

SCHEDULES

SCHEDULE 4

Exemptions

PART 4

Emergency, specialist and technical workers

20.—(1) A worker engaged in essential or emergency works—

- (a) related to water supplies and sewerage services, and
- (b) carried out by, for or on behalf of—
 - (i) Scottish Water,
 - (ii) a local authority, or
 - (iii) a relevant person,

where they have travelled to the United Kingdom in the course of their work.

(2) For the purposes of this paragraph—

“essential or emergency works” includes—

- (a) inspections, maintenance, repairs and asset replacement activities, and
- (b) monitoring, sampling and analysis of water supplies under—
 - (i) the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017⁽¹⁾ (“the 2017 Regulations”),
 - (ii) the Private Water Supplies (Scotland) Regulations 2006⁽²⁾ (“the 2006 Regulations”), or
 - (iii) the Public Water Supplies (Scotland) Regulations 2014⁽³⁾,

“relevant person” has the meaning given in—

- (a) regulation 3 of the 2017 Regulations,
- (b) regulation 4 of the 2006 Regulations,

“Scottish Water” means the body corporate established by section 20(1) of the Water Industry (Scotland) Act 2002⁽⁴⁾.

21. A worker engaged in essential or emergency works on behalf of a local authority relating to flood risk management within the meaning of—

- (a) the Flood Risk Management (Scotland) Act 2009⁽⁵⁾, or

(1) S.S.I. 2017/282.

(2) S.S.I. 2006/209.

(3) S.S.I. 2014/364.

(4) 2002 asp 3.

(5) 2009 asp 6.

Status: This is the original version (as it was originally made).

(b) the Coast Protection Act 1949⁽⁶⁾.

22.—(1) A worker engaged in essential or emergency works—

(a) related to—

- (i) a generating station,
- (ii) an electricity interconnector,
- (iii) a district heat network as defined in regulation 2 of the Heat Network (Metering and Billing) Regulations 2014⁽⁷⁾ (“the 2014 Regulations”),
- (iv) communal heating as defined in regulation 2 of the 2014 Regulations,
- (v) automated ballast cleaning and track re-laying systems on a network, or
- (vi) the commissioning, maintenance or repair of industrial machinery for use on a network, or

(b) carried out by or on behalf of—

- (i) the national system operator,
- (ii) a person holding a transmission licence,
- (iii) a person holding a distribution licence,
- (iv) a person holding a licence under section 7 or 7ZA of the Gas Act 1986⁽⁸⁾ (“the 1986 Act”),
- (v) a LNG import or export facility within the meaning of section 48 of the 1986 Act⁽⁹⁾,
- (vi) a person holding a network licence under section 8 of the Railways Act 1993⁽¹⁰⁾ (“the 1993 Act”),

where they have travelled to the United Kingdom for the purposes of their work.

(2) For the purposes of sub-paragraph (1)—

“distribution licence” means a licence granted under section 6(1)(c) of the Electricity Act 1989⁽¹¹⁾ (“the 1989 Act”),

“electricity connector”, “generating station” and “transmission system” have the meanings given in section 64(1) of the 1989 Act⁽¹²⁾,

“essential or emergency works” includes commissioning, inspections, maintenance, repairs and asset replacement activities,

“national system operator” means the person operating the national transmission system for Great Britain,

“network”, in sub-paragraph (1)(a)(v) and (vi) has the meaning given in section 83(1) of the 1993 Act,

“transmission licence” means a licence granted under section 6(1)(b) of the 1989 Act.

23.—(1) A person who is—

- (a) nuclear personnel, and who is essential to the safe and secure operations of a site in respect of which a nuclear site licence has been granted,

⁽⁶⁾ 1949 c. 74.

⁽⁷⁾ S.I. 2014/3120. There are no relevant amending instruments.

⁽⁸⁾ 1986 c. 44. Section 7ZA was inserted by section 149(6) of the Energy Act 2004 (c. 20).

⁽⁹⁾ The definition was inserted by S.I. 2011/2704.

⁽¹⁰⁾ 1993 c. 43.

⁽¹¹⁾ 1989 c. 29.

⁽¹²⁾ The definition of “electricity interconnector” was inserted by section 147(7) of the Energy Act 2004 (c. 20). The definition of “transmission system” was substituted by paragraph 15 of schedule 19 of the 2004 Act.

