

EXPLANATORY MEMORANDUM TO
**THE HEALTH AND SAFETY (MISCELLANEOUS REPEALS,
REVOCATIONS AND AMENDMENTS) REGULATIONS 2013**

2013 No. 448

1. This explanatory memorandum has been prepared by the Health and Safety Executive (HSE) on behalf of the Department for Work and Pensions and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

These Regulations repeal one Act and revoke twelve instruments plus a related provision in the Factories Act 1961 (c.34), listed below, relating to health and safety provisions. They are being revoked because they have either been overtaken by more up to date Regulations, are redundant or do not deliver the intended benefits.

3. Matters of special interest to the Joint Committee on Statutory Instruments

None.

4. Legislative Context

4.1 This instrument repeals the Celluloid and Cinematograph Film Act 1922 (c.35) and revokes the following twelve instruments (listed in chronological order) plus a related provision in the Factories Act 1961 (c.34):

- Gasholders (Record of Examinations) Order 1938 (S.I. 1938/598)
- Shipbuilding and Ship-repairing Regulations 1960 (S.I. 1960/1932)
- Celluloid and Cinematograph Film Act 1922 (Repeals and Modifications) Regulations 1974 (S.I. 1974/1841)
- Celluloid and Cinematograph Film Act 1922 (Exemptions) Regulations 1980 (S.I. 1980/1314)
- Gasholders and Steam Boilers (Metrication) Regulations 1981 (S.I. 1981/687)
- Locomotives etc Regulations 1906 (Metrication) Regulations 1981 (S.I. 1981/1327)
- Notification of Installations Handling Hazardous Substances Regulations 1982 (S.I. 1982/1357)
- Docks, Shipbuilding etc (Metrication) Regulations 1983 (S.I. 1983/644)
- Construction (Head Protection) Regulations 1989 (S.I. 1989/2209)
- Notification of Installations Handling Hazardous Substances (Amendment) Regulations 2002 (S.I. 2002/2979)
- Notification of Conventional Tower Cranes Regulations 2010 (S.I. 2010/333)
- Notification of Conventional Tower Cranes (Amendment) Regulations 2010 (S.I. 2010/811)

4.2 This work is one element of a wider programme to make the legislative framework simpler and easier to understand in order to improve compliance, while

maintaining the same standards of protection for those in the workplace or affected by work activities. An outline of the Act, the Order, the related provision in the Factories Act 1961 (c.34) and each set of Regulations is provided below together with an explanation of why they are no longer required.

5. Territorial Extent and Application

This instrument applies to Great Britain.

6. European Convention on Human Rights

The Minister for Employment, Mark Hoban MP has made the following statement regarding human rights:

In my view the provisions of the Health and Safety (Miscellaneous Repeals, Revocations and Amendment) Regulations 2013 are compatible with the Convention rights.

7. Policy background

• *What is being done and why*

7.1 Professor Löfstedt's independent review of health and safety legislation 'Reclaiming health and safety for all' (<http://www.dwp.gov.uk/docs/lofstedt-report.pdf>) was published in November 2011. HSE is working to deliver the recommendations in this review. In his report Professor Löfstedt recommended that the following Regulations should be revoked:

- The Celluloid and Cinematograph Film Act 1922 (Repeals and Modifications) Regulations 1974 (S.I. 1974/1841) <http://www.legislation.gov.uk/uksi/1974/1841/contents/made> and the Celluloid and Cinematograph Film Act 1922 (Exemptions) Regulations 1980 (S.I. 1980/1314) <http://www.legislation.gov.uk/uksi/1980/1314/contents/made> - as they are no longer needed to control health and safety risks;
- The Construction (Head Protection) Regulations 1989 (S.I. 1989/2209) <http://www.legislation.gov.uk/uksi/1989/2209/contents/made> - because they duplicate responsibilities set out in the later Personal Protective Equipment at Work Regulations 1992 (S.I. 1992/2966) <http://www.legislation.gov.uk/uksi/1992/2966/contents/made>;
- The Notification of Conventional Tower Cranes Regulations 2010 (S.I. 2010/333) <http://www.legislation.gov.uk/uksi/2010/333/contents/made> and the Notification of Conventional Tower Cranes (Amendment) Regulations 2010 (S.I. 2010/811) <http://www.legislation.gov.uk/uksi/2010/811/contents/made> – because the Impact Assessment was not able to identify any quantifiable benefits to health and safety outcomes and it was not clear that a statutory requirement to register tower cranes was the most appropriate way to provide public assurance about the safety of those cranes.

