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SCHEDULES

SCHEDULE 12

Section 116

MINOR AND CONSEQUENTIAL AMENDMENTS RELATING TO PART 3

PART 1

AMENDMENTS OF THE HEALTH AND SAFETY AT WORK ETC. ACT 1974

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

VALID FROM 01/04/2014

1 The Health and Safety at Work etc. Act 1974 is amended as follows.

VALID FROM 01/04/2014

- 2 (1) Section 11 (functions of the Health and Safety Executive) is amended as follows.
- (2) In subsection (4)—
- (a) in paragraph (a), for “the railway safety purposes” substitute “ any of the transferred purposes ”, and
 - (b) in paragraph (b), for the words following “made” substitute “—
 - (i) for any of the transferred purposes, or
 - (ii) under section 43 and concern fees relating to nuclear site regulation.”
- (3) After that subsection insert—
- “(4A) In subsection (4)—
- (a) “the transferred purposes” means—
 - (i) the railway safety purposes;
 - (ii) the nuclear safety purposes;
 - (iii) the nuclear security purposes;
 - (iv) the nuclear safeguards purposes;
 - (v) the radioactive material transport purposes;
 - (b) “fees relating to nuclear site regulation” means fees payable for or in connection with the performance of a function by or on behalf of—
 - (i) the Office for Nuclear Regulation, or
 - (ii) any inspector appointed by the Office for Nuclear Regulation.

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(4B) The Executive may submit to the Secretary of State any proposal submitted to it by the Office for Nuclear Regulation under section 81 of the Energy Act 2013 (proposals about orders and regulations).”

VALID FROM 01/04/2014

3 In section 13 (powers of the Executive), after subsection (6) insert—

“(6A) The reference in subsection (6) to the general purposes of this Part does not include a reference to any of the following—

- (a) the nuclear safety purposes;
- (b) the nuclear security purposes;
- (c) the nuclear safeguards purposes;
- (d) the radioactive material transport purposes.”

VALID FROM 01/04/2014

4 (1) Section 14 (power of the Executive to direct investigations and inquiries) is amended as follows.

(2) In subsection (1)(a), after “railway safety purposes” insert “ or the ONR's purposes ”.

(3) After subsection (4) insert—

“(4A) Provision that may be made by virtue of subsection (4)(a) includes, in particular, provision conferring functions on the Office for Nuclear Regulation in relation to powers of entry and inspection in relation to any premises for which it is an enforcing authority.”

VALID FROM 01/04/2014

5 (1) Section 15 (health and safety regulations) is amended as follows.

(2) After subsection (1) insert—

“(1A) In subsection (1), the reference to the general purposes of this Part does not include a reference to any of the following—

- (a) the nuclear safety purposes;
- (b) the nuclear security purposes;
- (c) the nuclear safeguards purposes;
- (d) the radioactive material transport purposes.

(1B) Subsection (1A) does not preclude health and safety regulations from including provision merely because the provision could be made for any of the purposes mentioned in paragraphs (a) to (d) of that subsection.”

(3) In subsection (2), for “the preceding subsection” substitute “ subsection (1) ”.

(4) In subsection (3)(c), after “may” insert “ , subject to subsection (3A), ”.

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(5) After subsection (3) insert—

“(3A) Nothing in this section is to be taken to permit health and safety regulations to make provision about responsibility for the enforcement of any of the relevant statutory provisions as they apply in relation to any GB nuclear site.

(3B) Subsection (3A) does not prevent health and safety regulations providing for the Office of Rail Regulation to be responsible for the enforcement, in relation to GB nuclear sites, of any of the relevant statutory provisions that are made for the railway safety purposes.

(3C) In subsections (3A) and (3B), “GB nuclear site” has the same meaning as in section 68 of the Energy Act 2013 (nuclear safety purposes).”

VALID FROM 01/04/2014

6 (1) Section 18 (authorities responsible for enforcement of the relevant statutory provisions) is amended as follows.

(2) After subsection (1) insert—

“(1A) The Office for Nuclear Regulation is responsible for the enforcement of the relevant statutory provisions as they apply in relation to GB nuclear sites (within the meaning given in section 68 of the Energy Act 2013 (nuclear safety purposes)).

(1B) Subsection (1A) is subject to any provision of health and safety regulations making the Office of Rail Regulation responsible for the enforcement of any of the relevant statutory provisions to any extent in relation to such sites.”

(3) In subsection (2)—

(a) before paragraph (a) insert—

“(za) make the Office for Nuclear Regulation responsible for the enforcement of the relevant statutory provisions to such extent as may be prescribed (and may in particular provide for any site or matter in relation to which the Office for Nuclear Regulation is made so responsible to be determined by the Secretary of State or the Office for Nuclear Regulation under the regulations);”;

(b) in paragraph (b), before sub-paragraph (i) insert—

“(zi) transferred from the Executive or local authorities to the Office for Nuclear Regulation, or from the Office for Nuclear Regulation to the Executive or local authorities;”;

(c) in paragraph (b)(ii)—

(i) after “Executive” insert “, to the Office for Nuclear Regulation ”;

(ii) after “by virtue of” insert “ subsection (1A) or ”;

(d) in paragraph (b), after sub-paragraph (ii) insert—

“(iii) assigned to the Office of Rail Regulation or the Office for Nuclear Regulation for the purpose of

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removing any uncertainty as to what are by virtue of any of the relevant statutory provisions their respective responsibilities for the enforcement of any of those provisions;”.

(4) After subsection (3) insert—

“(3A) Regulations under subsection (2)(a) may not make local authorities enforcing authorities in relation to any site in relation to which the Office for Nuclear Regulation is an enforcing authority.

