



# Deregulation Act 2015

## 2015 CHAPTER 20

### *Measures affecting the workplace: general*

#### **1 Health and safety at work: general duty of self-employed persons**

- (1) Section 3 of the Health and Safety at Work etc. Act 1974 (general duty of employers and self-employed to persons other than their employees) is amended in accordance with subsections (2) and (3).
- (2) In subsection (2) (which imposes a general duty with respect to health and safety on self-employed persons)—
  - (a) after “self-employed person” insert “who conducts an undertaking of a prescribed description”;
  - (b) for “his undertaking” substitute “the undertaking”.
- (3) After subsection (2) insert—

“(2A) A description of undertaking included in regulations under subsection (2) may be framed by reference to—

  - (a) the type of activities carried out by the undertaking, where those activities are carried out or any other feature of the undertaking;
  - (b) whether persons who may be affected by the conduct of the undertaking, other than the self-employed person (or his employees), may thereby be exposed to risks to their health or safety.”
- (4) In section 11 of that Act (functions of the Executive), after subsection (4A) insert—

“(4AA) Subsection (4)(b)(i) does not apply in relation to the making of regulations under section 3(2) for the railway safety purposes (and, accordingly, the Executive shall submit under subsection (3) such proposals as the Executive considers appropriate for the making of regulations under section 3(2) for those purposes).”
- (5) In section 82 of that Act (general provisions as to interpretation and regulations)—

(a) in subsection (3)(b) for “subsection (3A) or (4)” substitute “subsection (3A), (3B) or (4)”;

(b) after subsection (3A) insert—

“(3B) Regulations under section 3(2) shall not be made unless a draft has been laid before and approved by resolution of each House of Parliament.”

(6) Where this section comes into force at a time when there is in force an Order in Council made under section 84(3) of the Health and Safety at Work etc. Act 1974 that applies section 3 or 11 of that Act to matters outside Great Britain, that Order is to be taken as applying that section as amended by this section.

## **2 Removal of employment tribunals’ power to make wider recommendations**

(1) In section 124 of the Equality Act 2010 (remedies available to an employment tribunal in discrimination cases etc), in subsection (3) (which describes the recommendations that an employment tribunal may make)—

(a) in the opening words, after “adverse effect” insert “on the complainant”;

(b) omit paragraphs (a) and (b).

(2) In consequence of subsection (1)—

(a) in section 124(7) of that Act omit “in so far as it relates to the complainant”;

(b) omit section 125 of that Act (remedies: national security).

## **3 Apprenticeships: simplification**

(1) Schedule 1 makes provision about apprenticeships.

(2) Part 1 of the Schedule amends Part 1 of the Apprenticeships, Skills, Children and Learning Act 2009 (“the 2009 Act”) so as to simplify the provision made by that Part about English apprenticeships.

(3) Part 2 of the Schedule contains further amendments of the 2009 Act in consequence of the amendments made by Part 1.

(4) Part 3 of the Schedule contains minor amendments of the provision made by Part 1 of the 2009 Act about Welsh apprenticeships.

(5) Part 4 of the Schedule contains transitional provision.

## **4 English apprenticeships: funding arrangements**

(1) The Secretary of State may make arrangements with the Commissioners for Her Majesty’s Revenue and Customs under which the Commissioners are responsible for the administration of apprenticeship payments.

(2) “Apprenticeship payments” are payments that may be made by the Secretary of State to any person—

(a) for the purpose of encouraging the provision of opportunities for individuals to complete approved English apprenticeships or to undertake work following the completion of such apprenticeships, or

(b) otherwise in connection with approved English apprenticeships.