7.2 In response to Government better regulation initiatives such as the Red Tape Challenge, HSE officials have also looked closely at health and safety legislation and have identified some further measures that they believe are no longer required.

7.3 The purpose of these Regulations is to revoke seven such SIs (six Regulations and one Order) together with an Act and a related provision in the Factories Act 1961 (c.34) plus the five Regulations recommended by Professor Löfstedt. Without any intervention these would remain in force and contribute to the impression that health and safety law is extensive, complex and out of date.

7.4 The public were given the opportunity to comment on Regulations under the Government's Red Tape Challenge initiative. This exercise was launched on 7 April 2011 with a new theme in the spotlight on the website every three weeks. Workplace Health and Safety is a cross cutting theme and open to challenge throughout the initiative. It was also in the spotlight from 30 June 2011 for three weeks. Some 197 Regulations were in scope for the Workplace Health and Safety theme. All Red Tape Challenge comments are collated to provide a clearer picture for Government of which Regulations should stay, which should go and which should change. All the Health and Safety Theme comments received so far have been considered by HSE.

7.5 The following paragraphs provide an outline of each legislative measure and explain why they are no longer required. Related legislative measures have been grouped together and ordered alphabetically for clarity rather than using the chronological order in the SI. This also mirrors the way the measures were grouped to conduct the Impact Assessments. The measures have been listed in chronological order in paragraph 4.1. A link to the legislation website has been included for each statutory instrument where it is available.

CELLULOID AND CINEMATOGRAPH FILM ACT 1922 (c.35)

<http://www.legislation.gov.uk/ukpga/Geo5/12-13/35/contents>

The Celluloid and Cinematograph Film Act 1922 (c.35) (and the following two sets of Regulations) relate to the prevention of fire in premises where raw celluloid or cinematograph film is kept or stored. It relates to non-workplaces (e.g. domestic premises and premises used by civil societies, such as film clubs).

The Celluloid and Cinematograph Film Act 1922 Act (c.35) no longer applies to workplaces, within the meaning of the Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541) (<http://www.legislation.gov.uk/uksi/2005/1541/contents/made>). This element has been superseded by more recent legislation - workplaces are now covered by the Dangerous Substances and Explosive Atmospheres Regulations 2002 (S.I. 2002/2776) (<http://www.legislation.gov.uk/uksi/2002/2776/contents/made>), in relation to any special, technical or organisational workplace fire precautions and, in relation to general fire safety precautions (such as the means for escape), by the Regulatory Reform (Fire Safety) Order 2005. The Celluloid and Cinematograph Film Act 1922 (c.35) does still relate to the self employed, however both the Regulatory Reform (Fire Safety) Order 2005 and the Dangerous Substances and Explosive Atmospheres Regulations 2002 apply to the self-employed with business premises, so if the Act is repealed, standards for health and safety for the self-employed with business premises will be maintained.

Repeal of the Celluloid and Cinematograph Film Act 1922 (c.35) will also require the Health and Safety at Work etc Act 1974 (c.37)

(<http://www.legislation.gov.uk/ukpga/1974/37/contents> to be amended to remove the Celluloid and Cinematograph Film Act 1922 (c.35) from the list of existing enactments which are relevant statutory provisions in schedule 1 of the Health and Safety at Work etc Act 1974 (c.37).

A consequence of the repeal of the Celluloid and Cinematograph Film Act 1922 (c.35) is that the following two sets of amending Regulations (1974/1981 and 1980/1314) can also be revoked.