(3B) Where the Office for Nuclear Regulation is, by or under subsection (1A) or (2), made responsible for the enforcement of any of the relevant statutory provisions to any extent, it must make adequate arrangements for the enforcement of those provisions to that extent.”

(5) In subsection (5) in the opening words, after “the Executive” insert “ , the Office for Nuclear Regulation ”.

(6) In subsection (7), in the words following paragraph (b)—

- (a) after “section 13” insert “ of this Act or section 95 of the Energy Act 2013 (power for Office for Nuclear Regulation to arrange for exercise of functions by others) ”;
- (b) after “the Executive” (in the first and third places) insert “ or the Office for Nuclear Regulation ”;
- (c) after “the Executive” (in the second place) insert “ or the Office for Nuclear Regulation (as the case may be) ”;
- (d) for “under that subsection” substitute “ or arrangements under the provision in question ”.

VALID FROM 01/04/2014

7 In section 27 (obtaining of information by the Executive, enforcing authorities etc), in subsection (1)(b), after “an enforcing authority” insert “ other than the Office for Nuclear Regulation ”.

VALID FROM 01/04/2014

8 In section 27A (information communicated by Commissioners for Revenue and Customs), in subsection (2), at the end insert “ , other than the Office for Nuclear Regulation or an inspector appointed by the Office for Nuclear Regulation ”.

VALID FROM 01/04/2014

9 (1) Section 28 (restrictions on disclosure of information) is amended as follows.

(2) In subsection (1)(a), after “to any person” insert “ , other than the Office for Nuclear Regulation (or an inspector appointed by it), ”.

(3) In subsection (3)(a), after “Executive” insert “ , the Office for Nuclear Regulation, ”.

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- (4) In subsection (4)—
- (a) in the opening words—
 - (i) after “Executive” (in the first place), insert “ , the Office for Nuclear Regulation, ”;
 - (ii) after “Executive” (in the second place), insert “ or the Office for Nuclear Regulation ”;
 - (b) in paragraph (a), after “Executive” insert “ or Office for Nuclear Regulation ” and after “section 13(3)” insert “ of this Act or, as the case may be, section 95 of the Energy Act 2013 ”;
 - (c) in paragraph (c), at the end insert “ or, in the case of the Office for Nuclear Regulation, a person providing advice to that body. ”.
- (5) In subsection (5)(a), after “Executive” insert “ , of the Office for Nuclear Regulation ”.
- (6) After subsection (9A) insert—
- “(9B) Nothing in subsection (7) or (9) applies to a person appointed as an inspector by the Office for Nuclear Regulation in relation to functions which the person has by virtue of that appointment.”

VALID FROM 01/04/2014

- 10 (1) Section 44 (appeals in connection with licensing provisions in the relevant statutory provisions) is amended as follows.
- (2) In subsection (1), omit “(other than nuclear site licences)”.
 - (3) In subsection (7)—
 - (a) in paragraph (a) omit “other than a nuclear site licence”;
 - (b) omit paragraph (b).
 - (4) Omit subsection (8).

VALID FROM 01/04/2014

- 11 (1) Section 50 (regulations under the relevant statutory provisions) is amended as follows.
- (2) In subsection (1AA), for the words following “unless” substitute “the Secretary of State has consulted—
 - (a) the Executive,
 - (b) the Office for Nuclear Regulation, and
 - (c) such other bodies as appear to the Secretary of State to be appropriate.”
 - (3) In subsection (2), for “the Executive” substitute “—
 - (a) the Executive, and
 - (b) the Office for Nuclear Regulation.”
 - (4) In subsection (3), before paragraph (a) insert—

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

(5) After subsection (3) insert—

“(4) If the Executive has consulted the Office for Nuclear Regulation under subsection (3) in relation to a proposal under section 11(3) for regulations under any of the relevant statutory provisions, it must, when it submits the proposal (with or without modification) to the Secretary of State, also submit—

- (a) any representations made by the Office for Nuclear Regulation in response to the consultation, and
- (b) any response to those representations given by the Executive to the Office for Nuclear Regulation.

(5) The preceding provisions of this section do not apply to the exercise of the power in section 43 to make ONR fees regulations, but the Secretary of State must consult the Office for Nuclear Regulation before—

- (a) making ONR fees regulations independently of any proposals submitted by the Office for Nuclear Regulation under section 81(1) of the Energy Act 2013, or
- (b) making ONR fees regulations which give effect to such proposals but with modifications.

(6) In subsection (5) “ONR fees regulations” means regulations under section 43 so far as they make provision in relation to fees payable for or in connection with the performance of a function by or on behalf of—

- (a) the Office for Nuclear Regulation, or
- (b) any inspector appointed by the Office for Nuclear Regulation.”

VALID FROM 01/04/2014

12 In section 53(1) (general interpretation of Part 1)—

(a) after the definition of “micro-organism” insert—

““nuclear safeguards purposes” has the same meaning as in Part 3 of the Energy Act 2013 (nuclear regulation etc.) (see section 72 of that Act);

“nuclear safety purposes” has the same meaning as in that Part of that Act (see section 68 of that Act);

“nuclear security purposes” has the same meaning as in that Part of that Act (see section 70 of that Act);”;

(b) after the definition of “offshore installation” insert—

““the ONR's purposes” has the same meaning as in Part 3 of the Energy Act 2013 (see section 67 of that Act);”;

(c) after the definition of “prohibition notice” insert—

““the radioactive material transport purposes” means the transport purposes within the meaning of Part 3 of the Energy Act 2013 (see section 73 of that Act);”.

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- 13 (1) Section 82 (general provisions as to interpretation and regulations) is amended as follows.
- (2) In subsection (3)(b), after “subsection” insert “ (3A) or ”.
- (3) After subsection (3) insert—
- “(3A) In the case of a statutory instrument which also contains regulations under section 74 of the Energy Act 2013 (nuclear regulations), subsection (3) is subject to section 113 of that Act (subordinate legislation).”