- (3) The arrangements that may be made under subsection (1) include arrangements under which the Commissioners are responsible for recovery where an apprenticeship payment is made but the whole or any part of it is (for whatever reason) recoverable by the Secretary of State.
- (4) The Commissioners may by regulations make provision as to the administration of payments where arrangements are made under subsection (1).
- (5) The regulations may, in particular, provide that the Commissioners may, instead of making payments to persons of a description specified in the regulations—
  - (a) permit them to deduct equivalent amounts from payments that they are required to make to the Commissioners and that are of a kind specified in the regulations;
  - (b) provide them with vouchers of equivalent amounts which may be used by them in connection with approved English apprenticeships.
- (6) The regulations may, in particular, also provide that, where the Commissioners are responsible for recovering the whole or any part of an apprenticeship payment from a person of a description specified in the regulations, they may do so by deducting the amount from any payments that they would otherwise be required to make to that person and that are of a kind specified in the regulations.
- (7) The regulations may make different provision for different cases.
- (8) Regulations under this section may be made only with the consent of the Secretary of State.
- (9) Regulations under this section must be made by statutory instrument.
- (10) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (11) In this section “approved English apprenticeship” has the same meaning as in Chapter A1 of the Apprenticeships, Skills, Children and Learning Act 2009 (see Schedule 1).

## **5 English apprenticeships: disclosure of information**

- (1) The Commissioners may disclose information held by them to the Secretary of State, or to a person providing services to the Secretary of State, for the purpose of the Secretary of State’s functions in relation to approved English apprenticeships.
- (2) The Secretary of State, or a person providing services to the Secretary of State, may disclose information to the Commissioners, or to a person providing services to them, for the purpose of arrangements made under section 4(1) or for the purpose of requesting the Commissioners to disclose information under subsection (1) of this section.
- (3) Information disclosed under subsection (1) may not be disclosed by the recipient of the information to any other person without the consent of the Commissioners.
- (4) If a person discloses, in contravention of subsection (3), any revenue and customs information relating to a person whose identity—
  - (a) is specified in the disclosure, or
  - (b) can be deduced from it,

section 19 of the Commissioners for Revenue and Customs Act 2005 (wrongful disclosure) applies in relation to that disclosure as it applies in relation to a disclosure of such information in contravention of section 20(9) of that Act.

(5) In this section—

“approved English apprenticeship” has the same meaning as in Chapter A1 of the Apprenticeships, Skills, Children and Learning Act 2009 (see Schedule 1);

“revenue and customs information relating to a person” has the same meaning as in section 19 of the Commissioners for Revenue and Customs Act 2005 (see section 19(2) of that Act).

## **6 Requirements to wear safety helmets: exemption for Sikhs**

(1) Section 11 of the Employment Act 1989 (exemption of Sikhs from requirements as to wearing of safety helmets on construction sites) is amended in accordance with subsections (2) to (10).

(2) In subsection (1), for “on a construction site” substitute “at a workplace”.

(3) In subsection (2), in paragraph (a), for “on a construction site” substitute “at a workplace”.

(4) In subsection (5), in the opening words, for “on a construction site” substitute “at a workplace”.

(5) After subsection (6) insert—

“(6A) This section does not apply to a Sikh who—

(a) works, or is training to work, in an occupation that involves (to any extent) providing an urgent response to fire, riot or other hazardous situations, and

(b) is at the workplace—

(i) to provide such a response in circumstances where the wearing of a safety helmet is necessary to protect the Sikh from a risk of injury, or

(ii) to receive training in how to provide such a response in circumstances of that kind.

(6B) This section also does not apply to a Sikh who—

(a) is a member of Her Majesty’s forces or a person providing support to Her Majesty’s forces, and

(b) is at the workplace—

(i) to take part in a military operation in circumstances where the wearing of a safety helmet is necessary to protect the Sikh from a risk of injury, or

(ii) to receive training in how to take part in such an operation in circumstances of that kind.”