CELLULOID AND CINEMATOGRAPH FILM ACT 1922 (REPEALS AND MODIFICATIONS) REGULATIONS 1974 (S.I. 1974/1841)

<http://www.legislation.gov.uk/uksi/1974/1841/contents/made>

These Regulations repeal and modify provisions of the Celluloid and Cinematograph Film Act 1922 (c.35) <http://www.legislation.gov.uk/ukpga/Geo5/12-13/35/contents> in consequence of the establishment of HSE and the coming into operation of the Health and Safety at Work etc Act 1974 (c.37)

(<http://www.legislation.gov.uk/ukpga/1974/37/contents>). The repeal of the Celluloid and Cinematograph Film Act 1922 (c.35) means that these Regulations can also be revoked.

CELLULOID AND CINEMATOGRAPH FILM ACT 1922 (EXEMPTIONS) REGULATIONS 1980 (S.I. 1980/1314)

<http://www.legislation.gov.uk/uksi/1980/1314/contents/made>

These Regulations allow HSE to grant exceptions from any requirement or prohibition imposed by or under section 1(1) of the Celluloid and Cinematograph Film Act 1922 (c.35) <http://www.legislation.gov.uk/ukpga/Geo5/12-13/35/contents>, or any order made under section 1(4) of the Celluloid and Cinematograph Film Act 1922 (c.35).

The repeal of the Celluloid and Cinematograph Film Act 1922 (c.35) means that these Regulations can also be revoked.

CONSTRUCTION (HEAD PROTECTION) REGULATIONS 1989 (S.I. 1989/2209)

<http://www.legislation.gov.uk/uksi/1989/2209/contents/made>

The Regulations require the provision of suitable head protection for workers who are engaged in construction work and place a duty on employers and persons in control of others to ensure the head protection is worn if there is a foreseeable risk of head injury other than by falling. The duty to provide suitable head protection includes the provision of protection other than safety helmets, such as bump caps, where other risks of injury are present. The Regulations also provide for the making of rules and directions where it is necessary to ensure that head protection is worn and a duty on workers to wear head protection where such rules and directions require it.

Professor Löfstedt's report *Reclaiming Health and Safety For All*

(<http://www.dwp.gov.uk/docs/lofstedt-report.pdf>) contained a recommendation that these Regulations should be revoked and suggested that they duplicate responsibilities set out in the later Personal Protective Equipment at Work Regulations 1992 (S.I. 1992/2966) (<http://www.legislation.gov.uk/uksi/1992/2966/contents/made>).

The Personal Protective Equipment at Work Regulations 1992 require, amongst other things, the provision and use of head protection as part of a hierarchy of control measures to protect workers and others against head injury across all industries other than construction.

This, together with regulation 22 of the Construction (Design and Management) Regulations 2007 (S.I. 2007/320) (<http://www.legislation.gov.uk/uksi/2007/320/contents/made>) (which provides for the drawing up of site rules used widely to ensure compliance with health and safety requirements such as the need to wear hard hats) provides at least an equivalent level of protection against head injury as those contained in the Construction (Head Protection) Regulations 1989.

- Revocation of the Construction (Head Protection) Regulations 1989 will require changes to some other sets of Regulations. In particular a disapplication in the Personal Protective Equipment at Work Regulations 1992 will be removed so that the requirement to provide and wear head protection on construction sites will be within the scope of the Personal Protective Equipment at Work Regulations 1992;
- Minor consequential amendments will also need to be made to the Provision and Use of Work Equipment Regulations 1998 (S.I. 1998/2306) (<http://www.legislation.gov.uk/uksi/1998/2306/contents/made>).