VALID FROM 01/04/2014

- 14 In Schedule 1 (existing enactments which are relevant statutory provisions), omit the entry relating to the Nuclear Installations Act 1965.

- 15 (1) Schedule 2 (constitution etc. of the Health and Safety Executive) is amended as follows.
- (2) In paragraph 1(b) for “eleven” substitute “ twelve ”.
- (3) In paragraph 2(2), at the beginning insert “ Subject to sub-paragraph (3A), ”.
- (4) After paragraph 2(3) insert—
- “(3A) The Office for Nuclear Regulation may appoint a member from among the non-executive members of the Office for Nuclear Regulation (“an ONR member”).
- (3B) The Office for Nuclear Regulation must notify the Executive and the Secretary of State whenever it appoints an ONR member.”.
- (5) In paragraph 3, after “4” insert “ , 4A ”.
- (6) In paragraph 4, after “Executive” insert “ , other than an ONR member, ”.
- (7) After paragraph 4 insert—
- “4A (1) An ONR member may at any time resign from office by giving notice in writing to the Office for Nuclear Regulation.
- (2) An ONR member ceases to be a member of the Executive upon ceasing to be a non-executive member of the Office for Nuclear Regulation.
- (3) The Office for Nuclear Regulation may remove an ONR member from office by giving notice in writing.
- (4) The Office for Nuclear Regulation must notify the Executive and the Secretary of State whenever an ONR member—
- (a) resigns from office,
- (b) ceases to be a non-executive member of the Office for Nuclear Regulation, or
- (c) is removed from office.”.

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- (8) In paragraph 5, after “member” insert “, other than an ONR member,”.
- (9) Paragraph 6 is amended as follows.
- (10) In sub-paragraph (1), for the words following “pay” substitute “—
- (a) to each member, other than an ONR member, such remuneration, and
 - (b) to each member such travelling and other allowances,
- as may be determined by the Secretary of State.”
- (11) In sub-paragraph (2), after “member” insert “ other than an ONR member ”.
- (12) In sub-paragraph (3), after “member” insert “ other than an ONR member ”.
- (13) After that sub-paragraph insert—
- “(4) Where—
- (a) a member appointed under paragraph 4(4)(a) of Schedule 7 to the Energy Act 2013 to be a member of the Office for Nuclear Regulation (the “HSE member of the ONR”)—
 - (i) ceases to be the HSE member of the ONR otherwise than on the expiry of his or her term of office as HSE member of the ONR, but
 - (ii) does not cease to be a member of the Executive, and
 - (b) it appears to the Executive that there are special circumstances that make it right for that person to receive compensation,
- the Executive may pay the member such amount by way of compensation as the Secretary of State may determine.”

Commencement Information

II Sch. 12 para. 15(13) in force at 10.3.2014 by S.I. 2014/251, art. 3(f)(i)

VALID FROM 01/04/2014

PART 2

NUCLEAR SAFETY

Nuclear Installations Act 1965 (c. 57)

16 The Nuclear Installations Act 1965 is amended as follows.

17 For section 1 substitute—

“1 Restriction of certain nuclear installations to licensed sites

- (1) No person may use a site for the purpose of installing or operating—
- (a) any nuclear reactor (other than a nuclear reactor comprised in a means of transport, whether by land, water or air), or

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- (b) any other installation of a prescribed kind,
unless a licence to do so has been granted in respect of the site by the appropriate national authority and is in force.
- (2) Such a licence is referred to in this Act as a “nuclear site licence”.
- (3) The only kinds of installation that may be prescribed under subsection (1) (b) are installations (other than nuclear reactors) designed or adapted for—
- (a) producing or using atomic energy,
 - (b) any process which—
 - (i) is preparatory or ancillary to producing or using atomic energy, and
 - (ii) involves, or is capable of causing, the emission of ionising radiations, or
 - (c) storing, processing or disposing of—
 - (i) nuclear fuel, or
 - (ii) bulk quantities of other radioactive matter which has been produced or irradiated in the course of the production or use of nuclear fuel.
- (4) Regulations under subsection (1)(b) may make provision for exempting an installation from subsection (1).
- (5) Regulations made by virtue of subsection (4)—
- (a) may provide for any exemption to be conditional;
 - (b) may not result in an installation being exempt from subsection (1) unless the Secretary of State is satisfied that it is not a relevant installation (or, in the case of a conditional exemption, would not be a relevant installation if the prescribed conditions were satisfied).
- (6) Before exercising any function under subsection (1)(b), (4) or (5) in or as regards Scotland, the Secretary of State must consult the Scottish Ministers.
- (7) Any person who contravenes subsection (1) is guilty of an offence.
- (8) A person convicted of an offence under subsection (7) in England and Wales or Scotland is liable—
- (a) on conviction on indictment to imprisonment for a term not exceeding 2 years, or a fine, or both;
 - (b) on summary conviction to imprisonment for a term not exceeding 12 months, or a fine (in England and Wales) or a fine not exceeding £20,000 (in Scotland), or both.
- (9) A person convicted of an offence under subsection (7) in Northern Ireland is liable—
- (a) on conviction on indictment to imprisonment for a term not exceeding 5 years, or a fine, or both;
 - (b) on summary conviction to imprisonment for a term not exceeding 3 months, or a fine not exceeding the prescribed sum, or both.

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(10) In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (general limit on magistrates' court's power to imprison), the reference to 12 months in subsection (8)(b), as it has effect in England and Wales, is to be read as a reference to 6 months.

