
STATUTORY INSTRUMENTS

2013 No. 448

**The Health and Safety (Miscellaneous Repeals,
Revocations and Amendments) Regulations 2013**

Citation and commencement

1. These Regulations may be cited as the Health and Safety (Miscellaneous Repeals, Revocations and Amendments) Regulations 2013 and come into force on 6th April 2013.

Repeals and revocations

2.—(1) The primary legislation referred to in column 1 of Tables 1 and 3 of the Schedule is repealed to the extent specified in the corresponding entry in column 3 of those tables.

(2) The instruments referred to in column 1 of Tables 2 and 4 of the Schedule are revoked to the extent specified in the corresponding entry in column 3 of those tables.

Consequential amendments to the Dangerous Substances (Notification and Marking of Sites) Regulations 1990

3.—(1) The Dangerous Substances (Notification and Marking of Sites) Regulations 1990(1) are amended as follows.

(2) In regulation 2(1), before the definition of “site” insert—

““relevant ammonium nitrate mixtures” means ammonium nitrate and mixtures containing ammonium nitrate where the nitrogen content exceeds 15.75% of the mixture by weight;”.

(3) In regulation 2(3)—

(i) after the words “the total quantity of dangerous substances” insert “or relevant ammonium nitrate mixtures”;

(ii) for “such substances” substitute “dangerous substances or relevant ammonium nitrate mixtures”; and

(iii) after “any dangerous substances” insert “or relevant ammonium nitrate mixtures”.

(4) After regulation 4(3), insert—

“(4) The person in control of a site shall ensure that there is not present at any one time a total quantity of 150 tonnes or more of relevant ammonium nitrate mixtures at the site unless there has been notified in writing to the fire authority the particulars specified in Part I of Schedule 2.

(5) Where a notification has been made under paragraph (4) and a change specified in Part II of Schedule 2 takes place, the person in control of the site shall forthwith notify that change in writing to the fire authority.

(6) Where a change specified in paragraph 1 or 2 of Part II of Schedule 2 has been notified under paragraph (5), any resumption in the presence of a total quantity of 150

(1) [S.I. 1990/304](#), to which there are amendments not relevant to these Regulations.

tonnes or more of relevant ammonium nitrate mixtures at the site shall be subject to a fresh notification under paragraph (4).”

(5) In regulation 8(a), for “regulation 4”, substitute “regulation 4(1) and 4(2)”.

(6) In regulation 10, after paragraph (2), add—

“(3) Where a notification in respect of relevant ammonium nitrate mixtures has been made to the Executive on or after 6th April 2013 and on or before 6th May 2013 as if that notification were being made pursuant to regulation 3 of the Notification of Installations Handling Hazardous Substances Regulations 1982 as that regulation was in force immediately before the coming into force of regulation 3 of the Health and Safety (Miscellaneous Repeals, Revocations and Amendments) Regulations 2013, that notification is deemed to be a notification to the fire authority pursuant to regulation 4 of these Regulations.”

(7) In the heading of Part I of Schedule 2, after “4(1)” add “AND (4)”.

(8) After paragraph 4 of Part I of Schedule 2, insert—

“4A. The total quantity of relevant ammonium nitrate mixtures which is, or is liable to be, present.”

(9) After paragraph 5 of Part I of Schedule 2, add—

“6. The date on which it is anticipated that a total quantity of 150 tonnes or more of relevant ammonium nitrate mixtures will be present, or if they are already present, a statement to that effect.”

(10) In the heading of Part II of Schedule 2, after “4(2)” add “AND (5)”.

(11) In paragraph 1 of Part II of Schedule 2, after “substances” insert “or relevant ammonium nitrate mixtures”.

(12) For paragraph 2 of Part II of Schedule 2, substitute—

“2. The reduction of the total quantity of dangerous substances present to below 25 tonnes, other than a temporary reduction, or the reduction of the total quantity of relevant ammonium nitrate mixtures to below 150 tonnes, other than a temporary reduction.”

Consequential amendments to the Workplace (Health, Safety and Welfare) Regulations 1992

4.—(1) The Workplace (Health, Safety and Welfare) Regulations 1992(2) are amended as follows.

(2) For regulation 3(1)(a) substitute—

“(a) a workplace which is or is in or on a ship, save that regulations 8(1) and (3) and 12(1) and (3) apply to such a workplace where the work involves any of the relevant operations in—

(i) a shipyard, whether or not the shipyard forms part of a harbour or wet dock; or

(ii) dock premises, not being work done—

(aa) by the master or crew of a ship;

(bb) on board a ship during a trial run;

(cc) for the purpose of raising or removing a ship which is sunk or stranded; or

(dd) on a ship which is not under command, for the purpose of bringing it under command;”.

(3) After regulation 3(5), add—

(2) S.I. 1992/3004 amended by S.I. 1995/2036 and 2007/320; there are other amending instruments, but none is relevant.

“(6) For the purposes of this regulation—

- (a) “dock premises” means any dock, wharf, quay, jetty or other place at which ships load or unload goods or embark or disembark passengers, together with neighbouring land or water which is used or occupied, or intended to be used or occupied, for those or incidental activities, and any part of a ship when used for those or incidental activities;
- (b) “relevant operations” means, in relation to a ship, its repairing, refitting, painting and finishing, the scaling, scurfing or cleaning of its boilers (including combustion chambers or smoke boxes) and the cleaning of its bilges or oil-fuel tanks or any of its tanks last used for carrying oil;
- (c) “ship” includes all vessels and hovercraft which operate on water or land and water;
- (d) “shipyard” means any yard or dry dock (including the precincts thereof) in which ships or vessels are constructed, reconstructed, repaired, refitted or finished; and
- (e) “vessel” means any description of craft used for the transport of goods or passengers or the storage of goods or the accommodation of passengers on water, whether used in navigation or not.”.

Signed by authority of the Secretary of State for Work and Pensions

27th February 2013

Mark Hoban
Minister of State
Department for Work and Pensions