DOCKS, SHIPBUILDING ETC (METRICATION) REGULATIONS 1983 (S.I. 1983/644) <http://www.legislation.gov.uk/uksi/1983/644/contents/made>

These Regulations amend the Docks Regulations S.R. & O. 1925 (S.I.1925/231); the Docks Regulations 1934 (S.I.1943/279) (<http://www.legislation.gov.uk/uksro/1934/279/contents/made>); the Shipbuilding and Ship-repairing Regulations 1960 (S.I. 1960/1932) (<http://www.legislation.gov.uk/uksi/1960/1932/contents/made>); the Shipbuilding (Lifting Appliances etc. Forms) Order 1961(S.I. S.I. 1961/431); and the Docks Certificates (No. 2) Order 1964 (S.I. 1964/1736), by substituting amounts or quantities expressed in metric units for amounts or quantities not so expressed. Of these Regulations only the Shipbuilding and Ship-repairing Regulations 1960 remain so if these are revoked then these Regulations can also be revoked.

GASHOLDERS (RECORD OF EXAMINATIONS) ORDER 1938 (S.I. 1938/598) <http://www.legislation.gov.uk/uksro/1938/598/contents/made> **SECTION 39 (2) IN THE FACTORIES ACT 1961 (c.34)** <http://www.legislation.gov.uk/ukpga/Eliz2/9-10/34/section/39>

Section 39 of the Factories Act 1961 (c.34) sets out precautions as respects water-sealed gasholders with a storage capacity of not less than 140 cubic metres. Section 39 (2) requires a duty holder to “have the gasholder thoroughly examined by a competent person at least once in every period of two years and a record containing the prescribed particulars of every such examination shall be kept available for inspection”.

The Gasholders (Record of Examinations) Order 1938 gives the details of the “prescribed particulars” which must be included in each record of examination of these water-sealed gasholders.

These legislative measures can be repealed/revoked because they are no longer needed to control health and safety risks having been overtaken by more up to date Regulations such as the Health and Safety at Work etc Act 1974 (c.37) (<http://www.legislation.gov.uk/ukpga/1974/37/contents>), the Provision and Use of Work Equipment Regulations 1998 (S.I. 1998/2306) (<http://www.legislation.gov.uk/uksi/1998/2306/contents/made>), the Control Of Major Accident Hazards Regulations 1999 (S.I. 1999/743) (<http://www.legislation.gov.uk/uksi/1999/743/contents/made>) and the Management of Health and Safety at Work Regulations (S.I. 1999/3242) (<http://www.legislation.gov.uk/uksi/1999/3242/regulation/3/made>) .

The repeal of section 39(2) of the Factories Act 1961 (c.34) also requires the consequential revocation of regulation 4(1) of the Factories Act 1961 and Offices, Shops and Railway Premises Act 1963 (Repeals and Modifications) Regulations 2009 (S.I. 2009/605) (<http://www.legislation.gov.uk/uksi/2009/605/contents/made>) which amended this section.

GASHOLDERS AND STEAM BOILERS (METRICATION) REGULATIONS 1981 (S.I. 1981/687) <http://www.legislation.gov.uk/uksi/1981/687/contents/made>

These Regulations substitute measurements expressed in metric units (cubic metres) for imperial measurements (cubic feet) in the Examination of Steam Boilers Regulations 1964 (S.I. 1964/781) (<http://www.legislation.gov.uk/uk/1964/781/contents/made>), which were revoked by the Pressure Systems and Transportable Gas Containers Regulation 1989 (S.I. 1989/2169) (<http://www.legislation.gov.uk/uksi/1989/2169/contents/made>), and the Gasholders (Record of Examinations) Order 1938 (S.I. 1938/598) (<http://www.legislation.gov.uk/uksro/1938/598/contents/made>) which it is intended to revoke.

As the statutory measures to which these Regulations apply have been revoked or it is intended that they will be revoked then these Regulations are redundant and can also be revoked.

LOCOMOTIVES ETC REGULATIONS 1906 (METRICATION) REGULATIONS 1981 (S.I. 1981/1327)

<http://www.legislation.gov.uk/uksi/1981/1327/contents/made>

These Regulations substitute measurements expressed in metric units for measurements not so expressed in Regulations for use of Locomotives and Waggon on Lines and Sidings in or used in connection with Premises under the Factory and Workshop Act 1901 (1906) (S.R.&O. 1906 No.679) (<http://www.legislation.gov.uk/uksro/1906/679/contents/made>).