(11) Subsection (1) is subject to section 47 of the Energy Act 2008 (prohibition in England and Wales and Northern Ireland on use of site in absence of approved funded decommissioning programme)."

18 For section 3 substitute—

“3 Grant and variation of nuclear site licences

- (1) A nuclear site licence—
 - (a) may be granted only to a body corporate;
 - (b) is not transferable.
- (2) The appropriate national authority must consult the appropriate environment authority before granting a nuclear site licence.
- (3) Two or more installations in the vicinity of one another may, if the appropriate national authority consider appropriate, be treated for the purposes of the grant of a nuclear site licence as being on the same site.
- (4) Subject to subsection (8), where an application is made for a nuclear site licence, the appropriate national authority may direct the applicant to serve a notice on any public authority specified in the direction.
- (5) For this purpose “public authority” includes—
 - (a) in relation to a site in England or Wales, a water undertaker;
 - (b) in relation to a site in Scotland, Scottish Water;
 - (c) in relation to a site in Northern Ireland, a water undertaker (within the meaning of the Water and Sewerage Services) (Northern Ireland) Order 2006 (S.I. 2006/3336 (. 21)).
- (6) Such a notice must—
 - (a) state that the application has been made,
 - (b) give such particulars about the proposed use of the site under the licence as may be specified in the direction, and
 - (c) state that the body on whom it is served may make representations about the application to the appropriate national authority within three months of the date of service.
- (7) Where a direction has been given under subsection (4), the appropriate national authority may not grant the licence unless it is satisfied that—
 - (a) three months have passed since the service of the last of the notices required by the direction, and
 - (b) the authority has considered any representations made in accordance with any of those notices.
- (8) Subsection (4) does not apply in relation to an application in respect of a site for a generating station where—

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- (a) a consent under section 36 of the Electricity Act 1989 is required for the operation of the station (or would be required but for an order under the Planning Act 2008 granting development consent for the site), or
 - (b) a consent under Article 39 of the Electricity (Northern Ireland) Order 1992 is required for the operation of the station.
- (9) A nuclear site licence may include provision about when section 19(1) is to start to apply in relation to the licensed site.
- (10) But, if the licence relates to a site in England, Wales or Scotland, such a provision may be included only with the consent of the Secretary of State.
- (11) Where a nuclear site licence includes such a provision, section 19(1) does not apply in relation to the site until—
- (a) the time determined in accordance with the provision, or
 - (b) if earlier, the time when the site is first used for the operation of a nuclear installation after the grant of the licence.
- (12) The appropriate national authority may from time to time vary a nuclear site licence by excluding from it any part of the licensed site—
- (a) which the licensee no longer needs for any use requiring such a licence, and
 - (b) with respect to which the appropriate national authority is satisfied that there is no danger from ionising radiations from anything on that part of the site.
- (13) The appropriate national authority must consult the appropriate environment authority before varying a nuclear site licence if the variation relates to or affects the creation, accumulation or disposal of radioactive waste.
- (14) In subsection (13), “radioactive waste”—
- (a) in relation to a site in England or Wales, has the same meaning as in the Environmental Permitting (England and Wales) Regulations 2010 (S.I. 2010/675);
 - (b) in relation to a site in Scotland or Northern Ireland, has the same meaning as in the Radioactive Substances Act 1993.”

19 For section 4 substitute—

“4 Attachment of conditions to licences

- (1) The appropriate national authority—
- (a) must, when it grants a nuclear site licence, attach to it such conditions as the authority considers necessary or desirable in the interests of safety, and
 - (b) may attach such conditions to it at any other time.
- (2) For the purposes of subsection (1), “safety” in relation to a nuclear site includes—
- (a) safety in normal circumstances, and
 - (b) safety in the event of any accident or other emergency on the site.

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- (3) Conditions that may be attached to a licence by virtue of subsection (1) may in particular include provision—
- (a) for securing that an efficient system is maintained for detecting and recording the presence and intensity of any ionising radiations from time to time emitted from anything on the site or from anything discharged on or from the site;
 - (b) with respect to the design, siting, construction, installation, operation, modification and maintenance of any plant or other installation on, or to be installed on, the site;
 - (c) with respect to preparations for dealing with, and measures to be taken on the happening of, any accident or other emergency on the site;
 - (d) without prejudice to sections 13 and 16 of the Radioactive Substances Act 1993 or to the Environmental Permitting (England and Wales) Regulations 2010 (S.I. 2010/675), with respect to the discharge of any substance on or from the site.
- (4) The appropriate national authority may at any time attach to a nuclear site licence such conditions as the appropriate national authority may consider appropriate with respect to the handling, treatment and disposal of nuclear matter.
- (5) The appropriate national authority may at any time vary or revoke any condition for the time being attached to a nuclear site licence by virtue of this section.
- (6) The appropriate national authority must consult the appropriate environment authority before—
- (a) attaching any condition to a nuclear site licence, or
 - (b) varying or revoking any condition attached to a nuclear site licence,
- if the condition relates to or affects the creation, accumulation or disposal of radioactive waste.
- (7) In subsection (6) “radioactive waste”—
- (a) in relation to a site in England or Wales, has the same meaning as in the Environmental Permitting (England and Wales) Regulations 2010 (S.I. 2010/675);
 - (b) in relation to a site in Scotland or Northern Ireland, has the same meaning as in the Radioactive Substances Act 1993.
- (8) Any power under this section to attach, vary or revoke a condition is exercisable in writing.
- (9) The appropriate national authority must consider any representation which is—
- (a) made to it by an organisation representing persons who have duties on a site in respect of which a nuclear site licence is in force, and
 - (b) relates to the exercise by the authority of any of its powers under this section in relation to the site.

