

2020 No. 330

EXITING THE EUROPEAN UNION

HEALTH AND SAFETY

**The Health and Safety (Amendments and Revocation) (EU Exit)
Regulations (Northern Ireland) 2020**

Made - - - - *16th December 2020*

Coming into operation in accordance with regulation 1

The Department for the Economy, being a devolved authority^(a), makes the following Regulations in exercise of the powers conferred by sections 11 and 22 of, and paragraph 1(1) and (3) of Schedule 2 to, and paragraph 21 of Part 3 of Schedule 7 to, the European Union (Withdrawal) Act 2018^(b).

Citation, commencement, application and extent

1.—(1) These Regulations may be cited as the Health and Safety (Amendments and Revocation) (EU Exit) Regulations (Northern Ireland) 2020.

(2) Except as provided for in paragraph (3), these Regulations come into operation on IP completion day.

(3) Regulation 13 comes into operation immediately before IP completion day.

(4) Any amendment made by these Regulations has the same application and extent as the provision amended.

Amendment of the Offshore Installations and Pipeline Works (Management and Administration) Regulations (Northern Ireland) 1995

2.—(1) The Offshore Installations and Pipeline Works (Management and Administration) Regulations (Northern Ireland) 1995^(c) are amended as follows.

(2) In regulation 20 (Certificates of exemption), in paragraph (1)—

(a) after “Community obligation” insert “(as it had effect immediately before IP completion day)”;

(b) after “Directive 2004/35/EC” insert “(as it had effect immediately before IP completion day)”.

(a) See Section 20(1) of 2018 c. 16

(b) 2018 c. 16, as amended by 2020 c. 1

(c) S.R. 1995 No. 340 as amended by S.R. 1996 No. 228, S.R. 1999 No. 150, S.R. 2007 No. 165, S.R. 2007 No. 247, S.R. 2016 No. 406 and revoked in part by S.R. 2016 No. 406

Amendment of the Offshore Installations (Prevention of Fire and Explosion, and Emergency Response) Regulations (Northern Ireland) 1995

3.—(1) The Offshore Installations (Prevention of Fire and Explosion, and Emergency Response) Regulations (Northern Ireland) 1995(a) are amended as follows.

(2) In regulation 22 (Certificates of exemption), in paragraph (1)—

- (a) after “Community obligation” insert “(as it had effect immediately before IP completion day)”;
- (b) after “Directive 2004/35/EC” insert “(as it had effect immediately before IP completion day)”.

Amendment of the Borehole Sites and Operations Regulations (Northern Ireland) 1995

4.—(1) The Borehole Sites and Operations Regulations (Northern Ireland) 1995(b) are amended as follows.

(2) In regulation 6 (Notice of the commencement of drilling operations and the abandonment of boreholes), in paragraph (8), after “the Communities” insert “(as they had effect immediately before IP completion day)”.

Amendment of the Health and Safety (Safety Signs and Signals) Regulations (Northern Ireland) 1996

5.—(1) The Health and Safety (Safety Signs and Signals) Regulations (Northern Ireland) 1996(c) are amended as follows.

(2) In Schedule 1—

- (a) in Part 2 (Minimum general requirements concerning signboards), in paragraph 2.1 (Conditions of use), for “Directive 89/654/EEC” substitute “regulation 8 of the Workplace (Health, Safety and Welfare) Regulations (Northern Ireland) 1993”;
- (b) in Part 9 (Minimum requirements for hand signals), in paragraph 3 (Coded signals to be used), omit “applicable at Community level,”.

Amendment of the Offshore Installations and Wells (Design and Construction, etc.) Regulations (Northern Ireland) 1996

6.—(1) The Offshore Installations and Wells (Design and Construction, etc.) Regulations (Northern Ireland) 1996(d) are amended as follows.

(2) In regulation 23 (Certificates of exemption), in paragraph (1)—

- (a) after “the Communities” insert “(as they had effect immediately before IP completion day)”;
- (b) after “Directive 2004/35/EC” insert “(as it had effect immediately before IP completion day)”.

Amendment of the Control of Substances Hazardous to Health Regulations (Northern Ireland) 2003

7.—(1) The Control of Substances Hazardous to Health Regulations (Northern Ireland) 2003(a) are amended as follows.

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- (a) S.R. 1995 No. 345 as amended by S.R. 1996 No. 228, S.R. 1999 No. 150, S.R. 2007 No. 165, S.R. 2007 No. 247, S.R. 2016 No. 406 and revoked in part by S.R. 2016 No. 406
 - (b) S.R. 1995 No. 491 as amended by S.R. 1999 No. 150, S.R. 2000 No. 388 and S.R. 2015 No. 223
 - (c) S.R. 1996 No. 119 as amended by S.R. 1997 No. 247, S.R. 1999 No. 150, S.R. 2000 No. 388, S.R. 2006 No. 173, S.R. 2010 No. 160, S.R. 2015 No. 265 and revoked in part by S.R. 2006 No. 1 and S.R. 2015 No. 265
 - (d) S.R. 1996 No. 228 as amended by S.R. 1999 No. 150, S.R. 2007 No. 165, S.R. 2007 No. 247, S.R. 2016 No. 406 and revoked in part by S.R. 1998 No. 47, S.R. 2005 No. 397, S.R. 2006 No. 1, and S.R. 2016 No. 406

(2) In regulation 15 (Exemption certificates), after paragraph (1) insert—

“(1A) Article 9 of Council Directive 98/24/EC^(b) has effect for the purpose of paragraph (1) as if for the references to “Member States” there were substituted references to “the Executive””.

