

## SCHEDULE 2

### Further amendments

## PART 2

### Secondary legislation

#### **The Safety Representatives and Safety Committees Regulations 1977**

5. In regulation 2 of the Safety Representatives and Safety Committees Regulations 1977(1) (interpretation), in paragraph (1), in the definition of “relevant nuclear provisions”, in paragraph (a), for “3 to 6” substitute “3 to 5, 6 (so far as it relates to sites in respect of which nuclear site licences have been granted)”.

#### **The Nuclear Installations (Increase of Operators’ Limits of Liability) Order 1994**

6. The Nuclear Installations (Increase of Operators’ Limits of Liability) Order 1994(2) is revoked.

#### **The Employers’ Liability (Compulsory Insurance) Regulations 1998**

7.—(1) The Employers’ Liability (Compulsory Insurance) Regulations 1998(3) are amended as follows.

(2) In regulation 9(2) (employers exempted to an extent from the requirement to insure and maintain insurance), after “13” insert “, 13A”.

(3) In Schedule 2 (employers exempted from insurance requirement), after paragraph 13 insert—

“13A. Any operator of a relevant disposal site within the meaning of the Nuclear Installations Act 1965, in respect of any liability to pay compensation under that Act to any of the operator’s employees in respect of a breach of duty imposed on the operator by virtue of section 7B of that Act.”

#### **The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999**

8.—(1) The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999(4) is amended as follows.

(2) In Schedule 1 (enactments conferring functions transferred to the Scottish Ministers), in the entry for the 1965 Act—

(a) in column 1, omit paragraphs (b), (c), (d) and (e);

(b) in column 2, omit the entries relating to paragraphs (c) and (e).

(3) In Schedule 3 (enactments conferring functions to be exercised subject to agreement or consultation), in the entry for the 1965 Act, in column 1, omit the words from “sections” to “21(1A) and (3) and”.

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(1) [S.I. 1977/500](#). The definition of “relevant nuclear provisions” in regulation 2(1) was inserted by [S.I. 2014/469](#), Schedule 3, paragraph 31. There are other amending instruments not relevant to this Order.

(2) [S.I. 1994/909](#).

(3) [S.I. 1998/2573](#). There are amending instruments not relevant to this Order.

(4) [S.I. 1999/1750](#). The entries for the 1965 Act in Schedules 1 and 3 were amended by the Energy Act 2013 c.32, Schedule 12, paragraph 30. There are other amending instruments not relevant to this Order.

## **The Radioactive Contaminated Land (Modification of Enactments) (England) Regulations 2006**

9.—(1) The Radioactive Contaminated Land (Modification of Enactments) (England) Regulations 2006<sup>(5)</sup> are amended as follows.

(2) In regulation 5(2) (modification of section 78A of the Environmental Protection Act 1990), in the inserted section 78A(2A) (definition of “land contaminated by a nuclear occurrence”)—

- (a) in paragraph (a), after “7,” insert “7B,”;
- (b) in paragraph (b), for “7(1)(a) or (b)” substitute “7(1A)(b) or (1C)(b)”;
- (c) in paragraph (b), for “10(1)” substitute “10(1)(b)”;
- (d) after paragraph (b) (and before the “or”) insert—

“(ba) damage caused by preventive measures taken after a breach of a duty imposed by section 7, 7B, 8, 9 or 10 of the 1965 Act in respect of which a claim for compensation may be made under section 11H(2) of the 1965 Act or could have been made if section 11H(4) of the 1965 Act had not been enacted;”;

- (e) in paragraph (c)(i), for “16(1) and (2)” substitute “16(1), (1ZA), (1ZB), (2), (3B) or (3C)”.

(3) In regulation 17 (modification of section 78YB of the Environmental Protection Act 1990), in paragraph (3) (insertion of section 78YB(4A) to (4C))—

- (a) after inserted subsection (4A) insert—

“(4AA) Nothing in this Part applies in respect of land which, except for this subsection, would otherwise fall to be regarded as contaminated land within a relevant disposal site.”;

- (b) after inserted subsection (4B) insert—

“(4BA) Nothing in this Part applies in respect of land which, except for this subsection, would otherwise fall to be regarded as contaminated land within a site used by the Secretary of State for Defence for a purpose which, if section 7B of the 1965 Act applied to the Crown, would cause the site to be a relevant disposal site.”.

(4) In regulation 17(4), in the substituted section 78YB(5) (definitions), at the appropriate place insert—

““relevant disposal site” has the meaning given by section 7B of the 1965 Act.”

## **The Radioactive Contaminated Land (Modification of Enactments) (Wales) Regulations 2006**

10.—(1) The Radioactive Contaminated Land (Modification of Enactments) (Wales) Regulations 2006<sup>(6)</sup> are amended as follows.