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- (10) Where a condition attached to a nuclear site licence by virtue of this section is contravened, each of the following is guilty of an offence—
- (a) the licensee, and
 - (b) any person having duties upon the site in question who committed the contravention.
- (11) A person convicted of an offence under subsection (10) in England and Wales or Scotland is liable—
- (a) on conviction on indictment to imprisonment for a term not exceeding 2 years, or a fine, or both;
 - (b) on summary conviction to imprisonment for a term not exceeding 12 months, or a fine (in England and Wales) or a fine not exceeding £20,000 (in Scotland), or both.
- (12) A person convicted of an offence under subsection (10) in Northern Ireland is liable—
- (a) on conviction on indictment to imprisonment for a term not exceeding 5 years, or a fine, or both;
 - (b) on summary conviction to imprisonment for a term not exceeding 3 months, or a fine not exceeding the prescribed sum, or both.
- (13) In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (general limit on magistrates' court's power to imprison) the reference to 12 months in subsection (11)(b), as it has effect in England and Wales, is to be read as a reference to 6 months.”

20 For section 5 substitute—

“5 Revocation and surrender of licences

- (1) A nuclear site licence may at any time be—
 - (a) revoked by the appropriate national authority, or
 - (b) surrendered by the licensee.
- (2) The appropriate national authority must consult the appropriate environment authority before revoking a nuclear site licence.
- (3) Subsections (4) to (6) apply where a nuclear site licence has been revoked or surrendered.
- (4) If the appropriate national authority requires it to do so, the licensee must deliver up or account for the licence to such person as the appropriate national authority may direct.
- (5) During the remainder of the period of the licensee's responsibility the appropriate national authority may give the licensee such directions as the authority may consider appropriate for preventing, or giving warning of, any risk of—
 - (a) injury to any person, or
 - (b) damage to any property,by ionising radiations from anything remaining on the site.

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- (6) A nuclear safety inspector may direct the licensee to ensure that, during the remainder of the period of responsibility, notices indicating the limits of the site are kept posted on the site in the positions specified in the direction.
- (7) For this purpose, “nuclear safety inspector” means an inspector appointed—
- (a) by the ONR under Schedule 8 to the Energy Act 2013, in the case of a site in England, Wales or Scotland, or
 - (b) under section 24, in the case of a site in Northern Ireland.
- (8) A licensee who contravenes any direction for the time being in force under subsection (5) or (6) is guilty of an offence.
- (9) A person who without reasonable cause pulls down, injures or defaces any notice posted under subsection (6) is guilty of an offence.
- (10) A person convicted of an offence under subsection (8) in England and Wales or Scotland is liable—
- (a) on conviction on indictment to imprisonment for a term not exceeding 2 years, or a fine, or both;
 - (b) on summary conviction to imprisonment for a term not exceeding 12 months, or a fine (in England and Wales) or a fine not exceeding £20,000 (in Scotland), or both.
- (11) A person convicted of an offence under subsection (8) in Northern Ireland is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding 12 months, or a fine, or both;
 - (b) on summary conviction, to imprisonment for a term not exceeding 3 months, or a fine not exceeding the prescribed sum, or both.
- (12) A person convicted of an offence under subsection (9) is liable on summary conviction—
- (a) in England and Wales or Scotland, to a fine not exceeding level 2 on the standard scale;
 - (b) in Northern Ireland, to a fine not exceeding level 1 on the standard scale.
- (13) In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (general limit on magistrates' court's power to imprison), the reference to 12 months in subsection (10)(b), as it has effect in England and Wales, is to be read as a reference to 6 months.
- (14) In this Act, “period of responsibility” in relation to the licensee under a nuclear site licence means, as respects the site in question or any part of it, the period—
- (a) beginning with the grant of the licence, and
 - (b) ending with whichever of the dates in subsection (15) is the earliest,

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except that it does not include any period during which section 19(1) does not apply in relation to the site.

(15) Those dates are—

- (a) the date when the appropriate national authority gives notice in writing to the licensee that in the authority's opinion there has ceased to be any danger from ionising radiations from anything on the site or, as the case may be, on the part of it in question;
- (b) the date when a new nuclear site licence in respect of a site comprising the site in question or, as the case may be, that part of it, is granted (whether to the same licensee or to some other person);
- (c) the date when the following conditions have both become satisfied—
 - (i) the site in question or, as the case may be, that part of it is used or occupied by or on behalf of the Crown, and
 - (ii) a nuclear site licence has ceased to be required in respect of that site or part.”

21 For section 6 substitute—

“6 Maintenance of list of licensed sites

- (1) The appropriate authority must maintain a list showing every site in respect of which a nuclear site licence has been granted.
- (2) The list—
 - (a) need not show any site or part of a site in the case of which—
 - (i) no nuclear site licence is for the time being in force; and
 - (ii) 30 years have passed since the end of the last licensee's period of responsibility;
 - (b) must include a map or maps showing the position and limits of each site shown in the list.
- (3) The authority must arrange for the list, or a copy of it, to be available for inspection by the public.
- (4) In this section “appropriate authority” means—
 - (a) in relation to England and Wales and Northern Ireland, the Secretary of State;
 - (b) in relation to Scotland, the Scottish Ministers.”

