

Status: Point in time view as at 05/09/2014. This version of this schedule contains provisions that are prospective.

Changes to legislation: Defence Reform Act 2014, SCHEDULE 1 is up to date with all changes known to be in force on or before 09 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

PROSPECTIVE

SCHEDULE 1

Section 4

EXEMPTIONS RELATING TO PREMISES USED BY A CONTRACTOR

Introduction

1 In this Schedule—

“relevant premises” means any premises used by a contractor for the purposes of, or for purposes which include, providing defence procurement services to the Secretary of State by virtue of arrangements mentioned in section 1;

“designated premises” means relevant premises which are for the time being designated for the purposes of a provision of this Schedule by order made by the Secretary of State.

Landlord and Tenant Act 1954 (c. 56)

2 Part 2 of the Landlord and Tenant Act 1954 (security of tenure for business and other tenants) does not apply to—

- (a) any tenancy granted by the Secretary of State to a contractor in respect of any land in relevant premises, or
- (b) any sub-tenancy of the whole or part of the land comprised in such a tenancy or in a sub-tenancy to which this sub-paragraph applies.

Nuclear Installations Act 1965 (c. 57)

3 (1) For the purposes of sections 1 and 2 of the Nuclear Installations Act 1965 (restriction of certain installations to licensed sites and prohibition of certain operations), any site in designated premises is to be treated as a site used by a government department.

(2) Sub-paragraph (3) applies if a contractor uses any site in designated premises for a purpose which, if section 1 of that Act applied to the contractor in relation to the site, would require the authority of a nuclear site licence.

(3) The provisions of that Act other than sections 1 to 6 and 22 have effect as if—

- (a) the contractor were the licensee under a nuclear site licence in respect of the site, and
- (b) any reference to the period of the licensee's responsibility were a reference to any period during which the contractor occupies the site.

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

- 4 (1) The Secretary of State may by order exempt a contractor, in relation to relevant premises or activities carried on by a contractor at relevant premises, from any of the following—
- (a) sections 21 to 25 of the Health and Safety at Work etc Act 1974;
 - (b) any other provision of Part 1 of that Act;
 - (c) any provision of regulations made under that Part.
- (2) But an exemption may be conferred by virtue of sub-paragraph (1)(b) or (c) only if, and to the extent that, it appears to the Secretary of State necessary or expedient to do so in the interests of the safety of the State.
- (3) An exemption conferred by virtue of sub-paragraph (1)—
- (a) may have effect generally or only in particular respects;
 - (b) may be expressed as having effect in relation to premises for the time being specified in the order.

Radioactive Substances Act 1993 (c. 12)

- 5 The Radioactive Substances Act 1993 has effect, in relation to designated premises and a contractor, as if the designated premises were occupied by the contractor on behalf of the Crown for the purposes of the department of the Secretary of State having responsibility for defence.

[^{F1}Environmental Permitting (England and Wales) Regulations 2016]

Textual Amendments

- F1** Sch. 1 para. 6 cross-heading substituted (E.W.) (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 29 Pt. 1 para. 20(a)** (with regs. 1(3), 77-79, Sch. 4)

- 6 [^{F2}The Environmental Permitting (England and Wales) Regulations 2016 ([S.I. 2016/1154](#))] have effect, in relation to designated premises and a contractor, as if the designated premises were used or occupied by the contractor on behalf of the Crown for the purposes of the department of the Secretary of State having responsibility for defence.

Textual Amendments

- F2** Words in Sch. 1 para. 6 substituted (E.W.) (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 29 Pt. 1 para. 20(b)** (with regs. 1(3), 77-79, Sch. 4)

Power to create other exemptions

- 7 (1) The Secretary of State may by order provide for exemptions for a contractor, in relation to relevant premises or activities carried on by a contractor at relevant premises, from any provision of subordinate legislation.

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- (2) An order under this paragraph may confer an exemption only if the exemption corresponds or is similar to an exemption for, or immunity of, the Crown.
- (3) An exemption conferred by virtue of sub-paragraph (1)—
 - (a) may have effect generally or only in particular respects;
 - (b) may be expressed as having effect in relation to premises for the time being specified in the order.
- (4) In this paragraph “subordinate legislation” has the same meaning as in the Interpretation Act 1978 (see section 21(1) of that Act).

Orders under this Schedule

- 8
- (1) Orders under this Schedule are to be made by statutory instrument.
 - (2) A statutory instrument containing an order under this Schedule is subject to annulment in pursuance of a resolution of either House of Parliament.

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