(1) substituted (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 29 para. 7(b)** (with regs. 1(3), 77-79, Sch. 4)

#### *[<sup>F11</sup> Energy Act 2013 (c.32)*

#### Textual Amendments

- F11** Sch. para. 10D inserted (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), **Sch. 2 para. 14** (with Sch. 4)

- 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
  - (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.]

#### *Supplemental*

- 11 All instruments, authorities, powers and privileges subsisting at the commencement of this Act under the enactments mentioned in the foregoing provisions of this Schedule shall (until revoked) continue in force in accordance with those provisions.

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