22 In section 19(1) (special cover for licensee's liability), for “section 3(5)” substitute “ section 3(11) ”.

23 For section 22 (reporting of and inquiries into dangerous occurrences) substitute—

“22 Reporting of and inquiries into dangerous occurrences

- (1) The provisions of this section apply where any prescribed occurrence happens—
 - (a) on a licensed site, or

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- (b) in the course of the carriage of nuclear matter on behalf of any person where a duty with respect to that carriage is imposed on that person by section 7, 10 or 11 of this Act.
- (2) The licensee or other person mentioned in subsection (1) must ensure that the occurrence is reported without delay in the prescribed manner—
 - (a) to the appropriate national authority, and
 - (b) to such other persons, if any, as may be prescribed in relation to occurrences of that kind.
- (3) A person who is required by virtue of subsection (2) to report an occurrence and who fails to do so is guilty of an offence.
- (4) A person convicted of an offence under subsection (3) in England and Wales or Scotland is liable—
 - (a) on conviction on indictment to imprisonment for a term not exceeding 2 years, or a fine, or both;
 - (b) on summary conviction to imprisonment for a term not exceeding 12 months, or a fine (in England and Wales) or a fine not exceeding £20,000 (in Scotland), or both.
- (5) A person convicted of an offence under subsection (3) in Northern Ireland is liable on summary conviction to imprisonment for a term not exceeding 3 months, or a fine not exceeding level 3 on the standard scale, or both.
- (6) In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (general limit on magistrates' court's power to imprison), the reference to 12 months in subsection (4)(b), as it has effect in England and Wales, is to be read as a reference to 6 months.
- (7) Before exercising any function under subsection (1) or (2) in or as regards Scotland, the Secretary of State must consult the Scottish Ministers.
- (8) Subsections (9) to (11) have effect only in relation to a prescribed occurrence which happens in Northern Ireland.
- (9) The Secretary of State—
 - (a) may direct an inspector to make a special report with respect to the occurrence, and
 - (b) may cause any such report, or so much of it as it is not in the Secretary of State's opinion inconsistent with the interests of national security to disclose, to be made public at such time and in such manner as the Secretary of State considers appropriate.
- (10) The Secretary of State may direct an inquiry to be held into the occurrence and its causes, circumstances and effects.
- (11) Any such inquiry must be held—
 - (a) in accordance with the provisions of Schedule 2 to this Act, and
 - (b) in public, except where or to the extent that it appears to the Secretary of State expedient in the interests of national security to direct otherwise.”

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- 24 In section 24 (inspectors), for “provisions which are mentioned in Schedule 1 to the Health and Safety at Work etc. Act 1974” substitute “ sections 1, 3 to 6, 22 and 24A of this Act ”.
- 25 (1) Section 24A (recovery of expenses by Health and Safety Executive) is amended as follows.
- (2) In subsection (1)—
- (a) for “Health and Safety Executive (“the Executive”) which the Executive may” substitute “ ONR which the ONR may ”;
- (b) in paragraph (a) for “such of the provisions of this Act as are mentioned in Schedule 1 to the Health and Safety at Work etc Act 1974” substitute “ sections 1, 3 to 6 and 22, and this section of this Act ”.
- (3) In subsection (2)—
- (a) for “Executive” substitute “ ONR ”;
- (b) for “the Health and Safety at Work etc. Act 1974” substitute “ Schedule 8 to the Energy Act 2013 ”.
- (4) In subsections (3), (4) and (6) to (8) for “Executive”, in each place where it appears, substitute “ ONR ”.
- (5) In the heading, for “Health and Safety Executive” substitute “ ONR ”.
- 26 (1) Section 26 (interpretation) is amended as follows.
- (2) For the definition of “the appropriate Agency” substitute—
- ““the appropriate environment authority” means—
- (a) in the case of a site in England, the Environment Agency;
- (b) in the case of a site in Scotland, the Scottish Environment Protection Agency;
- (c) in the case of a site in Northern Ireland, the Department of Environment in Northern Ireland;
- (d) in the case of a site in Wales, the Natural Resources Body for Wales;
- “the appropriate national authority” means—
- (a) in relation to England and Wales and Scotland, the ONR;
- (b) in relation to Northern Ireland, the Secretary of State;”.
- (3) Omit the definition of “inspector”.
- (4) In the definition of “nuclear site licence” for “section 1(1)” substitute “ section 1(2) ”.
- (5) After the definition of “occurrence” insert—
- ““ONR” means the Office for Nuclear Regulation;”.
- (6) In the definition of “period of responsibility” for “section 5(3)” substitute “ section 5(14) ”.
- 27 In section 27 (Northern Ireland) omit paragraphs (b) and (c) of subsection (1).

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- 28 In Schedule 1 (security provisions applicable by order under section 2), in paragraph 3(2)(cc), for “section 19 of the Health and Safety at Work etc. Act 1974” substitute “ Schedule 8 to the Energy Act 2013 ”.
- 29 (1) Schedule 2 is amended as follows.
- (2) In paragraph 1 for “section 22(5)” substitute “ section 22(10) ”.
- (3) In paragraphs 1, 2, 5 and 6, for “the Minister” in each place where it appears substitute “ the Secretary of State ”.
- (4) In paragraph 7—
- (a) for “or, in Scotland, the Court of Session, and the High Court or Court of Session” substitute “ and the High Court ”;
- (b) omit “or, as the case may be, the Court of Session”.
- (5) Omit paragraph 8.
- (6) For the title substitute “ Inquiries under section 22(10) relating to occurrences in Northern Ireland ”.

Consequential repeals and revocations

- 30 In consequence of the amendments made by paragraphs 16 to 29, the provisions listed in the following Table are repealed or revoked to the extent specified—

<i>Title</i>	<i>Extent of repeal or revocation</i>
Electricity Act 1989 (c. 29)	In Schedule 16, paragraph 11.
Water Act 1989 (c. 15)	In Schedule 25, paragraph 33.
Radioactive Substances Act 1993 (c. 12)	In Schedule 4, paragraph 2.
Environment Act 1995 (c. 25)	In Schedule 22, paragraphs 7 to 9.
Energy Act 2004 (c. 20)	Section 78(1).
Energy Act 2008 (c. 32)	Section 65. In section 112(3), the words “(other than section 65)”.
Marine and Coastal Access Act 2009 (c. 23)	In Schedule 14, paragraph 6.
The Nuclear Installations Act 1965 etc. (Repeals and Modifications) Regulations 1974 (S.I. 1974/2056)	Schedule 1, except for the entry relating to section 25 of the Nuclear Installations Act 1965. In Schedule 2, paragraphs 1, 2, 3 and 6.
The Nuclear Installations Act 1965 (Repeal and Modifications) Regulations 1990 (S.I. 1990/1918)	In the Schedule, paragraph 1.