- (b) a nuclear emergency responder, or
- (c) an agency inspector.

(2) For the purposes of this paragraph—

“agency inspector” has the meaning given in section 1(1) of the Nuclear Safeguards Act 2000⁽¹³⁾,

“nuclear emergency responder” means a person—

- (a) providing assistance to the United Kingdom in accordance with the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency done at Vienna on 26 September 1986, and
- (b) who has been duly notified to and accepted by the United Kingdom, where the United Kingdom has requested assistance under that Convention,

“nuclear personnel” means—

- (a) a worker who is employed to carry out work on or in relation to a site in respect of which a nuclear site licence has been granted,
- (b) an employee of the Nuclear Decommissioning Authority⁽¹⁴⁾,

“nuclear site licence” has the meaning given in section 1 of the Nuclear Installations Act 1965⁽¹⁵⁾.

24. An inspector from the Organisation for the Prohibition of Chemical Weapons, within the meaning given to “inspector” by section 24(e) of the Chemical Weapons Act 1996⁽¹⁶⁾, who has travelled to the United Kingdom for the purposes of an inspection.

25.—(1) A person who is—

- (a) carrying out a critical function at a space site or a spacecraft controller who is responsible for command and control of a launch vehicle or spacecraft for nominal operations, collision avoidance or anomalies, or
 - (b) employed by, or contracted to provide services to, a person who operates or maintains space situational awareness capabilities,
- where they have travelled to the United Kingdom in the course of their work.

(2) For the purposes of sub-paragraph (1)—

“space site” has the meaning given in paragraph 5(3) of schedule 4 of the Space Industry Act 2018⁽¹⁷⁾ (“the 2018 Act”),

“space situational awareness capabilities” means the sensors, systems and analytical services needed to provide time-sensitive warnings of space weather events, orbital collisions, orbital fragmentations or the re-entry of man-made objects from orbit,

“spacecraft” has the meaning given in section 2(6) of the 2018 Act,

“spacecraft controller” means a person competent, authorised and responsible for maintaining safe and secure operation of spacecraft through monitoring the status of a spacecraft, issuing manoeuvre commands or controlling other aspects of the spacecraft that influence its behaviour including its motion in space.

⁽¹³⁾ 2000 c. 5.

⁽¹⁴⁾ The Nuclear Decommissioning Authority was established by section 1 of the Energy Act 2004 (c. 20).

⁽¹⁵⁾ 1965 c. 57. Section 1 was substituted by paragraph 17 of schedule 2 of the Energy Act 2013 (c. 32); by virtue of section 1(2), a licence described in section 1(1) is referred to as a “nuclear site licence”.

⁽¹⁶⁾ 1996 c. 6.

⁽¹⁷⁾ 2018 c. 5.

26.—(1) A specialist aerospace engineer, or a specialist aerospace worker, where they have travelled to the United Kingdom in the course of their work.

(2) For the purposes of sub-paragraph (1)—

“specialist aerospace engineer” means a person who is employed or otherwise engaged to provide engineering services for the purpose of ensuring the continued operation of aviation activities (including but not limited to the provision of maintenance and repair services for production lines, aviation components, grounded aircraft and new aircraft), and

“specialist aerospace worker” means a person who is employed or otherwise engaged to provide services for the purpose of ensuring safety management and quality assurance as required by relevant standards, guidance and publications on aviation safety produced by the Civil Aviation Authority or the European Union Aviation Safety Agency⁽¹⁸⁾.

27.—(1) A person engaged in operational, maintenance or safety activities of a downstream oil facility that has a capacity in excess of 20,000 tonnes, where—

(a) the downstream oil facility is engaged in a specified activity carried on in the United Kingdom in the course of a business, and contributes (directly or indirectly) to the supply of crude oil-based fuels to—

- (i) consumers in the United Kingdom,
- (ii) or persons carrying on business in the United Kingdom, and

(b) the activities are required to ensure continued safe operation of the facility,

where they have travelled to the United Kingdom in the course of their work.

(2) For the purposes of sub-paragraph (1)—

(a) a facility has a capacity in excess of 20,000 tonnes at any time if it was used in the previous calendar year for the purposes of downstream oil sector activities in relation to more than that number of tonnes of oil, and

(b) “specified activities” are—

- (i) storing oil,
- (ii) handling oil,
- (iii) the carriage of oil by sea or inland water,
- (iv) conveying oil by pipes,
- (v) refining or otherwise processing oil.

