

SCHEDULE 3

Consequential amendments to instruments

PART 3

Safety functions

Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006

126.—(1) The Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006^{MI} are amended as follows.

(2) In regulation 2 (interpretation)—

(a) after the definition of “miniature railway” insert—

““the ONR” means the Office for Nuclear Regulation;”;

(b) omit the definition of “nuclear licensed site”.

(3) In regulation 3(6) (enforcing authority) after “regulations 5” insert “, 5A”.

(4) For sub-paragraph (f) of regulation 4(3)(exceptions) substitute—

“(f) a GB nuclear site (within the meaning given in section 68 of the Energy Act 2013);”.

(5) After regulation 5 insert—

“Assignment of responsibility for enforcement in cases of uncertainty: the Office of Rail Regulation and the ONR

5A.—(1) This regulation applies where there is uncertainty as to what are the respective responsibilities of the Office of Rail Regulation and the ONR by virtue of regulations made under sections 15 or 18(2) of the 1974 Act for the enforcement of—

(a) section 6 of the 1974 Act in respect of any particular article for use at work or substance; or

(b) any other relevant statutory provision in respect of any particular site or any activity carried on there.

(2) The responsibility for enforcing the relevant statutory provision in question in the respect in question may be assigned by the Office of Rail Regulation and the ONR (acting jointly) to the Office of Rail Regulation or the ONR.

(3) An assignment under paragraph (2) may be made only where the Office of Rail Regulation and the ONR agree—

(a) that there is uncertainty in the particular case as to what are their respective responsibilities by virtue of regulations made under section 15 or 18(2) of the 1974 Act; and

(b) which authority is more appropriate to be responsible for enforcement in that case.

(4) Where an assignment is made under paragraph (2), the authority to which responsibility is assigned must give notice of the assignment to any person affected by it.”.

Changes to legislation: *There are currently no known outstanding effects for the The Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014, Paragraph 126. (See end of Document for details)*

Marginal Citations

M1 [S.I. 2006/557](#), amended by [S.I. 2006/2739](#), [S.I. 2007/1573](#), [S.I. 2008/2323](#) and [S.I. 2012/632](#); there are other amending instruments but none is relevant to this Order.

Changes to legislation:

There are currently no known outstanding effects for the The Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014, Paragraph 126.