These Regulations are redundant as the Regulations to which they refer have been revoked by the Health and Safety (Miscellaneous Revocations) Regulations 2012

(S.I.2012/1537) (<http://www.legislation.gov.uk/uksi/2012/1537/contents/made>). They can therefore be revoked without any adverse impact.

NOTIFICATION OF CONVENTIONAL TOWER CRANES REGULATIONS 2010 (S.I. 2010/333) <http://www.legislation.gov.uk/uksi/2010/333/contents/made>
NOTIFICATION OF CONVENTIONAL TOWER CRANES (AMENDMENT) REGULATIONS 2010 (S.I. 2010/811)
<http://www.legislation.gov.uk/uksi/2010/811/contents/made>

The Notification of Conventional Tower Cranes Regulations 2010 came into force in April 2010. They were amended at the same time by the Notification of Conventional Tower Cranes (Amendment) Regulations 2010, which clarified the scope of the substantive Regulations. The Regulations require employers who have primary responsibility for the safety of conventional tower cranes on construction sites to notify certain information to HSE. This includes the name and address of the crane owner and the site address, as well as sufficient information to identify the crane and the date of its last thorough examination. This information is recorded on a database at <http://www.craneregister.org.uk>, 'the Tower Crane Register'.

The scope of the Notification of Conventional Tower Cranes Regulations 2010 was restricted to conventional tower cranes (those whose erection is not automated) rather than self-erecting tower cranes. Self-erecting tower cranes are often present on construction sites for such short periods that their inclusion within the scope of the Regulations was considered to be impractical.

These Regulations are being revoked following a recommendation to do so contained in Professor Löfstedt's report *Reclaiming Health and Safety For All* (<http://www.dwp.gov.uk/docs/lofstedt-report.pdf>). The report found that the Impact Assessment was not able to identify any quantifiable benefits to health and safety outcomes nor was it clear that a statutory requirement to register tower cranes was the most appropriate way to provide public assurance about the safety of those cranes. Legal requirements, that are to be retained, on the use of tower cranes include the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307) (<http://www.legislation.gov.uk/uksi/1998/2307/contents/made>). These set out the requirements for lifting operations and include the need to carry out a thorough examination of lifting equipment before use for the first time and at regular periods thereafter by a competent person.

Revocation of the Regulations would also require the revocation of regulation 21 and Schedule 16 of the Health and Safety (Fees) Regulations 2012 (S.I. 2012/1652) (<http://www.legislation.gov.uk/uksi/2012/1652/contents/made>), which sets fees for notifications made under the Tower Crane Regulations.

NOTIFICATION OF INSTALLATIONS HANDLING HAZARDOUS SUBSTANCES REGULATIONS 1982 (S.I. 1982/1357)
<http://www.legislation.gov.uk/uksi/1982/1357/contents/made>
NOTIFICATION OF INSTALLATIONS HANDLING HAZARDOUS SUBSTANCES (AMENDMENT) REGULATIONS 2002 (S.I. 2002/2979)
<http://www.legislation.gov.uk/uksi/2002/2979/contents/made>

The Notification of Installations Handling Hazardous Substances Regulations 1982 require a person who stores, manufactures, processes or transfers a specified minimum quantity of a defined hazardous substance, as set out in the Regulations, to notify HSE about the activity. The person has to notify their name, address and inventory of the hazardous materials on site three months before starting the activity.

There is also a requirement to update HSE if the information in the original notification has changed or there is significant intensification or an increase in the scale of activities at a site. This requirement would also include de-notification. The Regulations also make HSE the enforcing authority for health and safety requirements at all notified sites.

