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STATUTORY INSTRUMENTS

1974 No. 2056

HEALTH AND SAFETY ATOMIC ENERGY AND RADIOACTIVE SUBSTANCES

The Nuclear Installations Act 1965 Etc. (Repeals and Modifications) Regulations 1974

Made - - - -	*9th December 1974*
Laid before Parliament	*11th December 1974*
Coming into Operation	*1st January 1975*

The Secretary of State for Energy (in relation to England and Wales) and the Secretary of State for Scotland (in relation to Scotland), in exercise of the powers conferred on them by sections 15(1) and (3)(a), 80(1), and 82(3)(a) of the Health and Safety at Work etc. Act 1974 ("the 1974 Act") and of all other powers enabling them in that behalf, and after consultation with the Health and Safety Commission and such other bodies as appeared to them to be appropriate, hereby make the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Nuclear Installations Act 1965 etc. (Repeals and Modifications) Regulations 1974 and shall come into operation on 1st January 1975.

(2) The Interpretation Act 1889 shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(3) In these Regulations, "a relevant provision of the 1965 Act" meansany provision of the Nuclear Installations Act 1965 ("the 1965 Act") mentioned in Schedule 1 to the 1974 Act as a relevant statutory provision.

Repeals and Modifications

2.—(1) In the 1965 Act—

(a) the provisions mentioned in column 1 of Schedule 1 to these Regulations are hereby repealed to the extent specified in column 2 of that Schedule; and

(b) the provisions mentioned in Schedule 2 to these Regulations shall have effect subject to the modifications specified in that Schedule.

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(2) The Nuclear Installations (Dangerous Occurrences) Regulations 1965(**1**) ("the Dangerous Occurrences Regulations") shall have effect as if in Regulation 4(1) the references to the Minister were references to the Health and Safety Executive.

Supplemental

3.—(1) These Regulations shall not affect the validity of anything done under or by virtue of the 1965 Act or the Dangerous Occurrences Regulations before the coming into operation of these Regulations; and anything which at the coming into operation of these Regulations is in the process of being done for the purposes of a relevant provision of the 1965 Act (other than subsections (6) and (7) of section 24 of that Act as originally enacted) or of the Dangerous Occurrences Regulations—

(a) by or in relation to an inspector appointed under that Act; or

(b) by or in relation to the Secretary of State,

may, so far as may be necessary for the purpose of or in consequence of these Regulations, be continued by or in relation to the Health and Safety Executive.

(2) Any document relating to the functions under a relevant provision of the 1965 Act of an inspector appointed under that Act or of the Secretary of State shall be construed, so far as may be necessary for the purpose of or in consequence of the provisions of these Regulations, as if any reference to such an inspector were a reference to an inspector appointed by the Health and Safety Executive under section 19 of the 1974 Act and as if any reference to the Secretary of State were a reference to the Health and Safety Executive.

(3) Licences, directions, consents, approvals, notices, certificates, determinations and other instruments granted, given or issued for the purposes of or under a relevant provision of the 1965 Act or for the purposes of or under a nuclear site licence issued under that Act and which are in force at the coming into operation of these Regulations shall continue in effect as if granted, given or issued in accordance with that Act as modified by these Regulations or under a licence granted under that Act as so modified.

(4) Where any of the provisions repealed or modified by these Regulations prescribes a penalty for an offence of any kind, that penalty shall, notwithstanding these Regulations, continue to apply to offences of that kind committed before 1st January 1975.

Northern Ireland

4. These Regulations shall not extend to Northern Ireland.

Eric Varley
9th December 1974 Secretary of State for Energy

William Ross
9th December 1974 Secretary of State for Scotland

(**1**) (1965 III, p.5499).

SCHEDULE 1

Regulation 2(1)(a)

Repeals—Nuclear Installations Act 1965

Provision	Extent of Repeal
Section 1	In subsection (3), the words from "and be liable" to the end of the subsection.
Section 4	In subsection (6), the words from "and be liable" where they first appear to the words "not exceeding five years, or to both".
Section 5	In subsection (4), the words from "and be liable" where they first appear to the words "not exceeding one year, or to both" and subsection (5).
Section 6	In subsection (1), the words "by him".
Section 22	In subsection (2), the words from "and be liable" to the end of the subsection; and subsections (3), (4), (5) and (6).
Section 25	In subsection (2), the references to sections 1(3), 4(6), and 5(4).
Schedule 2	The whole Schedule.

SCHEDULE 2

Regulation 2(1)(b)

Modifications—Nuclear Installations Act 1965

1. Sections 1(1), 3(2), (3) and (6), 4, 5 and 22(2) shall have effect as if the references therein to the Minister were references to the Health and Safety Executive.

2. In section 3(5) there shall be added at the end the words "provided that no such provision shall be so included without the consent of the Secretary of State".