Amendment of the Control of Artificial Optical Radiation at Work Regulations (Northern Ireland) 2010

8.—(1) The Control of Artificial Optical Radiation at Work Regulations (Northern Ireland) 2010^(c) are amended as follows.

(2) In regulation 3 (Assessment of the risk of adverse health effects to the eyes or skin created by exposure to artificial optical radiation at the workplace), at the end of paragraph (5)(j), insert “(as they had effect immediately before IP completion day)”.

(3) In regulation 4 (Obligations to eliminate or reduce risks), in paragraph (4)(h), after “relevant European Union Directives” insert “(as they had effect immediately before IP completion day)”.

Amendment of the Control of Major Accident Hazards Regulations (Northern Ireland) 2015

9.—(1) The Control of Major Accident Hazards Regulations (Northern Ireland) 2015^(d) are amended as follows.

(2) In regulation 17 (Provision of information to the public), in paragraph (2)(d), for “Member State” substitute “country”.

(3) In regulation 20 (Trans-boundary consequences)—

- (a) in paragraph (1), for “Member State” in both places substitute “country”;
- (b) omit paragraph (2).

(4) In regulation 26 (Action to be taken following a major accident)—

- (a) in paragraph (3), for the words from the beginning to “information” substitute “Following a major accident, the competent authority may, where appropriate, provide international organisations with some, or all, of the following information”;
- (b) omit paragraph (4);
- (c) at the end insert—

“(6) For the purposes of paragraph (3), an organisation is an international organisation if it, and its subordinate bodies, are governed by international law or it is set up by, or on the basis of, an agreement between two or more countries.”.

(5) In paragraph 2(g) of Part 2 of Schedule 4, for “Member States” substitute “countries”.

(6) Omit Schedule 5.

Amendment of the Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 2015

10.—(1) The Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 2015^(e) are amended as follows.

(2) In regulation 3 (Application), in paragraph (2)(b)—

- (a) at the end of paragraph (i) insert “or”;

(a) S.R. 2003 No. 34 as amended by S.R. 2003 No. 288, S.R. 2005 No. 165, S.R. 2006 No.173, S.R. 2007 No. 31, S.I. 2008/2852, S.R. 2009 No. 238, S.R. 2010 No.160, S.R. 2012 No.179, S.I. 2013/1478, S.R. 2015 No.265 and S.I. 2018/390 and revoked in part by S.I. 2008/ 2852

(b) O.J. No. L 131, 5.5.1998, p. 11–23

(c) S.R. 2010 No. 180

(d) S.R. 2015 No. 325

(e) S.R. 2015 No. 339

- (b) at the end of paragraph (ii) omit “; or”;
 - (c) omit paragraph (iii).
- (3) In regulation 27 (Duties of competent authority on receipt of information about accidents)—
- (a) insert “and” at the end of paragraph (a);
 - (b) omit—
 - (i) paragraph (b);
 - (ii) “; and” at the end of paragraph (c); and
 - (iii) paragraph (d).

Amendment of the Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations (Northern Ireland) 2016

11.—(1) The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations (Northern Ireland) 2016(a) are amended as follows.

(2) In regulation 32 (Standards and guidance on best practice), in paragraph (3) for the words from “with authorities” to the end of that paragraph substitute “with other authorities having such knowledge, information or experience.”.

(3) In regulation 34 (Information on operations conducted outside of the European Union), in both the heading and paragraph (1), after “the European Union” insert “, Northern Ireland and external waters”.

Amendment of the Ionising Radiations Regulations (Northern Ireland) 2017

12.—(1) The Ionising Radiations Regulations (Northern Ireland) 2017(b) are amended as follows.

(2) In the provisions specified in paragraph (3), for “another member State” substitute “a member State”.

(3) Those provisions are—

- (a) in regulation 2 (Interpretation), in paragraph (1)(b) of the definitions of “classified person”, “controlled area” and “radiation passbook”;
- (b) regulation 3 (Application), in paragraph (5) in both places; and
- (c) regulation 22 (Dose assessment and recording), in paragraph (3)(i).

Revocation of the Health and Safety (Amendment) (Northern Ireland) (EU Exit) Regulations 2018

13. The Health and Safety (Amendment) (Northern Ireland) (EU Exit) Regulations 2018(c) are revoked.

Sealed with the Official Seal of the Department for the Economy on 16th December 2020.



Colin Jack
A senior officer of the
Department for the Economy

(a) S.R. 2016 No. 406
 (b) S.R. 2017 No. 229 as amended by S.R. 2018 No. 17, S.I. 2018/390, S.R. 2019 No. 185
 (c) S.I. 2018/1377

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union. They relate to categories of deficiencies in retained EU law specified in section 8(2)(b), (d) and (g) of the European Union (Withdrawal) Act 2018 (c.16).

The Regulations revoke and replace the Health and Safety (Amendment) (Northern Ireland) (EU Exit) Regulations 2018 (S.I. 2018/1377). They amend subordinate legislation in the field of health and safety.

An Impact Assessment has not been produced for these Regulations as they have no or minimal impact on business, charities or voluntary bodies. A copy of the Explanatory Memorandum is published alongside the Regulations on www.legislation.gov.uk.

In Great Britain the corresponding Regulations are the Health and Safety (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1370) as amended by the Health and Safety (Consequential Amendments) (EU Exit) Regulations 2020 (S.I. 2020/660).

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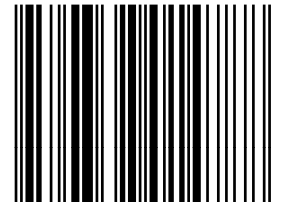
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