The Notification of Installations Handling Hazardous Substances Regulations 1982 were amended in 2002 by the Notification of Installations Handling Hazardous Substances (Amendment) Regulations 2002. The amendment changed the period of notice for ammonium nitrate (AN) from three months to at least four weeks, and lowered the specified quantity to 150 tonnes for AN and mixtures containing AN where the nitrogen content exceeds 15.75% of the mixture by weight. Both Regulations have been revoked because they are superseded by the European Seveso II Directive. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31996L0082:EN:HTML>

This Directive is implemented in Great Britain through the Control of Major Accident Hazards Regulations 1999 (as amended) (S.I. 1999/743) (<http://www.legislation.gov.uk/uksi/1999/743/contents/made>) and the Planning (Hazardous Substances) Regulations 1992 (S.I. 1992/656) both of which contain notification requirements.

(<http://www.legislation.gov.uk/uksi/1992/656/contents/made>).

Revocation of the Regulations will require changes to other legislation. A consequential amendment will be made to the Dangerous Substances (Notification and Marking of Sites) Regulations 1990 (S.I. 1990/304) (<http://www.legislation.gov.uk/uksi/1990/304/contents/made>). This will bring into the scope of Dangerous Substances (Notification and Marking of Sites) Regulations 1990 the notification requirement from the Notification of Installations Handling Hazardous Substances (Amendment) Regulations 2002 for AN and mixtures containing AN where the nitrogen content exceeds 15.75% of the mixture by weight. This means that operators who store this type of AN will need to notify their local fire authority if they have this substance on site at or above the threshold quantity of 150 tonnes.

The following legislation will be slightly amended to remove spent provisions from the statute book: Petroleum (Consolidation) Act 1928 (c.32)

(<http://www.legislation.gov.uk/ukpga/Geo5/18-19/32/contents>); Petroleum-Spirit (Motor Vehicles, etc) Regulations 1929 (S.I. 1929/952)

(<http://www.legislation.gov.uk/uksro/1929/952/contents/made>); Petroleum (Consolidation) Act 1928 (Enforcement) Regulations 1979 (S.I. 1979/427);

Petroleum-Spirit (Plastic Containers) Regulations 1982 (S.I. 1982/630)

(<http://www.legislation.gov.uk/uksi/1982/630/contents/made>); and Pipelines Safety

Regulations 1996 (S.I. 1996/825)
(<http://www.legislation.gov.uk/uksi/1996/825/contents/made>)

SHIPBUILDING AND SHIP-REPAIRING REGULATIONS 1960 (S.I. 1960/1932)

(<http://www.legislation.gov.uk/uksi/1960/1932/contents/made>)

The Shipbuilding and Ship-Repairing Regulations 1960 are designed for the safety, health and welfare of people employed in the construction and repair of ships and vessels in a yard or dry dock and in the construction and repair of ships (but not of vessels other than ships) in a harbour or wet dock.

These Regulations can be revoked because the majority of their provisions have been revoked previously and much that remains is covered by more recent goal setting legislation including the Health and Safety at Work etc Act 1974 (c.37) (<http://www.legislation.gov.uk/ukpga/1974/37/contents>); Management of Health and Safety at Work Regulations 1999 (S.I. 1999/3242) (<http://www.legislation.gov.uk/uksi/1999/3242/contents/made>); Confined Spaces Regulations 1997 (S.I. 1997/1713) (<http://www.legislation.gov.uk/uksi/1997/1713/contents/made>); Provision and Use of Work Equipment Regulations 1998 (S.I. 1998/2306) (<http://www.legislation.gov.uk/uksi/1998/2306/contents/made>); Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307) (<http://www.legislation.gov.uk/uksi/1998/2307/contents/made>); Work at Height Regulations 2005 (S.I. 2005/735) (<http://www.legislation.gov.uk/uksi/2005/735/contents/made>) and the Dangerous Substances and Explosive Atmospheres Regulations 2002 (S.I. 2002/2776) (<http://www.legislation.gov.uk/uksi/2002/2776/contents/made>) and enforcement action can be taken without having to apply the Shipbuilding and Ship-repairing Regulations 1960.

Revocation of the Regulations would also require consequential revocations to a number of Regulations which referred to or amended the Shipbuilding and Ship-repairing Regulations 1960 including Schedule 2 of the Personal Protective Equipment at Work Regulations 1992 (S.I. 1992/2966) (<http://www.legislation.gov.uk/uksi/1992/2966/contents/made>) and Schedule 2 of the Lifting Operations and Lifting Equipment Regulations 1998.