3. In section 4(6) and 5(4) for the words "five pounds" there shall be substituted "£25".

4. There shall be substituted for section 24 the following section:—

"**24.**—(1) The Secretary of State may appoint as inspectors for the purpose of assisting him in the execution of the provisions of this Act, other than provisions which are mentioned in Schedule 1 to the Health and Safety at Work etc. Act 1974, such number of persons appearing to him to be qualified for the purpose as he may from time to time consider necessary or expedient, and may make to or in respect of any person so appointed such payments by way of remuneration, allowances or other payments as the Secretary of State may with the approval of the Minister for the Civil Service determine.

(2) Any such inspector may for that purpose exercise such of the powers set out in section 20(2) of the Health and Safety at Work etc. Act 1974 as are specified in his instrument of appointment and the provisions of sections 28 (restrictions on disclosure of information), 33 (offences) and 39 (prosecutions by inspectors) of that Act shall apply in the case of inspectors so appointed as they apply in the case of inspectors appointed under section 19 of that Act.

(3) In such cases and to such extent as it may appear to the Secretary of State, with the agreement of the Treasury, to be appropriate so to do, the Secretary of State shall require a licensee to repay to the Secretary of State such part as may appear to the Secretary of State to be attributable to the nuclear installations in respect of which nuclear site licences have been granted to that licensee of—

(a) any sum paid at any time by the Secretary of State or the Health and Safety Executive by way of remuneration, allowances or other payments to inspectors, whether appointed under this Act or under the Health and Safety at Work etc. Act 1974, in respect of the enforcement and execution of this Act; and

(b) any expenses, whenever incurred, being—

(i) expenses incurred by the Secretary of State; or

(ii) expenses incurred by the Health and Safety Commission or Executive; or

(iii) expenses incurred by any government department; or

(iv) such sums as the Treasury may determine in respect of the use of any premises belonging to the Crown,

which the Secretary of State may, with the consent of the Treasury, determine to be incurred in connection with the enforcement or execution of this Act,

and the licensee shall comply with such requirement; and any sums so repaid to the Secretary of State shall be paid into the Consolidated Fund, except that in so far as sums so repaid relate to sums paid or expenses incurred by the Health and Safety Commission or Executive, they shall be paid to that Executive.

(4) Any liability of a licensee in respect of sums payable by him under subsection (3) of this section on account of pensions shall, if the Secretary of State so determines, be satisfied by way of contributions calculated, at such rate as may be determined by the Minister for the Civil Service, by reference to remuneration.”.

5. In section 25—

(a) In subsection (1), for the words “any of the provisions” there shall be substituted the words “section 2(2) or 19(5)”;

(b) In subsection (3), there shall be inserted after the words “offence under” the words “section 2(2) or 19(5) of”.

6. In section 26(1), for the definition of “inspector” there shall be substituted the following definition—

“`inspector' in sections 4(5) and 5(2) of this Act meansan inspector appointed by the Health and Safety Executive under section 19 of the Health and Safety at Work etc. Act 1974;”.

7. In Schedule 1, after paragraph 3(2)(c), there shall be inserted—

“(cc) an inspector appointed under section 19 of the Health and Safety at Work etc. Act 1974 and specially authorised in that behalf by or on behalf of a Minister of the Crown, or”.

EXPLANATORY NOTE

These Regulations contain repeals and modifications of provisions of the Nuclear Installations Act 1965 and a modification of the Nuclear Installations (Dangerous Occurrences) Regulations 1965. They are made in consequence of the establishment on 1st January 1975 of the Health and Safety Executive and the coming into operation on that date of provisions of the Health and Safety at Work etc. Act 1974 which supersede or affect provisions of the 1965 Act and the 1965 Regulations.

In particular:—

(*a*)they transfer functions under the 1965 Act connected with the licensing of nuclear sites from the Secretary of State to the Health and Safety Executive;

(*b*)they transfer functions relating to the execution of certain provisions of the 1965 Act from inspectors appointed under that Act to inspectors appointed by the Health and Safety Executive, and modify the powers of inspectors appointed under the 1965 Act to assist the Secretary of State in the execution of the remaining provisions of that Act;

(*c*)they substitute the Health and Safety Executive as an authority to which reports of dangerous occurrences must be made, and repeal the Secretary of State's powers to direct special reports and inquiries into such occurrences, which are superseded by the power of the Health and Safety Commission to direct investigations and inquiries under Section 14 of the 1974 Act;

(*d*)they increase the penalties for certain offences under the 1965 Act committed on or after 1st January 1975 and apply penalties prescribed by the 1974 Act to certain other such offences;

(*e*)they make consequential modifications in the power of the Secretary of State to recover certain expenses from the holders of nuclear site licences.