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The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (S.I. 1999/1750)	In Schedule 1, in the entry for the Nuclear Installations Act 1965, in column 1, in paragraph (b), the words “6 and”.
	In Schedule 3, in the entry for the Nuclear Installations Act 1965, in column 1, the words— (a) “1(1)(b) and (2)”; (b) “and 22(1) and (2),”.
The Water Industry (Scotland) Act 2002 (Consequential Modifications) Order 2004 (S.I. 2004/1822 (S. 3))	In the Schedule, paragraph 5.
The Environmental Permitting (England and Wales) Regulations 2010 (S.I. 2010/675)	In Part 1 of Schedule 26, paragraph 2.
The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755 (W. 90))	In Part 1 of Schedule 2, paragraph 41.

VALID FROM 01/04/2014

PART 3

NUCLEAR SECURITY

Anti-terrorism, Crime and Security Act 2001 (c. 24)

- 31 The Anti-terrorism, Crime and Security Act 2001 is amended as follows.
- 32 (1) Section 77 (regulation of security of civil nuclear industry) is amended as follows.
- (2) In subsection (3)(a)(ii), for the words following “term” substitute “ not exceeding 12 months (in England and Wales or Scotland) or 6 months (in Northern Ireland), or a fine (in England and Wales) or a fine not exceeding £20,000 (in Scotland and Northern Ireland), or both ”.
- (3) After that subsection insert—
- “(3A) In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (general limit on magistrates' court's power to imprison), the reference to 12 months in subsection (3)(a)(ii), as it has effect in England and Wales, is to be read as a reference to 6 months.”
- (4) In subsection (5)(a), for “the Health and Safety Executive” substitute “ the Office for Nuclear Regulation ”.
- 33 (1) Section 80 (prohibition of disclosures of uranium enrichment technology), is amended as follows.

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(2) In subsection (4)(b), after “the Secretary of State” insert “ or the Office for Nuclear Regulation ”.

(3) After subsection (7) insert—

“(7A) The Secretary of State must consult the Office for Nuclear Regulation before laying a draft of the regulations, unless they give effect, without modification, to any proposals for them submitted by the Office for Nuclear Regulation under section 81(1)(a)(v) of the Energy Act 2013.”

VALID FROM 01/04/2014

PART 4

NUCLEAR SAFEGUARDS

Atomic Energy Act 1946 (c. 80)

34 The Atomic Energy Act 1946 is amended as follows.

35 (1) Section 4 (power to obtain information of materials, plants and processes) is amended as follows.

(2) In subsection (1), at the beginning insert “ Subject to subsection (1A) ”.

(3) After subsection (1) insert—

“(1A) No notice may be served under subsection (1) which imposes a requirement which could be imposed—

(a) by a notice served by the Office for Nuclear Regulation under section 97 of the Energy Act 2013 (power of ONR to obtain information), or

(b) by an authorised inspector under paragraph 15 of Schedule 8 to that Act (power of inspectors to require information and documents).”.

36 (1) Section 5 (power of entry and inspection) is amended as follows.

(2) In subsection (1), at the beginning insert “ Subject to subsection (1A) ”.

(3) After subsection (1) insert—

“(1A) No authorisation to enter or inspect any premises may be given by the Minister to any person under subsection (1) if such authorisation could be given by the Office for Nuclear Regulation to an inspector under Part 1 of Schedule 8 to the Energy Act 2013 (appointment and powers of inspectors).”.

37 In section 11 (restriction on disclosure of information relating to plant), after subsection (2) insert—

“(2A) The communication of information is not an offence under this section if it is—

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	<p>(a) communication to the Office for Nuclear Regulation of information required under section 97 of the Energy Act 2013 (power of ONR to obtain information), or any subsequent communication of that information by the Office for Nuclear Regulation, or</p> <p>(b) communication to an authorised inspector of information required by the inspector under paragraph 15 of Schedule 8 to that Act (power of inspectors to require information and documents), or any subsequent communication of that information by an inspector.”.</p>
38	<p>In section 18 (definitions), in subsection (1), after the definition of “atomic energy” insert—</p> <p>““inspector” means an inspector appointed under Schedule 8 to the Energy Act 2013; and “authorised”, in relation to such an inspector, is to be construed in accordance with paragraph 2(4) of that Schedule;”.</p> <p><i>Nuclear Safeguards and Electricity (Finance) Act 1978 (c. 25)</i></p>
39	<p>The Nuclear Safeguards and Electricity (Finance) Act 1978 is amended as follows.</p>
40	<p>In section 2 (rights of International Atomic Energy Agency inspectors), in subsection (8) for “Secretary of State” substitute “ Office for Nuclear Regulation ”.</p>
41	<p>In section 3 (regulations for giving effect to certain provisions of Safeguards Agreement) —</p> <p>(a) after subsection (1) insert—</p> <p>“(1A) Regulations under this section may in particular modify functions of, or confer functions on, the Office for Nuclear Regulation.”;</p> <p>(b) after subsection (2) insert—</p> <p>“(2A) The Secretary of State must consult the Office for Nuclear Regulation before making regulations under this section unless the regulations give effect, without modification, to any proposals for them submitted by the Office for Nuclear Regulation under section 81(1)(a)(v) of the Energy Act 2013.”</p> <p><i>Nuclear Safeguards Act 2000 (c. 5)</i></p>
42	<p>The Nuclear Safeguards Act 2000 is amended as follows.</p>
43	<p>(1) Section 1(1) (interpretation) is amended as follows.</p> <p>(2) In the definition of “Additional Protocol information” after “Secretary of State” insert “ or the Office for Nuclear Regulation ”.</p> <p>(3) In the definition of “authorised officer” for “Secretary of State” substitute “ Office for Nuclear Regulation ”.</p>
44	<p>(1) Section 2 (information and records for purposes of the Additional Protocol) is amended as follows.</p>