The Workplace (Health, Safety and Welfare) Regulations 1992 (S.I. 1992/3004) (<http://www.legislation.gov.uk/uksi/1992/3004/contents/made>) will also be amended so that comparable duties under them will apply to a “workplace which is or is in or on a ship. This is specifically in respect of regulation 8 (Lighting) and regulation 12 (Condition of floors and traffic routes) for ships under repair since the the Workplace (Health, Safety and Welfare) Regulations 1992 already apply to ships under construction.

• Consolidation

There are no plans to consolidate the relevant legislation.

8. Consultation outcome

8.1 A public consultation took place between 3 April and 4 July 2012. In engaging stakeholders HSE ensured that the relevant industry groups and trade unions were alerted to the consultation. One hundred and twenty two (122) responses were received. The outcome of the consultation is summarised in an HSE Board paper and can be viewed at

<http://www.hse.gov.uk/aboutus/meetings/hseboard/2012/220812/paugb1257.pdf>.

8.2 Responses, where stated, were received from a wide range of groups including: industry, consultants; trade unions; trade associations; academics; charities and national governments; non-governmental organisations and non-departmental public bodies; members of the public and pressure groups. The consultation allowed people to respond to some or all of proposals according to their interests. HSE therefore analysed the results for each sets of proposals separately and considered all the responses received. No evidence was received that undermined the rationale for removal.

8.3 A summary of the responses to each set of proposals (whether consultees agreed with each of the proposed revocations) is set out below. Where people did not answer the specific questions about whether or not they supported the revocation but provided comments to indicate their preferences, these were also taken into account.

- Celluloid and Cinematograph Film Act 1922; the Celluloid and Cinematograph Film Act 1922 (Exemptions) Regulations 1980 and the Celluloid and Cinematograph Film Act 1922 (Repeals and Modifications) Regulations 1974 - 91% (39 out of 43) of those who answered the question supported revocation of these legislative measures. Of the four people that did not support the revocation, we received only one comment, which suggested that keeping the legislation could provide leverage in influencing people to dispose of nitrate film, although it did acknowledge that people were unlikely to be aware of either the legislation or the dangers of nitrate film. To address the latter issue HSE will be working with a range of stakeholders to update existing guidance to explain the dangers and importance of proper storage and disposal of such film.
- Construction (Head Protection) Regulations 1989 - 77% (51 out of 66) of those who answered the question supported revocation of these regulations. Of those who did not support the proposal, the main concern raised was the possibility that some contractors (particularly those at the smaller end of the construction industry) would misunderstand the change, leading to the belief that the provision and wearing of head protection was no longer required. HSE has therefore reviewed the work it intends to carry out to mitigate this risk in the light of the results of consultation, and will work closely with key construction industry stakeholders, including trade unions. This will include targeting publicity at smaller construction companies by producing a free leaflet in its 'Busy Builder' series; publicising the change through its e-bulletins and include the wearing of head protection as an issue on which its annual refurbishment inspection initiative focuses, as well as HSE's work on smaller projects.