28.—(1) A worker required to undertake or commence within the period during which they would, but for this paragraph, have had to comply with Part 6 (self-isolation) of these Regulations—

- (a) activities on or in relation to an offshore installation,
- (b) activities on or in relation to upstream petroleum infrastructure,
- (c) critical safety work on an offshore installation or well being decommissioned or preserved pending demolition or reuse, or

⁽¹⁸⁾ The Civil Aviation Authority was established under section 1(1) of the Civil Aviation Act 1971 (c. 75). That Act was replaced by a consolidating statute, the Civil Aviation Act 1982 (c. 16), section 2(1) of which provides for the continued existence of the Civil Aviation Authority. The European Union Aviation Safety Agency was established by Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulation (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and the Council and Council Regulation (EEC) No 3922/91.

- (d) activities for the provision of workers, goods, materials or equipment or other essential services required to support the safe operation of the activities referred to in sub-paragraphs (a) to (c),

where they have travelled to the United Kingdom in the course of their work.

- (2) For the purposes of sub-paragraph (1)—

“offshore installation” has the meaning given in section 44 of the Petroleum Act 1998⁽¹⁹⁾ (“the 1998 Act”),

“upstream petroleum infrastructure” has the meaning given in section 9H of the 1998 Act⁽²⁰⁾, and

“well” has the meaning given in section 45A(10) of the 1998 Act⁽²¹⁾.

29. A postal operator, as defined in section 27(3) of the Postal Services Act 2011⁽²²⁾, where they have travelled to the United Kingdom in the course of their work.

30. A worker with specialist technical skills, where those specialist technical skills are required for essential or emergency works or services (including commissioning, maintenance, and repairs and safety checks) to ensure the continued production, supply, movement, manufacture, storage or preservation of goods, where they have travelled to the United Kingdom in the course of their work.

31. A worker with specialist technical skills, where those specialist technical skills are required for essential or emergency works (including construction, commissioning, installation, maintenance, repairs and safety checks), or to fulfil contractual obligations or warranty specifications in, or in connection with, waste management facilities used for the management, sorting, treatment, recovery, or disposal of waste (including energy from waste), where they have travelled to the United Kingdom in the course of their work.

32.—(1) A person who has travelled to the United Kingdom for the purposes of their work in essential infrastructure industries including—

- (a) a person involved in essential maintenance and repair of data infrastructure required to reduce and resolve outages, or in the provision of goods and services to support these activities, and

- (b) an information technology or telecommunications professional (including information technology consultant, quality analyst, software tester, systems tester, and telecommunications planner), whose expertise is required to—

- (i) provide an essential or emergency response to threats and incidents relating to the security of any network and information system, and

- (ii) ensure the continued operation of any network and information system.

(2) For the purposes of sub-paragraph (1), “network and information” system has the meaning in regulation 1(2) of the Network and Information Systems Regulations 2018⁽²³⁾.

33. A person who is engaged in urgent or essential work—

- (a) that is necessary for the continued operation of—

- (i) electronic communications networks and services as defined in section 32 of the Communications Act 2003⁽²⁴⁾, or

- (ii) the BBC’s broadcasting transmission network and services,

⁽¹⁹⁾ 1998 c. 17. Section 44 was amended by paragraph 11 of schedule 1 of the Energy Act 2008 (c. 32).

⁽²⁰⁾ Section 9H was substituted by section 74(2) of the Energy Act 2016 (c. 20).

⁽²¹⁾ Section 45A was inserted by section 75(1) of the Energy Act 2008. There are amendments to section 45A but none is relevant.

⁽²²⁾ 2011 c. 5.

⁽²³⁾ S.I. 2018/506.

⁽²⁴⁾ 2003 c. 21; section 32 was amended by S.I. 2011/1210 and S.I. 2020/1419.

Status: This is the original version (as it was originally made).

- (b) in associated supply chain companies that maintain the confidentiality, integrity, and availability of the electronic communications networks and services and the BBC transmission network and services,
where they have travelled to the United Kingdom in the course of their work.

34. A person—

- (a) who is engaged in the installation, maintenance or repair of subsea fibre optic telecommunications infrastructure,
- (b) whose role directly supports the installation, maintenance or repair of subsea fibre optic telecommunications infrastructure,
where they have travelled to the United Kingdom in the course of their work.