

STATUTORY INSTRUMENTS

1998 No. 494

The Health and Safety (Enforcing Authority) Regulations 1998

[^{F1}The Office for Nuclear Regulation

- 4A.**—(1) The ONR shall be the enforcing authority for premises which are or are on—
- (a) an authorised defence site; or
 - (b) a new nuclear build site.
- (2) The ONR shall also be the enforcing authority for—
- [^{F2}(a) the provisions of the Ionising Radiations Regulations 2017 in so far as they apply—
- (i) in relation to the civil transport of radioactive material by road, railway or inland waterway; and
 - (ii) to premises which are or are on a nuclear warship site;
- (aa) the provisions of the [^{F3}Radiation (Emergency Preparedness and Public Information) Regulations 2019] in so far as they apply to premises which are or are on a nuclear warship site;]
- (b) subsections (1), (2), (4) and (5) of section 6 of the 1974 Act (general duties of manufacturers etc. as regards articles and substances for use at work) but only in so far as those requirements relate to—
- (i) articles for use at work which are designed, manufactured, imported or supplied; or
 - (ii) substances which are manufactured, imported or supplied,
- to be used exclusively or primarily in the installation, operation or decommissioning of a GB nuclear site or an authorised defence site;
- (c) subsection (3) of section 6 of the 1974 Act in so far as the requirements of that provision relate to the erection or installation of any article for use at work in any premises which are or are on an authorised defence site or a new nuclear build site.
- [^{F4}(3) For the purposes of—
- (a) paragraph (2)(a)—
 - (i) “civil transport” means transport otherwise than for the purposes of the department of the Secretary of State with responsibility for defence;
 - (ii) “radioactive material” has the same meaning as given in regulation 2(1) of the Ionising Radiations Regulations 2017 [S.I. 2017/1075];
 - (iii) the transport of material begins with any preparatory process (such as packaging) and continues until the material has been unloaded at its destination;
 - (b) paragraphs (2)(a) and (aa) “premises” includes a nuclear powered warship during any period it is berthed or anchored at a nuclear warship site.]
- (4) The preceding provisions of this regulation have effect subject to—
- (a) regulation 6A; and

- (b) any provisions made for enforcement responsibility by other regulations made under the 1974 Act or any of the existing statutory provisions.]

Textual Amendments

- F1** Reg. 4A 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. 3 para. 76** (with Sch. 4)
- F2** Reg. 4A(2)(a)(aa) substituted for reg. 4A(2)(a) (1.1.2018) by The Ionising Radiations Regulations 2017 (S.I. 2017/1075), reg. 1(2), **Sch. 9 para. 4(3)(a)** (with regs. 2(5), 3, Sch. 8)
- F3** Words in reg. 4A(2)(aa) substituted (22.5.2019) by The Radiation (Emergency Preparedness and Public Information) Regulations 2019 (S.I. 2019/703), reg. 1(1), **Sch. 10 para. 3** (with reg. 3)
- F4** Reg. 4A(3) substituted (1.1.2018) by The Ionising Radiations Regulations 2017 (S.I. 2017/1075), reg. 1(2), **Sch. 9 para. 4(3)(b)** (with regs. 2(5), 3, Sch. 8)

Changes to legislation:

There are currently no known outstanding effects for the The Health and Safety (Enforcing Authority) Regulations 1998, Section 4A.