(2) In regulation 5(2) (modification of section 78A of the Environmental Protection Act 1990), in the inserted section 78A(2A) (definition of “land contaminated by a nuclear occurrence”)—

- (a) in paragraph (a), after “7,” insert “7B,”;
- (b) in paragraph (b), for “7(1)(a) or (b)” substitute “7(1A)(b) or (1C)(b)”;
- (c) in paragraph (b), for “10(1)” substitute “10(1)(b)”;
- (d) after paragraph (b) (and before the “or”) insert—

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(5) [S.I. 2006/1379](#). Regulation 5 was substituted by [S.I. 2007/3245](#), regulation 3(2), and regulation 17 was substituted by [S.I. 2008/520](#), regulation 2(3). There are other amending instruments not relevant to this Order.

(6) [S.I. 2006/2988 \(W. 277\)](#). Regulation 5 was substituted by [S.I. 2007/3250](#), regulation 3(3), and regulation 17 was substituted by [S.I. 2008/521](#), regulation 2(3). There are other amending instruments not relevant to this Order.

- “(ba) damage caused by preventive measures taken after a breach of a duty imposed by section 7, 7B, 8, 9 or 10 of the 1965 Act in respect of which a claim for compensation may be made under section 11H(2) of the 1965 Act or could have been made if section 11H(4) of the 1965 Act had not been enacted;”;
- (e) in paragraph (c)(i), for “16(1) and (2)” substitute “16(1), (1ZA), (1ZB), (2), (3B) or (3C)”.
- (3) In regulation 17 (modification of section 78YB of the Environmental Protection Act 1990), in paragraph (3) (insertion of section 78YB(4A) to (4C))—
- (a) after inserted subsection (4A) insert—
- “(4AA) Nothing in this Part applies in respect of land which, except for this subsection, would otherwise fall to be regarded as contaminated land within a relevant disposal site.”;
- (b) after inserted subsection (4B) insert—
- “(4BA) Nothing in this Part applies in respect of land which, except for this subsection, would otherwise fall to be regarded as contaminated land within a site used by the Secretary of State for Defence for a purpose which, if section 7B of the 1965 Act applied to the Crown, would cause the site to be a relevant disposal site.”.
- (4) In regulation 17(4), in the substituted section 78YB(5) (definitions), at the appropriate place insert—
- ““relevant disposal site” has the meaning given by section 7B of the 1965 Act.”

### **The Radioactive Contaminated Land (Scotland) Regulations 2007**

**11.**—(1) The Radioactive Contaminated Land (Scotland) Regulations 2007(7) are amended as follows.

(2) In regulation 1(3) (interpretation), in the definition of “land contaminated by a nuclear occurrence”—

- (a) in paragraph (a), after “7,” insert “7B,”;
- (b) in paragraph (b), for “7(1)(a) or (b)” substitute “7(1A)(b) or (1C)(b)”;
- (c) in paragraph (b), for “10(1)” substitute “10(1)(b)”;
- (d) after paragraph (b) (and before the “or”) insert—

“(ba) damage caused by preventive measures taken after a breach of a duty imposed by section 7, 7B, 8, 9 or 10 of the 1965 Act in respect of which a claim for compensation may be made under section 11H(2) of the 1965 Act or could have been made if section 11H(4) of the 1965 Act had not been enacted;”;

(e) in paragraph (c)(i), for “16(1) and (2)” substitute “16(1), (1ZA), (1ZB), (2), (3B) or (3C)”.

(3) In regulation 3(a) (insertion of section 78A(2ZA) to (2A) of the Environmental Protection Act 1990), in the inserted section 78A(2A) (definition of “land contaminated by a nuclear occurrence”)—

- (a) in paragraph (a), after “7,” insert “7B,”;
- (b) in paragraph (b), for “7(1)(a) or (b)” substitute “7(1A)(b) or (1C)(b)”;
- (c) in paragraph (b), for “10(1)” substitute “10(1)(b)”;
- (d) after paragraph (b) (and before the “or”) insert—

“(ba) damage caused by preventive measures taken after a breach of a duty imposed by section 7, 7B, 8, 9 or 10 of the 1965 Act in respect of which a claim

(7) *S.S.I. 2007/179*. Regulations 1(3), 3 and 15 were substituted by *S.I. 2007/3240*, regulation 3(2), (4) and (8) respectively. There are other amending instruments not relevant to this Order.

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- for compensation may be made under section 11H(2) of the 1965 Act or could have been made if section 11H(4) of the 1965 Act had not been enacted;”;
- (e) in paragraph (c)(i), for “16(1) and (2)” substitute “16(1), (1ZA), (1ZB), (2), (3B) or (3C)”.
- (4) In regulation 15 (modification of section 78YB of the Environmental Protection Act 1990)—
- (a) after the inserted section 78YB(5) insert—
- “(5A) This Part does not apply in respect of contaminated land within a relevant disposal site.”;
- (b) after the inserted section 78YB(6) insert—
- “(6A) This Part does not apply in respect of contaminated land within a site used by the Secretary of State for Defence for a purpose which, if section 7B of the 1965 Act applied to the Crown, would cause the site to be a relevant disposal site.”;
- (c) in the inserted section 78YB(8), for the definition of “nuclear site licence” and “period of responsibility” substitute—
- ““nuclear site licence”, “period of responsibility” and “relevant disposal site” have the meanings given by the 1965 Act.”.