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- (2) In subsection (1), for “Secretary of State” substitute “ Office for Nuclear Regulation ”.
- (3) In subsection (2), for “Secretary of State”, in both places where it appears, substitute “ Office for Nuclear Regulation ”.
- (4) In subsection (3)(a) for “Secretary of State” substitute “ Office for Nuclear Regulation ”.
- 45 (1) Section 3 (identifying persons who have information) is amended as follows.
- (2) In subsection (1), for “him” substitute “ the Office for Nuclear Regulation ”.
- (3) In subsection (2)(b), for “Secretary of State” substitute “ Office for Nuclear Regulation ”.
- (4) In subsection (3)(a), for “Secretary of State” substitute “ Office for Nuclear Regulation ”.
- (5) After subsection (3) insert—
- “(3A) The Secretary of State must consult the Office for Nuclear Regulation before making regulations under this section unless the regulations give effect, without modification, to any proposals for them submitted by the Office for Nuclear Regulation under section 81(1)(a)(v) of the Energy Act 2013.”
- (6) In subsection (5), for “Secretary of State” substitute “ Office for Nuclear Regulation ”.
- 46 (1) Section 4 (powers of entry in relation to Additional Protocol information) is repealed.
- (2) Sub-paragraph (1) does not affect the power in section 12(4) of the Nuclear Safeguards Act 2000 to extend section 4 of that Act outside the United Kingdom.
- 47 (1) Section 5 (rights of access etc. for Agency inspectors) is amended as follows.
- (2) After subsection (3) insert—
- “(3A) The Secretary of State must consult the Office for Nuclear Regulation before making an order under subsection (3) unless the order gives effect, without modification, to any proposals for such an order submitted by the Office for Nuclear Regulation under section 81(1)(a)(v) of the Energy Act 2013.”
- (3) In subsection (6) for “Secretary of State” substitute “ Office for Nuclear Regulation ”.
- 48 In section 6 (restriction on disclosure), after subsection (3) insert—
- “(3A) It is not an offence under this section to disclose information held by the Office for Nuclear Regulation if the disclosure is not in contravention of Part 3 of the Energy Act 2013.”
- 49 In section 7 (giving false or misleading information), in paragraphs (a) and (b) for “Secretary of State” substitute “ Office for Nuclear Regulation ”.

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PART 5

OTHER ENACTMENTS

VALID FROM 01/04/2014

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.”

VALID FROM 01/04/2014

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”)—
- (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,

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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. ”

Commencement Information

I2 Sch. 12 para. 54 in force at 10.3.2014 by S.I. 2014/251, art. 3(f)(ii)

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). ”

Commencement Information

I3 Sch. 12 para. 55 in force at 10.3.2014 by S.I. 2014/251, art. 3(f)(ii)

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). ”

Commencement Information

I4 Sch. 12 para. 56 in force at 10.3.2014 by S.I. 2014/251, art. 3(f)(ii)

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VALID FROM 01/04/2014

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).

VALID FROM 01/04/2014

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

VALID FROM 01/04/2014

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;”.

VALID FROM 01/04/2014

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.”

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- (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 ”.

VALID FROM 01/04/2014

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) ”.

VALID FROM 01/04/2014

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;”.

VALID FROM 01/04/2014

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;”.

VALID FROM 01/04/2014

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 ”.

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- 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 ”.

VALID FROM 01/04/2014

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;”.

VALID FROM 01/04/2014

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;”.

VALID FROM 01/04/2014

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—

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- (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.”

Commencement Information

I5 Sch. 12 para. 72 in force at 10.3.2014 by S.I. 2014/251, art. 3(f)(iii)

VALID FROM 01/04/2014

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;”.

PROSPECTIVE

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.”

Commencement Information

I6 Sch. 12 para. 75 in force at 10.3.2014 by S.I. 2014/251, art. 3(f)(iv)

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VALID FROM 01/04/2014

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;”.

VALID FROM 01/04/2014

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

VALID FROM 01/04/2014

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.”

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VALID FROM 01/04/2014

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).”

VALID FROM 01/04/2014

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—
- “(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.”

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- (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) ”.

VALID FROM 01/04/2014

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.

88 (1) Article 25 (enforcing authorities) is amended as follows.

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- (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 ”.

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Commencement Information

I7 Sch. 12 para. 90 in force at 10.3.2014 by S.I. 2014/251, art. 3(f)(v)

VALID FROM 01/04/2014

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.”.

VALID FROM 01/04/2014

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.

VALID FROM 01/04/2014

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) ”.

VALID FROM 01/04/2014

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

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sections 2 to 6 of the Radioactive Material (Road Transport) Act 1991 is repealed.

VALID FROM 01/04/2014

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 ”.
- 100 In section 63 (co-operation with other public bodies), in subsection (2), for paragraph (a) substitute—
“(a) the Office for Nuclear Regulation;”.

VALID FROM 01/04/2014

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.),”.

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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.”.

Commencement Information

18 Sch. 12 para. 102 in force at 10.3.2014 by S.I. 2014/251, art. 3(f)(vi)

VALID FROM 01/04/2014

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.”.

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