(6) In subsection (7)—

(a) omit the definitions of “building operations”, “works of engineering construction” and “construction site”;

(b) before the definition of “injury”, insert—

- ““Her Majesty’s forces” has the same meaning as in the Armed Forces Act 2006;”;
- (c) at the end insert—
- ““workplace” means any premises where work is being undertaken, including premises occupied or normally occupied as a private dwelling; and “premises” includes any place and, in particular, includes—
- (a) any vehicle, vessel, aircraft or hovercraft,
  - (b) any installation (including a floating installation or one resting on the seabed or its subsoil or on other land covered with water or its subsoil), and
  - (c) any tent or moveable structure.”
- (7) In subsection (8), in paragraph (b), for “on a construction site” substitute “at a workplace”.
- (8) In subsection (9)—
- (a) for “relevant construction site” substitute “relevant workplace”;
  - (b) for “construction site” (in the second place where it occurs) substitute “workplace”.
- (9) In subsection (10), for the words from ““relevant construction site” to the end of the subsection substitute ““relevant workplace” means any workplace where work is being undertaken if the premises and the activities being undertaken there are premises and activities to which the Health and Safety at Work etc. Act 1974 applies by virtue of the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2013.”
- (10) In the sidenote, for “on construction sites” substitute “at workplaces”.
- (11) Section 12 of that Act (protection of Sikhs from racial discrimination in connection with requirements as to wearing of safety helmets) is amended as follows.
- (12) In subsection (1)—
- (a) in paragraph (a), for “on a construction site” substitute “at a workplace”;
  - (b) in paragraph (b), for “on such a site” substitute “at such a workplace”.
- (13) In subsection (3), for “Subsections (7) to (10)” substitute “Subsections (6A) to (10)”.

## **7 Requirements to wear safety helmets: exemption for Sikhs: Northern Ireland**

- (1) Article 13 of the Employment (Miscellaneous Provisions) (Northern Ireland) Order 1990 ([S.I. 1990/246](#)) is amended in accordance with subsections (2) to (8).
- (2) In paragraph (1), for “on a construction site” substitute “at a workplace”.
- (3) In paragraph (2), in sub-paragraph (a), for “on a construction site” substitute “at a workplace”.
- (4) In paragraph (5), in the opening words, for “on a construction site” substitute “at a workplace”.
- (5) After paragraph (6) insert—

- “(6A) This Article does not apply to a Sikh who—
- (a) works, or is training to work, in an occupation that involves (to any extent) providing an urgent response to fire, riot or other hazardous situations, and
  - (b) is at the workplace—
    - (i) to provide such a response in circumstances where the wearing of a safety helmet is necessary to protect the Sikh from a risk of injury, or
    - (ii) to receive training in how to provide such a response in circumstances of that kind.

- (6B) This Article also does not apply to a Sikh who—
- (a) is a member of Her Majesty’s forces or a person providing support to Her Majesty’s forces, and
  - (b) is at the workplace—
    - (i) to take part in a military operation in circumstances where the wearing of a safety helmet is necessary to protect the Sikh from a risk of injury, or
    - (ii) to receive training in how to take part in such an operation in circumstances of that kind.”

- (6) In paragraph (7)—
- (a) omit the definitions of “building operations”, “works of engineering construction” and “construction site”;
  - (b) before the definition of “injury”, insert—
 

““Her Majesty’s forces” has the same meaning as in the Armed Forces Act 2006;”;
  - (c) at the end insert—
 

““workplace” means any premises where work is being undertaken, including premises occupied or normally occupied as a private dwelling; and “premises” includes any place and, in particular, includes—

    - (a) any vehicle, vessel, aircraft or hovercraft,
    - (b) any installation (including a floating installation or one resting on the seabed or its subsoil or on other land covered with water or its subsoil), and
    - (c) any tent or moveable structure.”

(7) In paragraph (8), in sub-paragraph (b), for “on a construction site” substitute “at a workplace”.

(8) In the heading, for “on construction sites” substitute “at workplaces”.

(9) Article 13A of that Order (protection of Sikhs from racial discrimination in connection with requirements as to wearing of safety helmets) is amended as follows.

- (10) In paragraph (1)—
- (a) in sub-paragraph (a), for “on a construction site” substitute “at a workplace”;
  - (b) in sub-paragraph (b), for “on such a site” substitute “at such a workplace”.

(11) In paragraph (3), for “Paragraphs (7) and (8)” substitute “Paragraphs (6A) to (8)”.