- Gasholders (Record of Examinations) Order 1938 and a related provision (section 39 (2)) in the Factories Act 1961 - From analysis of the responses to the public consultation there is clear support for the proposal, with 88% (35 out of 40) of the responses supporting the revocation of this legislative measure. Of four 'no' responses there was only one comment (asking if HSE had accounted for such holders being reintroduced when sea gas is depleted). HSE will e-mail stakeholders to alert them to the proposed changes and will update the relevant pages on the HSE website, which will also include signposts to key guidance for the gas distribution sector.
- Notification of Conventional Tower Cranes Regulations 2010 & Notification of Conventional Tower Cranes (Amendment) Regulations 2010. - 75% (43 out of 57) respondents who answered the question agreed with the proposal to revoke these regulations although additional comments were received from others which indicated that they did not agree with the revocation. There was no overall clear majority either in favour, or against, the proposal to revoke these regulations. The main objections were primarily assertions of the perceived benefits of the Regulations rather than identifying any actual benefit to be gained by retaining these regulations. Nevertheless, HSE plans to continue its work with industry to improve standards in this and other areas related to the safe use of tower cranes by promulgating industry guidance already published. HSE will also discuss how the industry can provide reassurance to the public that tower cranes are erected, used, maintained and dismantled safely.
- Notification of Installations Handling Hazardous Substances Regulations 1982 and the Notification of Installations Handling Hazardous Substances (Amendment) Regulations 2002 - 87% (39 out of 45) and 86% (37 out of 43) respectively of those who answered the question supported revocation of these regulations. The consequential amendment to the Dangerous Substances (Notification and Marking of Sites) Regulations 1990 was supported by 95% of respondents. The amendment will only require notification and not the marking of sites. This is primarily because the type of ammonium nitrate originally defined in the Notification of Installations Handling Hazardous Substances Regulations 1982 does not require signage under the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 on which the Dangerous Substances (Notification and Marking of Sites) Regulations 1990 are based. A couple of respondents to the consultation had expressed concern about the need for additional signage requirements but, as noted above, additional signage is not necessary.

HSE published a leaflet aimed at industry to ensure they are aware of these changes in January 2013 (www.hse.gov.uk/pubns/indg467.htm). As the majority of notifications for ammonium nitrate are made by farmers HSE is also working with the Agricultural Industries Confederation to update their guidance which will also be available from the HSE website. In addition HSE will write to farmers who have notified over the past twelve months to advise them of the changes.

- Shipbuilding and Ship-repairing Regulations 1960 - 97% (28 out of 29) of those who answered the question supported revocation of these regulations. Only one

person answered that they did not support the revocation and they did not provide any details of their objections. HSE will update its web pages to signpost duty holders to other relevant guidance that provides details of how to comply with the more recent, up to date legislation.

- Docks, Shipbuilding etc (Metrication) Regulations 1983; the Gasholders and Steam Boilers (Metrication) Regulations 1981 and the Locomotives etc Regulations 1906 (Metrication) Regulations 1981 - 94% (33 out of 35) of those who answered the question supported revocation of these regulations. The remaining 6% who did not support the revocation did not provide any additional comments supporting their response.

9. Guidance

Specific guidance on this Statutory Instrument is unnecessary because it is revoking and repealing legislation that is removing measures that are either redundant, have been overtaken by more up to date Regulations or do not deliver the intended benefits. HSE will however work with stakeholders to ensure they are aware of the proposed changes where necessary as outlined in section 8.

10. Impact

10.1 The impact assessments are attached to this memorandum and will be published alongside it on www.legislation.gov.uk.

10.2 The IAs confirm that the estimated overall net saving to business per year of this package is £0.09 million. There are either no costs or very low net costs to business associated with the removal of the:

- Celluloid and cinematograph film legislation (one Act and 2 sets of Regulations);
- Notification of Installations Handling Hazardous Substances Regulations (2 sets of Regulations);
- Gasholders (Record of Examinations) Order and a related section of the Factories Act;
- Shipbuilding and Ship-repairing Regulations; and
- Gasholders and Steam Boilers (Metrication) Regulations, Locomotives etc Regulations 1906 (Metrication) Regulations, Docks, Shipbuilding etc (Metrication) Regulations.

10.3 Cost savings are estimated for the:
Construction (Head Protection) Regulations - estimated net saving to business per year of £0.037m; and
Notification of Tower Cranes Regulations - estimated net saving to business per year of £0.053m.

11. Regulating small business

The legislation is deregulatory and therefore applies to small business to allow them to benefit from a simplified legislative framework.

12. Monitoring & review

This instrument repeals one Act and revokes eleven regulations and an Order (with a related provision in the Factories Act 1961(c.34)) so no monitoring or review is necessary.

13. Contact

Helen Smith at HSE (tel 0207 227 3829 or email: helen.smith@hse.gsi.gov.uk) can answer any queries regarding the instrument.