

## SCHEDULE

Article 7

### Modification of enactments

#### PART 1

##### Modification of legislation extending to England and Wales, Scotland and Northern Ireland

###### **Merchant Shipping Act 1995**

1. In section 108(6) of the Merchant Shipping Act 1995<sup>(1)</sup> (returns of births and deaths in ships, etc.), for paragraph (c) substitute—

“(c) in Scotland, no inquiry is to be held into the death under the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016.”.

###### **The Merchant Shipping (Returns of Births and Deaths) Regulations 1979**

2. In regulation 7(3) of the Merchant Shipping (Returns of Births and Deaths) Regulations 1979<sup>(2)</sup> (records of deaths where master unable to act), for the words from “it does not appear” to “should be held” substitute “no inquiry is to be held into the death under the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016”.

#### PART 2

##### Modification of legislation extending to England and Wales and Northern Ireland only

###### **Health and Safety at Work etc. Act 1974**

3.—(1) The Health and Safety at Work etc. Act 1974<sup>(3)</sup> is amended in accordance with this paragraph.

(2) Section 14(7) (power of the Health and Safety Executive to direct investigations and inquiries)<sup>(4)</sup> is repealed.

(3) In section 34(1) (extension of time for bringing summary proceedings), for paragraph (d) substitute—

“(d) an inquiry into any death that may have been so caused is held under the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016.”.

###### **Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976**

4. Sections 4(4) and (5) (reporting restrictions) and 9 (application to continental shelf) of the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 are repealed.

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(1) 1995 c.21.

(2) S.I. 1979/1577. There are amendments to these Regulations not relevant to this Order.

(3) 1974 c.37.

(4) Section 14 was relevantly amended by the 1976 Act, Schedule 1, Part 1, paragraph 4.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

### **Oil and Gas (Enterprise) Act 1982**

5. In Schedule 3 to the Oil and Gas (Enterprise) Act 1982<sup>(5)</sup> (minor and consequential amendments), paragraph 34 is repealed.

### **Merchant Shipping Act 1995**

6.—(1) The Merchant Shipping Act 1995 is amended in accordance with this paragraph.

(2) In section 108(6)(a)(iii) (returns of births and deaths in ships, etc.), for “Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976” substitute “Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016”.

(3) In section 271(6)(c) (inquiries into deaths of crew members and others)<sup>(6)</sup>, for “enquiry is to be held under the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976” substitute “inquiry is to be held under the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016”.

### **Petroleum Act 1998**

7. In Schedule 4 to the Petroleum Act 1998<sup>(7)</sup> (consequential amendments), paragraph 9 is repealed.

### **Freedom of Information Act 2000**

8. In section 31(1)(i) of the Freedom of Information Act 2000<sup>(8)</sup> (law enforcement), for “Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976” substitute “Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016”.

### **Energy Act 2013**

9.—(1) The Energy Act 2013<sup>(9)</sup> is amended in accordance with this paragraph.

(2) In section 85 (inquiries), subsections (7) and (8) are repealed.

(3) In Schedule 10 (provisions relating to offences), in paragraph 3(1)(d), for “a public inquiry under the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976” substitute “an inquiry under the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016”.

### **The Merchant Shipping (Returns of Births and Deaths) Regulations 1979**

10. In regulation 7(1) of the Merchant Shipping (Returns of Births and Deaths) Regulations 1979 (records of deaths where master unable to act), for “Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976” substitute “Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016”.

### **The Transfer of Functions (Lord Advocate and Secretary of State) Order 1999**

11. In the Schedule to the Transfer of Functions (Lord Advocate and Secretary of State) Order 1999 (functions transferred from the Lord Advocate to the Secretary of State)<sup>(10)</sup>, omit the entry relating to section 7 of the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976.

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<sup>(5)</sup> 1982 c.23.

<sup>(6)</sup> Section 271 was relevantly amended by the Coroners and Justice Act 2009, Schedule 21, paragraph 34.

<sup>(7)</sup> 1998 c.17.

<sup>(8)</sup> 2000 c.36.

<sup>(9)</sup> 2013 c.32.

<sup>(10)</sup> S.I. 1999/678. There are amendments to S.I. 1999/678 not relevant to this Order.

## PART 3

### Modification of legislation extending to England and Wales only

#### **Gas Act 1965**

**12.** In the Gas Act 1965(**11**), section 17(4) (accidents) is repealed.

#### **Coroners and Justice Act 2009**

**13.**—(1) The Coroners and Justice Act 2009 is amended in accordance with this paragraph.

(2) In section 12(4)(b) (investigation in Scotland), for “Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 (c.14)” substitute “Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016”.

(3) In section 13(1)(d) (investigation in England and Wales despite body being brought to Scotland), for “Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 (c.14)” substitute “Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016”.

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(11) 1965 c.36. Section 17 was relevantly amended by the 1976 Act, Schedule 1, paragraph 1.